

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, May 22, 2018, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 12:45 P. M.

PRESENT: Members: Mr. L. W. Leffel, Jr., Chairman
Dr. Donald M. Scothorn, Vice-Chairman
Mr. Steve Clinton
Mr. I. Ray Sloan (arrived at 12:51 P. M.)
Mr. Billy W. Martin, Sr.

ABSENT: Members: None

Others present at the meeting:

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

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

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board went into Closed Session for the purpose of discussion of staff evaluations and information prepared to evaluate a proposal under the Public-Private Education Facilities Act of 2002 by County Waste; 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, relating to utilities; consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County relating to the Aqua rate case; pursuant to Section 2.2-3711 subsections (A) (5), (8), and (28) of the Code of Virginia, 1950, as amended. (Resolution Number 18-05-01)

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

NAYS: None

ABSENT: Mr. Sloan ABSTAINING: None

Mr. Sloan arrived at 12:51 P. M.

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

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board returned to regular session from Closed Session and adopted the following resolution by roll-call vote. (Resolution Number 18-05-02)

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

NAYS: None

ABSENT: None ABSTAINING: None

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

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

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

On motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board added an item to the meeting's agenda for consideration of a Noise Ordinance variance request from Jeter Farm. (Resolution number 18-05-03)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Jim Farmer, Director of Recreation and Facilities, then introduced Mr. Brien Halterman as the County's new Recreation Manager. He noted that Mr. Halterman has a Bachelor's degree in Parks and Recreation Administration and has 23 years of experience in parks and recreation-related activities. Mr. Farmer stated that Mr. Halterman began work on May 1 and has been getting to know the community and the County's recreation needs.

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

Mr. Halterman thanked the Board and stated that he is glad to be working for the County.

Mr. Leffel then opened the public comment period.

Mr. Robert Simpson of Shiloh Drive in Eagle Rock then stated that several years ago some citizens of Shiloh Drive brought a traffic safety issue to the Board's attention but the situation was never resolved. He noted that there are sight distance problems at the intersection of Shiloh Drive and Route 43 which creates a traffic hazard. Mr. Simpson stated that driver's on Shiloh Drive wanting to turn left onto Route 43 toward Eagle Rock cannot see traffic coming from the right due to the dirt bank blocking the view at this intersection.

Mr. Simpson requested that a traffic safety study be conducted to determine what improvements should be made. Mr. Simpson noted that he has talked to the landowner and he is willing to give the right-of-way needed to cut the bank back to allow better visibility.

After discussion, Mr. Simpson stated that there have been a number of "close calls" at this intersection and large trucks and vehicles pulling livestock trailers have a more difficult time than automobiles turning onto Rt. 43 at this intersection. He also noted that there are school buses that use Route 43 past this intersection every day. Mr. Simpson further stated that VDoT has posted signs approximately 350' from this intersection warning drivers of the upcoming intersection but he was not aware of the signs until recently.

Mr. Simpson noted that Blue Ridge Winery is located on Shiloh Drive and they have numerous events each year; therefore, traffic using this intersection has increased over the past few years. Mr. Simpson stated that the landowner, Jason VanNess, is willing to "work to a degree" with the County and VDoT to improve the intersection's sight distance.

Mr. Sloan noted that he has had to use this intersection while driving a hearse and the sight distance is an issue for traffic turning onto Route 43 from Shiloh Drive.

After questioning by Mr. Martin, Mr. Simpson stated that cutting back the dirt bank will improve the visibility at this intersection. He noted that VDoT has done a good job to keep the brush and grass cut at this intersection.

After discussion, Mr. Simpson noted that drivers on Route 43 do not obey the posted speed limit and there are also large logging trucks that use Route 43. He further noted that there have been close calls and several accidents at this intersection over the years and he believes that the only solution is to cut back the dirt bank.

Mr. Leffel thanked Mr. Simpson for bringing this issue before the Board.

Ms. Barbara Kolb of Blue Ridge Vineyards then thanked VDoT for the recent improvements on Route 220 north of Eagle Rock and for their maintenance work on Shiloh Drive over the years. Ms. Kolb stated that Route 612 (Shiloh Drive) crosses Route 43 and the northern

portion of the roadway is known as Blue Grass Trail. She noted that area citizens try to conduct road cleanup activities but it is dangerous for them to cross Route 43 because of the sight distance issues. She noted that the dirt bank on the Buchanan side of this intersection needs to be cut to improve visibility.

Ms. Kolb stated that approximately 100 people per week and 3,000 per year visit the winery and many of these out-of-town visitors are unfamiliar with the area's roadways and this intersection in particular. She noted that they have many events at the winery and there are also hiking and biking trails on their property and they want these visitors to have a safe visit.

The Board thanked Ms. Kolb for her comments.

Mrs. Anita Firebaugh of Blacksburg Road then stated that she would like to speak regarding the Board of Supervisors' meeting dates/times. Mrs. Firebaugh stated that she was a former reporter for The Fincastle Herald and estimates that she has attended over 1,100 public meetings. Mrs. Firebaugh noted that she hates night meetings and it does not make any difference what time the Board meets. She noted that "government is not convenient."

Mrs. Firebaugh noted that laws require public hearings to be held on certain issues but they do not require the hearings to be convenient. She noted that the Board of Supervisors previously met during the day but that schedule was changed after "spirited" debate in 2008.

She stated that the Planning Commission's meetings are held at night; however, some citizens work at night and are unable to attend.

After discussion, Mrs. Firebaugh stated that she thinks that the Board is asking the wrong question on this issue. She noted that the question should be "how do you get the public more involved in local government." Mrs. Firebaugh stated that she receives notification of the Board's monthly meetings because she has requested that this be done but this notification is received on Friday morning before the Tuesday regular meeting. She suggested that the Board consider publishing their monthly meeting's agenda in the local newspaper on the Wednesday before the meeting.

Mrs. Firebaugh further stated that, if the Board changes the meeting schedule to work with the Herald's publishing deadline, it will allow better coverage to the public as articles on the Board's actions would be published the same week as the meeting. She stated that the County needs to be more innovative in the use of social media and noted that the County's website has not been updated for quite some time. Mrs. Firebaugh stated that the Board needs more public involvement in local government activities and better ways to facilitate it.

The Board thanked Mrs. Firebaugh for her comments.

Mr. Ray Sloan then asked that those fire and EMS personnel present at today's meeting come forward.

Mr. Sloan noted that this week is Emergency Medical Services Week and a proclamation to this effect has been drafted. He then read the proclamation as follows:

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to tele-medicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, sheriff's deputies, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is important to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors in recognition of this event do hereby proclaim the week of May 20 - 26, 2018, as **EMERGENCY MEDICAL SERVICES WEEK**, with the theme, EMS Strong: Stronger Together.

Mr. Leffel thanked those fire/EMS personnel for taking the time to attend this meeting and thanked them for all they do 24/7 for the County's citizens.

On motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the following consent agenda items: (Resolution Number 18-05-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Approval of minutes of the regular meeting held on April 24, 2018;

Adoption of resolution authorizing the County Administrator to sign certain agreements regarding the Route 606/11 intersection project:

WHEREAS, the County of Botetourt desires to have and maintain a safe and efficient road system; and

WHEREAS, from time to time the County of Botetourt and the Virginia Department of Transportation (VDOT) work together to enhance the transportation system; and

WHEREAS, certain agreements between the County of Botetourt and VDOT must be executed for this cooperative work to be accomplished;

NOW, THEREFORE, BE IT RESOLVED, that the County of Botetourt does hereby authorize the County Administrator to execute current and future agreements, and any modifications to such agreements, with VDOT as needed to advance transportation projects; and,

BE IT FURTHER RESOLVED, that the County of Botetourt does hereby commit to fund its local share of preliminary engineering, right of way, and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project agreement(s) financial documents.

Authorization for the EDA to provide expenditure approval for the Colonial Elementary School project;

Consideration of a revised police services agreement with the Town of Buchanan;

Consideration of a Memorandum of Understanding between the County and the Sheriff regarding the Traffic Safety Program (TSP);

Request for referral to the Planning Commission for public hearing and recommendation of a proposed amendment to the Comprehensive Plan to add the new Colonial Elementary School to Map 26; and,

Request for authorization to issue a RFP for accident and sickness insurance coverage for volunteer fire/rescue personnel.

Mr. Kevin Hamm, Maintenance Operations Manager with the Virginia Department of Transportation, was then present to speak to the Board. Regarding the discussion earlier today on the Shiloh Drive/Route 43 intersection, Mr. Hamm stated that VDoT is aware of the issues at this intersection and will obtain some price quotes to see what can be done to improve the sight distance.

Mr. Hamm then noted that paving work at the Exit 150 project is moving slowly because of the recent rainy weather and the McFall's Road Rural Rustic Road improvement project has been completed except for three trees which need to be removed from the right-of-way.

Mr. Martin thanked Mr. Hamm for VDoT's work on the McFall's Road improvements.

Mr. Hamm noted that work should be finished on the culvert replacement project on Old Rail Road in Oriskany in early June.

After discussion, Mr. Hamm stated that VDoT conducted one land use project review and issued 11 utility, private entrance, and special event permits in the past month. Regarding traffic engineering studies, Mr. Hamm stated that the County had received a citizen's request that a through-truck restriction be implemented on Glebe Road. He noted that VDoT conducted a traffic study and determined that there was not enough truck traffic on the roadway to warrant a through-truck restriction. Mr. Hamm noted that the study's details could be provided to the Board members if they wished.

Mr. Hamm stated that their area headquarters staff have been busy. He noted that street sweeping will be conducted in Fincastle tomorrow, then scheduled for the towns of Buchanan and Troutville, and then the County's primary roads. Mr. Hamm further noted that pavement patching and surface treatment on various roadways is proceeding.

Mr. Leffel noted that the Eagle Rock area received 3" of rain in less than an hour yesterday so VDoT will probably receive a lot of calls regarding road and drainage issues.

Mr. Hamm noted that the Buchanan area has a lot of drainage complaints as well and they have a long list of similar projects to work on over the next several weeks.

Mr. Clinton then stated that he has received some calls regarding the left-hand turn on Route 220 northbound at the Botetourt Commons stoplight. He noted that tractor-trailers are using the right-hand lane for U-turns which could cause automobiles in the left hand lane to "drive under the trucks." He noted that the signs posted on the stoplight show that only the left-hand turn lane is to be used for U-turns.

Mr. Hamm stated that there is an issue with tractor trailers using this intersection to make U-turns. He noted that the guardrail at this intersection has been hit three times in the last two months. Mr. Hamm stated that he will have their traffic engineering staff review this situation.

After questioning by Mr. Clinton regarding a meeting with the residents of Azalea Road, Mr. Hamm stated that he will have Acting Residency Administrator Todd Daniel contact Mr. Clinton on the proposed date of this meeting.

Mr. Clinton then questioned when the traffic flow issues at Exit 150 will improve. He noted that there continue to be traffic backups on the northbound I-81 off-ramp and on Route 220 southbound at the Route 11 intersection. Mr. Clinton stated that the Route 220 backup issues are occurring because there are no right-hand turns on red lights allowed when oncoming traffic conditions permit at the Route 11/220 intersection.

Mr. Hamm noted that this is still an on-going construction zone and there is a long list of items that have come up in this project which still need to be addressed. He noted that traffic using the I-81 northbound off-ramp is not merging onto northbound Route 220 traffic as the final pavement and permanent pavement markings have not been put into place. Mr. Hamm stated that, once this work is completed, traffic flow through this area should improve over the current conditions. Mr. Hamm further noted that VDoT will conduct a review of the traffic flow once the project is completed to see what adjustments are needed.

Mr. Sloan stated that he has experienced some issues at the Exit 150 interchange as well. He noted that there have been instances of drivers in the dedicated right-hand turn lane at Exit 150A turning left to go north on Route 11 or straight across the intersection to access Alternate 220. Mr. Sloan further noted that there was also an instance where he was in the roundabout to access Route 11 northbound and a tractor trailer coming down Gateway Crossing toward the roundabout did not yield and almost hit him.

Dr. Scothorn noted that he has also seen drivers on Route 11 southbound making U-turns in front of the Taco Bell restaurant to get back to the Route 11/220/Alternate 220 intersection.

Mr. Hamm stated that the final pavement markings should help with the traffic flow and safety issues on this project.

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

Consideration was then held on a request for authorization to advertise for a public hearing on the Secondary System Six Year Improvement Plan. Mr. Cody Sexton, Assistant to the County Administrator, noted that Mr. Brian Blevins, VDoT's Assistant Resident Engineer, was also present for this discussion.

Mr. Sexton stated that Mr. Blevins conducted a work session with the Board at the April regular meeting on the proposed FY 2019-2024 Secondary System Six Year Plan. He noted that Mr. Blevins informed the Board that, due to the completion of several recent Rural Rustic Road (RRR) projects, the Board could add 3 and possibly 4 new gravel road projects to the Plan. Mr. Sexton stated that a public hearing on the Plan is required to be held at the Board's June meeting and the Board is being asked today to designate the gravel roads to be included in the Plan and to direct staff to advertise the Plan and the FY 18-19 Secondary System budget for public hearing.

Mr. Sexton noted that the County has maintained a candidate gravel road list for many years and, after discussions with the Board, and consultation with County and VDoT staff, the following gravel roads are proposed to be added to the Six Year Plan: Clyde's Run (Route 697), Price's Bluff Road (Route 622), Back Creek Lane (Route 646), and Stevens Road (Route 712). He noted that these projects will be added to the Plan's out-years as funding allows.

After discussion, Mr. Sexton stated that VDoT believes that there will be sufficient funding to include all four of these gravel roads in the Six Year Plan.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved the following prioritized list of

gravel roads to be added to the Secondary System Six Year Plan--Clyde's Run (Route 697), Price's Bluff Road (Route 622), Back Creek Lane (Route 646), and Stevens Road (Route 712), and authorized the advertisement of a public hearing on the proposed FY 2019-2024 Secondary System Six Year Plan and the FY 18-19 Secondary System budget for the Board's regular June meeting. (Resolution Number 18-05-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

Consideration was then held on approval of transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there were two transfers for the Board's consideration this month. He noted that they were for new personnel-related expenses for the last quarter of the current fiscal year and for preliminary funding costs associated with the K-Life workforce development center project.

Mr. Zerrilla further noted that there were also seven pass-through appropriations and one regular appropriation for the Board's consideration. He noted that these were for reimbursement costs, receipt of State funds, donations, and unemployment claims.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 18-05-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer budget funds of \$44,798 from General Services, 100-4040000-40000 to Economic Development, 100-4081500-81500. This transfer will cover wage and benefit costs relating to personnel transferred to the Economic Development department for the last quarter of the fiscal year as well as assist with budgeted funds for Transfer # 2.

Transfer budgeted funds of \$150,000 from Economic Development, 100-4081500-81500 to EDA Transfers, 100-4091800-91800-3800. This transfer, partially assisted by support from Transfer # 1 will provide preliminary funding for costs associated with the K-life workforce development center project.

Additional appropriation in the amount of \$4,305.51 to Sheriff's Department – RAID Patrol, 100-4031200-31200-5830. This is a quarterly reimbursement of RAID program expenses for the Botetourt County Sheriff's Office Alternative Program.

Additional appropriation in the amount of \$206 to the following Sheriff's Department accounts: \$156.00 to Uniforms, 100-4031200-31200-6011; and \$50.00 to Other Operating Supplies, 100-4031200-31200-6014. These funds are for the receipt of contract payments and a scrap metal permit fee.

Additional appropriation in the amount of \$4,089.22 to Correction & Detention - Medical & Lab Supplies, 100-4033100-33100-6004. These funds represent inmate medical copays and Craig County medical reimbursements.

Additional appropriation in the amount of 673.74 to Correction & Detention – Uniforms, 100-4033100-33100-6011. These funds are for uniform contract payments.

Additional appropriation in the amount of \$1,500 to Clerk of Circuit Court – Maintenance Contracts, 100-4021600-21600-3320. These are State Compensation Board funds received to be applied towards maintenance costs for the Clerk's Office's records management system.

Additional appropriation in the amount of \$9,150 to CIP - Capital Projects – School Construction – Preliminary Costs, 100-4094000-60000-8012-166. These are funds received from the VPSA financing for the new Colonial Elementary School which covers preliminary site assessment costs paid for by the County.

Additional appropriation in the amount of \$250 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. This is for receipt of donated funds.

Additional appropriation in the amount of \$11,258.57 to Unemployment Claims, 100-4091000-91000-2600. This appropriation covers unemployment claims paid to date for FY18.

Consideration was then held on approval of accounts payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payable totaled \$799,138.38 which includes \$2,049.33 in invoices paid from the Courtroom Security Fund.

Mr. Zerrilla stated that this month's large expenditures included \$24,948 to Sheehy Auto Stores for the purchase of one Sheriff's vehicle, \$49,979 to Sterling Computers Corporation for computer data terminals to be placed in deputies' vehicles, and \$98,414 to ServePro for duct cleaning and environmental work in the Public Safety Building.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved the accounts payable and ratified the Short Accounts Payable List as submitted. (Resolution Number 18-05-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a Noise Ordinance variance request from Jeter Farm. Mr. Larowe stated that Jeter Farm submitted a request yesterday for variances to the Noise Ordinance for two truck and tractor pull events on their property located at 1320 Mt. Joy Road in Buchanan on June 30 and September 8. He noted that Jeter Farm also received two Noise Ordinance variances in 2017 for these same type of events.

Mr. Larowe stated that the Noise Ordinance prohibits noise of this nature after 10:00 P. M. He noted these events are scheduled to run from 6:00 P. M. to 10:00 P. M., but in the event of unanticipated weather delays or equipment breakdowns, the applicants are requesting the variance.

Mr. Martin stated that the Jeters are good neighbors and they have previously held these types events.

There being no further discussion, on motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request from Jeter Farm for a variance to the Botetourt County Noise Ordinance for two Truck and Tractor Pull events scheduled for June 30 and September 8, 2018, at property located at 1320 Mt. Joy Road in Buchanan. (Resolution Number 18-05-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Michael Lockaby, County Attorney, then gave a presentation on new State Code provisions regarding approvals of wireless communications towers. Mr. Lockaby stated that

there have been significant technological updates to wireless communications systems in the past few years and the County has joined the Roanoke Valley Broadband Authority and created a Broadband Advisory Committee to improve broadband internet service in the County.

He stated that the Virginia General Assembly over the past two years has enacted new laws regulating “small cell” facilities as telecommunications industry groups have been pushing for new regulations to curtail local government authority of cell towers to “streamline” the process. Mr. Lockaby stated that these new regulations have taken a lot of power away from local governments to regulate wireless facilities.

Mr. Lockaby stated that before 1996, background Virginia zoning laws applied to such facilities but in 1996 the Federal Communications Commission (FCC) adopted new oversight regulations. He stated that over the past few years there has been a change in cellphone systems and they now operate under Voice Over Internet Protocol (VOIP) where telephone calls are made over the internet rather than through the switched telephone system.

He stated that the federal Telecommunications Act originally provided various rules, regulations, and requirements for local governments to follow in reviewing/approving cell tower requests. He noted that these requirements included creation of propagation maps which indicate where “holes” were in the applicant’s cell coverage area, action by the Board of Supervisors on the request within 150 days of submittal, etc. Mr. Lockaby further stated that all records/correspondence on cell tower requests must be kept on file and, in the motion for the request, the Board must state the reasons for their decision.

He noted that in 2012, in response to federal court cases, Congress added a rider to the Middle Class Taxpayers Relief Act which stated that localities cannot require a Special Exception Permit (SEP) for a cell tower antenna co-location request or a relatively small increase in the tower’s height to a certain extent, and the local government must act on the request within 60 days. He noted that the County’s Zoning Ordinance provisions were revised to incorporate this federal legislation.

Mr. Lockaby stated that there are now new technologies being developed for 4G and 5G cell service which have resulted in the development of many smaller transmitter units instead of one 199’ cell tower. He further stated that the FCC’s repeal of net neutrality last year has also impacted the County’s land use regulations for these types of cellular communications infrastructure. Mr. Lockaby stated that the FCC’s action also removed internet services out of the Telecommunications Act’s public utility provisions and designated them as private information services effective July 11, 2018.

After discussion, Mr. Lockaby stated that in 2017, the Virginia General Assembly adopted new laws relating to “small cell” facilities with 4’ – 8’ antennas which allow their attachment to existing structures. He noted that wireless companies can include up to 35 proposed cell sites in a single land use-related application, the Board of Supervisors or staff must act within 60 days on the request, and the application may only be denied for a very few closely-defined reasons.

Mr. Lockaby stated that to his knowledge no company has expressed a desire to place small cell facilities in Botetourt County yet but this will probably occur in the future and the Board will need to decide how/if they want to regulate small cell facilities and taller towers.

He stated that the impact of these new regulations are “still getting sorted out” on the local level and cities and towns are in negotiations with wireless companies regarding the private use of public property and rights-of-way for these small cell facilities. He further stated that the General Assembly took the Telecommunications Act requirements, which limited local-

ities' zoning authority of wireless facilities and "took them down a little bit more." Mr. Lockaby noted that there are also new federal rules for administrative review of these types of requests which include a \$500 maximum fee for an outside engineering firm's review of an applicant's request. He noted that currently the County pays \$3,000 to \$4,000 for such studies which means that the County is going to lose money on each of these project applications or staff will be limited to only a cursory review of the information submitted by the applicant.

Mr. Lockaby stated that, under the new State legislation, localities are required to approve new tower requests within 150 days of receipt of the application or the request is automatically approved. He noted that, if the Board denies a cell tower request, written reasons for the denial and the record of the decision must be provided to the applicant within 30 days of the Board's action.

Mr. Lockaby stated that the new federal regulations were written by national telecommunications company representatives who were not familiar with current Virginia law on these matters.

He noted that the Board now cannot take into account the need for the project during their deliberations of the SEP request. He noted that the County previously requested that the applicant provide propagation maps showing the need for the cell tower due to a gap in coverage and this can no longer occur. He further noted that the County cannot take into consideration which technology is used, cannot request any information that was already provided to the federal agencies reviewing these requests, cannot require the removal of an existing facility if a new tower is constructed in the same area, cannot impose surety requirements for removal of a no-longer-needed tower, may not require the co-location of public safety and governmental use antennas on the tower (however, such provisions can be placed in the company's lease agreement), cannot impose a setback/fall zone requirement for the tower, and cannot require an end date on the SEP.

Mr. Lockaby stated that the Board will need to consider how much the County wants to regulate wireless towers, if at all, in the future. He noted that, as a result of these new requirements, some localities have said that they are going to stop regulating cell towers.

After discussion, Mr. Lockaby stated that infrastructure constructed in VDoT and railroad rights-of-way are not currently zoned/regulated by the County and this issue should be discussed regarding the future potential for wireless communications infrastructure to be constructed in these areas. He noted that the County also needs to decide how to amend the Zoning Ordinance to take these new regulations into account. Mr. Lockaby stated that a decision needs to be made on whether the Board wants to draft these amendments themselves, or have Planning/Zoning staff and/or the Planning Commission do so.

After questioning by Mr. Martin, Mr. Lockaby stated that the Board should regulate wireless antennas, at least on some level. Mr. Martin stated that he does not think that the Board should make a decision today on this issue.

Dr. Scothorn stated that it appears that telecommunications industry representatives wrote this legislation to benefit themselves.

Dr. Scothorn then made a motion, seconded by Mr. Leffel, to direct staff to work with the Planning Commission and the County's Broadband Advisory Committee on proposed Zoning Ordinance amendments regarding cellular communications towers in compliance with new State regulations for the safety and good welfare of the County's citizens and to bring recommended draft amendments before the Board of Supervisors for consideration within six months.

After questioning by Mr. Clinton regarding the deadline for the County to enact new regulations for cell towers, Mr. Lockaby stated that the new State regulations were signed by the Governor into law on April 18, 2018, and become effective July 1, 2018. He stated that there is almost no locality in the State of Virginia that will be in compliance with these new regulations as of July 1.

After further questioning by Mr. Clinton regarding any action by the Virginia Association of Counties (VACo) on these new regulations, Mr. Lockaby stated that the Local Government Attorneys organization is meeting on June 8 and has plans to work on a model ordinance for localities to use in drafting their own regulations. He noted that the County can draw on the LGA's expertise on the proposed ordinance amendments.

After further questioning by Mr. Clinton, Mr. Lockaby stated that the Board could move forward on regulations regarding placement of cellular communications infrastructure in VDoT and railroad rights-of-way. He noted that Alleghany County has a provision in their Zoning Ordinance that states that any unzoned properties owned by VDoT or a railroad will be considered as the same zoning classification as the properties surrounding it.

Dr. Scothorn's motion was approved by the following recorded vote: (Resolution Number 18-05-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman then called for a 5 minute break.

The Chairman called the meeting back to order at 3:30 P. M.

A presentation was then given by Visit Virginia's Blue Ridge on their annual report and a regional wayfinding signage proposal. Mr. Lee Wilhelm, President of VVBR's Board of Directors, and Mr. Landon Howard, VVBR President, were then present to give this report.

Mr. Wilhelm stated that VVBR has a good relationship with the County and noted that Mr. Martin and Mr. Clinton attended their annual meeting held last week. He noted that an announcement was made at that meeting that the Roanoke region had been awarded the International Mountain Biking Association's Silver level designation. Mr. Wilhelm stated that this award "puts us on the map" of worldwide mountain biking destinations as the region is the only area east of the Mississippi River that has obtained this designation. He noted that Mr. Howard has done a good job for VVBR and has put the organization on an "upward track."

Mr. Howard stated that, as the County is a member of VVBR, he and his staff work for the Board of Supervisors and want the Board to be happy with the work that they are doing to promote tourism in the County. He noted that a lot of good things are occurring in the County and region and VVBR is responsible for building the consumer brand for this area which includes Botetourt, Roanoke and Franklin counties, the cities of Salem and Roanoke, and the Town of Vinton.

Mr. Howard noted that tourism is big business and 2017 was the eighth consecutive year of record tourism-related growth in the region. He noted that last year \$817 million was spent by visitors to the area. Mr. Howard stated that one measure of tourism growth is the number of hotel rooms sold and the hotel room revenue and this resulted in 1.2 million rooms and \$105 million in hotel room revenue for the region in 2017. He noted that Botetourt County's hotel room reservation numbers increased 4.6% last year.

After discussion, Mr. Howard stated that VVBR targets the visitors from the Virginia and North Carolina markets. He noted that figures from July 2017 to April 2018 showed that 3,600 new customers visited their website every day and their social media audience is also increasing. Mr. Howard stated that they had 116,000 “likes” on Facebook in the past year and have a total of 143,000 followers on all of their social media accounts.

Mr. Howard stated that 189 sporting events were hosted in the region last year. He noted that they also work with the State of Virginia and recently received a \$50,000 grant from the Virginia Tourism Corporation. Mr. Howard further noted that they currently have “A Metro Mountain Adventure” marketing campaign occurring which promotes the region and its diverse offerings.

Mr. Howard then introduced VVBR’s staff members who were also present at this meeting: Ms. Debora Wright, Vice-President of Marketing and Communications, Brady Woolwine, Public Affairs & Destination Development Coordinator, and Taylor Spellman, Public Relations Manager. He noted that two of these individuals are Botetourt County residents.

After discussion, Mr. Howard stated that, from June 2017 through May 2018, articles worth \$2.8 million in value appeared in the media about this region. He noted that they are also actively involved with Botetourt County’s businesses in their promotion efforts and work with 117 businesses in the County free of charge.

Mr. Howard further noted that there are several media groups visiting the area in June and over 100 outdoor bloggers will be conducting a summit in the area on October 14 - 16. He stated that the outdoor bloggers group has never previously met on the East Coast. Mr. Howard also stated that they are also booking a lot of medical-related conferences in the region as a result of the Virginia Tech/Carilion School of Medicine located in downtown Roanoke. He noted that leads on meetings and sports sales are up 117% this year.

Regarding sports-related events, Mr. Howard stated that earlier this month VVBR announced that a Grand Fondo biking event, consisting of 30, 50, and 80 mile rides, would be conducted in the County this fall.

After discussion, Mr. Howard stated that they are the “bullhorn industry for economic development” in this region. He noted that a certain percentage of those visiting the area want to live/move here.

Mr. Howard then reviewed their proposal to have consistent regional wayfinding signage placed throughout the Roanoke Valley. He then displayed renderings of the various signs which would be similar in color, text, and design and noted that Botetourt County has dedicated \$8,500 in funding for these signs. Mr. Howard stated that having good signage is key for the region’s future in tourism and economic development. He noted that a company from Pennsylvania was hired for this project.

Mr. Howard stated that the proposed signs that will be placed on the interstate will have a stone base with the locality’s name shown on the sign.

After questioning by Mr. Martin, Mr. Howard stated that each locality will have its name on the signs placed in that jurisdiction.

Mr. Howard stated that the similarly-designed signs will allow visitors to be at ease and be able to find their way from one end of the region to another. He noted that the back of the signs will be customized for each community to have the outline of that area’s mountains to show that the region is a mountain vacation destination. Mr. Howard further noted that the final on Botetourt County’s signs are proposed to have the sheaf of wheat from the County seal.

Regarding funding for these signs, Mr. Howard stated that the County will be asked for funding allocations; however, this is a 3 – 5 year project and VVBR also plans to request funding from the Virginia General Assembly. He noted that VVBR will provide funding, at least in part, for the signage that displays the organization's name. Mr. Howard noted that they have been working on this project for a year.

After discussion, Mr. Howard thanked Mr. Larrowe for working with VVBR on this project and thanked the Board for allowing them to give this presentation.

Mr. Clinton thanked Mr. Howard for his work on this project. In reference to the chart indicating hotel room demand, Mr. Clinton questioned what can the County do to increase its hotel room rental rate and is the County's limiting factor capacity or promotion of available hotels.

Mr. Howard stated that the region is adding new hotels approximately every six months and five new hotel facilities are currently being discussed/planned in the region. Mr. Howard stated that the County needs appropriate-sized meeting space and another quality hotel. He further stated that, with all of the County's ongoing economic development activity, there would be no problem filling such a hotel.

Mr. Howard noted that capacity in the downtown Roanoke hotels last year was approximately 88-89%. He noted that the tourism market share is unlimited.

Mr. Martin stated that a hotel/conference center in the County is a good idea but the County needs an investor to build the facility. He noted that the hotel's capacity also depends on what is constructed around it.

There being no further discussion, the Board thanked Mr. Howard and his staff for their presentation.

A public hearing was then held on a proposed tower and ground space lease agreement with U. S. Cellular for the Price's Bluff Road cell tower. Mr. Cody Sexton, Assistant to the County Administrator, stated that U. S. Cellular, operating as USCOC of Virginia RSA #3, Inc., has requested to co-locate on the existing cell tower located at 1808 Price's Bluff Road in Eagle Rock. He noted that the proposal includes the lease of a 10' X 10' ground space area, the location of 3 antennas at the tower's 190' elevation, and spells out the monthly rental amount and terms of the option and agreement.

Mr. Sexton stated that the initial term of the option agreement is 6 months with an additional 6 month extension upon written notification to the County. He noted that, if U. S. Cellular exercises the option, the initial lease would be for a period of five years.

After discussion, Mr. Sexton stated that this public hearing was advertised in The Fin-castle Herald on May 9, 2018.

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

On motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board approved the tower and ground space lease agreement with USCOC of Virginia RSA #3, Inc. (U. S. Cellular) for a 10' X 10' ground space, and the co-location of 3 antennas at the 190' elevation on the County's cell tower located at 1808 Price's Bluff Road, Eagle Rock (Tax Map Section 10, Parcel 36B), and authorized the County Administrator to sign the lease on the Board's behalf, subject to review by the County Attorney. (Resolution Number 18-05-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a request by Randy Lichtenberger, Director of Cultural Resources with Hurt and Proffitt, to access the Greenfield property regarding additional archaeological work. Mr. Clinton stated that Mr. Lichtenberger lead a significant effort on the Greenfield property in the summer of 2016 to conduct an archaeological dig on the site of the proposed shell building. He noted that they found artefacts of significant historical interest and value at that location and, before further development takes place, there is an opportunity to investigate whether further archaeological work should be conducted.

Mr. Clinton stated that Mr. Lichtenberger would like permission to access the Greenfield property in the area of the supposed terraced gardens to investigate the area and take measurements and photographs in order to determine if additional shovel tests are warranted. Mr. Clinton stated that this investigation would provide a better understanding of the potential historical value of the Greenfield site.

Mr. Lichtenberger stated that he understands that the Board had several questions about his proposal at their April regular meeting and he is present to answer those questions.

Mr. Lichtenberger stated that his company was contracted in 2016 by the Friends of Greenfield Preston Plantation (FGPP) to investigate within the proposed shell building construction area for potential historical artefacts. He noted that because of the short time period (3 weeks) given by the County for this research, they used mechanical equipment to excavate down to the subsoil.

Mr. Lichtenberger stated that very significant 1860 features were found in the dig area as well as Native American artefacts dating back 10,000 years. He stated that they did not investigate any area outside of the shell building's construction footprint at that time. Mr. Lichtenberger stated that there is some terracing on the northeast side of the hill which is probably from a large formal garden on the Preston Plantation. He noted that, if this is the case, the age of these features is significant as a terraced garden of this type is almost unheard of this far west in the State during that time (18th century). Mr. Lichtenberger further stated that the remains of a structure of some type were also found at the edge of the 2016 construction area and should also be investigated.

After discussion, Mr. Lichtenberger stated that he was approached by FGPP asking if he could again look at the area outside of the previous archaeological dig to see if additional excavations should be conducted. Mr. Lichtenberger noted that he informed the group that he would have to access the site to take measurements and photographs to see if future consideration/action was warranted.

After questioning by Dr. Scothorn, Mr. Lichtenberger stated that there were time constraints given by the County on the length of the 2016 dig due to the shell building's construction schedule. After further questioning by Dr. Scothorn, Mr. Lichtenberger stated that he is requesting access to the terraces at this time as they are located outside of the shell building's construction and were not investigated during the 2016 archaeological work.

After further discussion by Dr. Scothorn, Mr. Lichtenberger stated that there is a lot of information that can be learned from garden archaeology including what types of plants were in the garden, where they were located, the location of pathways and stairs, the possible date the terraces were constructed, etc.

Mr. Clinton noted that the terraces are very visible from the Ballast Point property.

After questioning by Mr. Leffel regarding clarification of the next steps in this process and what will be involved in this site visit, Mr. Lichtenberger stated that he would recommend two aspects of investigation: measure how much of the site has potential archaeological significance, and determine what is the level of effort that would be required to determine if there are any artefacts in this area. He stated that a topographical map would be created and a drawing of the terraces would be made. He further stated that any future shovel test surveys may include hand-auguring/coring. Mr. Lichtenberger stated that from these actions, he would submit a proposal and an estimated cost to conduct further archaeological work to recover any possible artefacts from this area.

After discussion, Mr. Lichtenberger stated that he is only requesting site access at this time to “scout around,” take measurements, and photograph the area. Mr. Lichtenberger stated that permission to access the site would not commit the County to any further actions/costs.

After questioning by Mr. Clinton, Mr. Lichtenberger stated that he would estimate that this investigation would take approximately 1 – 2 hours.

After questioning by Mr. Martin, Mr. Lichtenberger stated that his investigation would be conducted on the terraced area and just beyond the “lip” of the hill to see if there were any locations that weren’t impacted by the shell building construction that could be of potential historical interest.

After questioning by Mr. Martin on how Mr. Lichtenberger could “date” the construction of the terraces, Mr. Lichtenberger stated that this could be done by determining the types of plants in the garden, whether it was an ornamental or a practical use (vegetable) garden, who had it built, when the terraces were abandoned, etc. He also noted that further investigation could determine whether there were any structures, e.g., follies, sheds, etc., in the garden area.

After further questioning by Mr. Martin, Mr. Lichtenberger stated that he would first conduct a sampling/fact-finding mission on the property and, if given authorization to proceed with additional shovel tests, he estimates that the field work would take approximately two weeks.

After further questioning by Mr. Martin, Mr. Lichtenberger stated that the number of shovel tests would dictate the cost of the archaeological dig. He noted that the FGPP could pursue a number of avenues for funding this work, the County could provide funding, and there may be grant funds available as well.

Mr. Clinton stated that the Board will make the final decision on any potential funding to conduct further archaeological work on this site but that decision cannot be made until the site’s measurements and photographs are completed. He noted that this investigation is a rare opportunity for the County as William Preston was a well-to-do plantation owner in this area and it is conceivable that he would have had a formal garden on his property.

Mr. Clinton stated that the FGPP has received a \$5,000 grant from the Virginia Department of Historic Resources to preserve some of the artefacts, including buttons, thimbles, bullet molds, cufflinks, etc., found during the 2016 dig. He noted that these items are an opportunity to further the site’s heritage tourism potential.

There being no further discussion, on motion by Mr. Clinton, seconded by Mr. Martin, and carried by the following recorded vote, the Board provided permission for Mr. Randy Lichtenberger of Hurt and Proffitt and one or two assistants to access the Greenfield property to take measurements and photographs in the terraced gardens area, with a report on the results of his investigation to be brought back to the Board for future consideration. (Resolution Number 18-05-11)

AYES: Mr. Sloan, Mr. Clinton, 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 3 Amusements of the Botetourt County Code regarding surety bond requirements. Mr. David Moorman, Deputy County Administrator, stated that the County has had an Amusements Ordinance for many years. He noted that it was amended in 2014 to better accommodate outdoor musical/entertainment events at the wineries and at Daleville Town Center.

Mr. Moorman noted that the ordinance requires that persons holding these types of events obtain a permit from the County which includes the posting of a bond/surety against which the County may lay claim for damages to public property, sanitation costs, or other public services resulting from the event. He noted that the County's experience with these events has been very smooth to date; however, one of the permit applicants has requested that the ordinance be reviewed for potential revisions to the bond requirements section.

Mr. Moorman stated that the current provisions require that a bond in the amount of \$25,000 be provided for a single event permit and \$100,000 for an annual permit. He noted that staff has reviewed this provision and is requesting that the surety amounts be amended based on the anticipated attendance at the event as follows: a single event or annual permit with 5,000 or less attendees--\$25,000; an event or series of events with 5,000 or more attendees--\$100,000.

Mr. Moorman stated that, if the Board is agreeable to considering these amendments, staff recommends that a public hearing be authorized for the June regular meeting.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board authorized the advertisement of a public hearing at the June regular meeting on proposed amendments to Section 3-106 Applicant's Bond of the Outdoor Musical or Entertainment Festivals Ordinance of Chapter 3 Amusements of the Botetourt County Code. (Resolution Number 18-05-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Discussion was then held on the Board of Supervisors monthly meeting schedule. Mr. Larowe stated that the information contained in the Board's agenda packets on this item was his initial opinion on the costs and staff impact of having a second monthly meeting. Mr. Larowe stated that staff could further research this matter and obtain information on the "best practices" from other jurisdictions in this regard.

Mr. Larowe stated that the Board and staff want the public to be informed about local government meetings and activities and noted that Mrs. Firebaugh had good comments earlier in the meeting about increased notification of the public through social media. He noted that the staff could further investigate these issues and bring a report to the Board before the end of the calendar year.

Mr. Clinton stated that this is a complex issue. He noted that when the question of changing the Board's meeting schedule arose 10 years ago the main issues pertained to the hours and convenience of the working public to attend public meetings; however, the issue "is

about more than that.” He noted that there are timed and untimed discussion items on the agenda and it is “easy to lose control of the meeting” if discussion on an item runs longer than anticipated. Mr. Clinton stated that he believes this issue is worthy of more detail.

Dr. Scothorn stated that it is not necessarily the time; it is how the County gets the information about local government meetings and events out to the media and the public. Dr. Scothorn stated that he has no objection to Mr. Larrowe’s comments to allow additional information to be obtained.

After questioning by Mr. Sloan, Mr. Larrowe stated that it would be difficult to have the Board’s monthly meeting agenda completed in time to have it published in The Fincastle Herald on the Wednesday before the meeting. He noted that, if this were done, there would be an increase in the number of walk-on agenda items and it would slow down the agenda process.

Mr. Clinton stated that, in his suggestion that the Board conduct two meetings a month, he did not anticipate the same meeting scenario occurring twice a month but two better-directed meetings—one would consist mostly of business items and the other would include work sessions and public hearings. Mr. Clinton stated that he believes that this format would be a way to better organize what happens in County.

After discussion, Mr. Clinton stated that he thinks this proposal would have less impact on the staff than Mr. Larrowe’s report indicates.

Dr. Scothorn questioned the additional costs for the County to conduct two separate monthly meetings. He noted that it would be interesting to see what additional information Mr. Larrowe can obtain on this issue.

Mr. Martin stated that the same arguments were made when the Board considered revising their meeting schedule in 2008. Mr. Martin stated that he does not think the Board needs another meeting each month; however, if an issue needed to be discussed between regular meetings, the Chairman could call for a special meeting.

Mr. Clinton stated that it would be beneficial to have recent information on this matter presented to the Board. Mr. Clinton stated that he can envision the Board in the next 5 – 10 years having to schedule two meetings each month due to the amount of business items requiring action.

Mr. Leffel stated that it is a matter of the amount of time required of the Board members to attend twice-monthly meetings. He noted that the Board’s membership currently consists of a doctor, a funeral director, and a farmer. Mr. Leffel stated that when he has to attend meetings there is always something that he is not able to accomplish regarding his farm. Mr. Leffel stated that he considers himself lucky when there is one week out of the month that he is not away from the farm/home for three out of 5 days at meetings of one type or another. Mr. Leffel stated that he does not live close to Fincastle so any meeting that is scheduled takes him away from home for at least 3, if not more, hours.

After questioning by Mr. Sloan, Mr. Lockaby stated that the Board is required by the Code of Virginia to provide the public and press with three days’ notice of any meeting. He stated that the meeting’s notification is posted in the County Administrator’s Office, on the front of the Circuit Courthouse, on the County’s website, and the media has to be informed.

After questioning by Mr. Martin, Mr. Larrowe stated that staff could continue with their research into other local governments’ meeting schedules, and discuss the issue with the Virginia Association of Counties (VACo), and the National Association of Counties. (NACo). He further noted that some localities that have two monthly meetings conduct business-related actions at one meeting and public sessions at the second meeting.

Dr. Scothorn then questioned if the two media representatives present at today's meeting have any difficulties with the way the Supervisors' meetings are currently set up.

Ms. Alison Graham, reporter with the Roanoke Times, stated that she does not have a scheduling issue regarding the Board's meetings but noted that, at times, the meetings do run long.

Mr. Clinton stated that the Board's current meeting schedule (Tuesday afternoons) causes the local newspaper to miss their weekly publication deadlines for the Wednesday edition. Mr. Clinton stated that he thinks the issue should be studied further; however, on the surface, it seems like having a second monthly meeting will require more time for the Board and staff.

On motion by Mr. Clinton, seconded by Mr. Martin, and carried by the following recorded vote, the Board directed the County Administrator and staff to further research the issue of having a second monthly meeting and provide the Board with a report by the end of the calendar year. (Resolution Number 18-05-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on various appointments.

Dr. Scothorn noted that Mr. Clinton had suggested at the April regular meeting that a citizen be appointed to serve on the Reassessment Oversight Committee. He noted that staff had provided the names of four individuals for the Board's consideration.

After questioning by Dr. Scothorn, Mr. Clinton stated that he would be willing to serve as an ad hoc member of this committee.

After further discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board appointed the County Administrator, Commissioner of Revenue, Deputy County Administrator, Director of Financial Services, the Assistant to the County Administrator, and Mr. Steve Clinton as an ad hoc member to the Reassessment Oversight Committee. (Resolution Number 18-05-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Dr. Scothorn then noted that Ms. Arleen Boyd has a 30+ year background in telecommunications and provision of data services to international clients and he would like to appoint her to serve on the County's Broadband Committee. He stated that Ms. Boyd would be beneficial in organizing the planned Broadband Summit to be held later this year which would bring together broadband and wireless company representatives to discuss ways to eliminate the number of dead spots in the County's internet/cellular coverage areas.

On motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board appointed Ms. Arleen Boyd of 853 Hardbarger Road, Buchanan, to the Botetourt County Broadband Committee. (Resolution Number 18-05-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

After discussion by Mr. Larowe, on motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board authorized the Reassessment Oversight Committee to evaluate reassessment proposals, select qualified offerors, negotiate contract terms, and recommend a contract award to the Board of Supervisors. (Resolution Number 18-05-16)

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

NAYS: None

ABSENT: None

ABSTAINING: None

There being no further discussion, the Chairman adjourned the meeting at 4:40 P. M. until 6:00 P. M.

The Chairman called the meeting back to order at 6:10 P. M.

Consideration was then held on a request in the Buchanan District from Kenneth A. Mooty (Cellco Partnership, d/b/a Verizon Wireless, lessees) for a Commission Permit in accord with §15.2-2232 of the Code of Virginia, in addition to a Special Exception Permit, with possible conditions, in the Agricultural (A-1) Use District in accordance with Section 25-73. Uses permissible by special exception of the Botetourt County Code to construct and maintain a non-illuminated, 199-foot telecommunications facility within a 0.9-acre area (ground lease area and access easement). The tower site is proposed to be accessed from Lithia Road (Route 640) via a proposed 20-foot access/utility easement. The 152.22-acre parcel is located at 5300 Lithia Road, approximately 0.4 miles southwest of its intersection with Back Creek Lane (State Route 646), identified on the Real Property Identification Maps of Botetourt County as Section 77, Parcel 45.

It was noted that the Planning Commission had recommended approval of the Commission Permit and conditional approval of the SEP at their April meeting and, after conducting a public hearing, the Board had tabled this request at their April meeting to allow Verizon to conduct an additional balloon test to which area landowners were invited.

Mr. Jerod Myers, County Planner, stated that the Supervisors had held a public hearing on this request at the April regular meeting and then tabled the request to allow the applicant to have additional discussions with the adjoining property owners and to conduct another balloon test to allow area residents to view the proposed height of this cell tower.

Mr. Myers stated that the balloon test was conducted on the morning of May 7, 2018, after notifications of the test's schedule had been sent to 53 area property owners. He noted that Planning Department staff took photographs of the balloon from various viewpoints.

Mr. Myers noted that Ms. Lori Schweller, attorney with LeClair Ryan in Charlottesville, representing Verizon, and Mr. Stephen Waller, Planner/Site Development Consultant with GDNsites, were present to speak regarding this request.

Ms. Schweller then displayed aerial photographs of the proposed site. She noted that they talked with five area property owners during the balloon test and were contacted by two additional landowners after the test was completed. Ms. Schweller noted that the balloon was generally visible along Lithia Road, was not visible along Lee Highway (Route 11), and was just visible above the trees in other areas. She further noted that the proposed cell tower would not be visible from Mrs. Donna Cox's event barn/facility, would have minimal visible impact from the Mowles and Montgomery properties, is visible from the intersection in front of the Harris prop-

erty, and a portion of the monopole is visible from the Mitchell property; however, the tower should be below the level of the mountains from the Mitchells' viewpoint.

Ms. Schweller noted that after discussions with the adjacent property owners, they are now proposing that the tower be constructed in a green color or another appropriate color to blend into the background.

After discussion, Ms. Schweller noted that she was also contacted by two Goode Lane property owners about the tower's visibility from their properties. She noted that, from their investigations, the tower would be a mile from these properties and should result in minimal visual impact on those landowners.

After questioning by Mr. Sloan, Ms. Schweller stated, in these telephone conversations, the area property owners thanked her for looking into this situation and considering their concerns and thanked her for answering their questions. She noted that the property owners stated that any camouflage color to help the tower blend into the background would be preferred over a galvanized/silver color.

After questioning, Ms. Schweller stated that the proposed tower is not visible from Mountain Valley Road.

After questioning by Mr. Sloan regarding improved cell coverage from this proposed tower, Ms. Schweller stated that the Board members were provided with Verizon's signal propagation maps at the April regular meeting.

Dr. Scothorn then thanked Ms. Schweller for conducting the additional balloon test on this proposed tower's height. After questioning by Dr. Scothorn, Ms. Schweller noted that there were 5 – 6 area property owners who attended the balloon test.

Mr. Myers then provided Mr. Sloan with the propagation maps from the April public hearing.

After questioning by Mr. Leffel, Mr. Michael Lockaby, County Attorney, stated that the Board officially conducted and closed the public hearing on this request at the April meeting. After further questioning by Mr. Leffel, Mr. Lockaby noted that the Board could vote to reopen the public hearing and hear any additional citizen comments on this request if they would like to do so.

On motion by Mr. Sloan, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board reopened the public hearing on this proposed cell tower request to allow any individuals present to speak. (Resolution Number 18-05-17)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Steven Harris of Daleville then spoke on behalf of his parents who live at 90 Back Creek Lane. Mr. Harris stated that his parents have several concerns with this proposed cell tower. He noted that they were not notified of the County's public hearings and only received notification of the second balloon test.

Mr. Harris stated that his parents are concerned about the height of the tower and the intrusive view of the structure that they will have from both inside and outside of their home. He noted that they are also concerned about the impacts that the tower will have on property values and the future sale of their home. Mr. Harris stated that he would not want to purchase a home with a 200' tower located behind it.

Mr. Harris noted that his parents asked that the Board consider their concerns regarding this tower. Mr. Harris stated that his parents built their dream home on this property for a reason—the views.

Mr. Tim Mitchell of Lee Highway, Buchanan, stated that the tower would be very visible from his home. Mr. Mitchell stated that he would see the entire height of the tower as his home is at the same elevation as the proposed structure. Mr. Mitchell stated that he and his wife understand that this request will be approved, and if it is, they would like the structure to be as less obtrusive as possible.

Mr. Mitchell noted that they had cut down a large tree in their front yard last year which opened up the view from their property. He noted that, if the tree was still in place, the tower would be less visible from their home. Mr. Mitchell stated that he would appreciate the Board's consideration of approving a color other than galvanized/silver for the tower.

Dr. Scothorn stated that he appreciates the Mitchells' investigations into other area cell/electrical tower paint colors and for coming up with alternatives on how to make the tower less obtrusive. Dr. Scothorn stated that they have gorgeous views from their property but noted that there are also telephone lines throughout this area.

Mr. Martin noted that the staff, after discussions with Verizon representatives, have proposed that a condition be added to this SEP designating a color other than galvanized/silver for this tower.

Mr. Sloan noted that this proposed tower is not located in his backyard but it is close. Mr. Sloan then questioned the future painting schedule for this tower and how often the tower would be repainted.

Mr. Waller stated that they have field operations technicians who visit the site once a month and report if any maintenance, painting, etc., is needed on the tower/site. Mr. Waller further stated that they have not yet ordered the tower from the manufacturer, but when they do, it will be delivered in the final color which is now proposed to be a shade of green. Mr. Waller stated that, when the paint color is placed on the structure at the manufacturer, it lasts longer than if it was painted after the tower is placed on site.

Mr. Sloan then stated that, based on Mr. Lockaby's presentation earlier today, at a point in the future, the Board may not have any input into the placement, height, design, or color of cell towers. He stated that the applicant has gone beyond what they needed to in this matter by taking the citizens' concerns into consideration and their actions are appreciated.

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.

After further discussion, on motion by Mr. Sloan, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved a request in the Buchanan District from Kenneth A. Mooty (Cellco Partnership, d/b/a Verizon Wireless, lessees) for a Commission Permit in accord with §15.2-2232 of the Code of Virginia, in addition to a Special Exception Permit in the Agricultural (A-1) Use District, in accordance with Section 25-73. Uses permissible by special exception of the Botetourt County Code to construct and maintain a non-illuminated, 199-foot telecommunications facility within a 0.9-acre area (ground lease area and access easement). The tower site is proposed to be accessed from Lithia Road (Route 640) via a proposed 20-foot access/utility easement. The 152.22-acre parcel is located at 5300 Lithia Road, approximately 0.4 miles southwest of its intersection with Back Creek Lane (State Route 646), identified on the Real Property Identification Maps of Botetourt County as Section 77, Parcel 45, with the following conditions: (Resolution Number 18-05-18)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. The proposed project must be constructed in substantial conformance to the concept plan prepared by Dewberry Engineers, Inc., sealed by Derek R. Marshall, Professional Engineer, on 03-14-18, identified by site address "5300 Lithia Road, Buchanan, VA 24066"; and with project number "50099189."
2. The special exception permit shall be valid for a period of no longer than 12 months, unless, during such 12-month period: (1) a site plan is approved; (2) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued; or (3) an occupancy permit is obtained and a use commenced. Such period of validity may be extended for good cause shown, by application to the Board of Supervisors.
3. At the time of permitting, the applicant shall provide a structural analysis, sealed by a Virginia structural engineer that the proposed tower can support the applicant's equipment as well as three (3) additional future providers of similar equipment.
4. If the tree line buffer marked to remain around the facility is cleared to an extent such that it eliminates proposed natural screening of the compound, then Verizon shall establish a new landscaped buffer around the perimeter of the compound site, the buffer shall meet ordinance requirements and contain a mix of deciduous and evergreen tree species that are tall enough to provide adequate screening of all base station equipment at the time of planting.
5. All feed lines shall be installed inside the monopole and all access ports shall be sealed to prevent wildlife intrusion.
6. No advertising shall be installed on the fencing near the ground compound.
7. Should the antenna arrays be lowered in the future to a height that is below a removable section of the monopole, the tower owner shall then remove this upper section that is no longer in use.
8. The telecommunication tower will be constructed of a steel material that will be painted Sherwin Williams Enviro Green (SW4024) in color.

A public hearing was then held on a request in the Fincastle Magisterial District from Gala Farm, LLC (Boxley Materials Co., lessee), to rezone 20 acres of a 152.691-acre tract from the Industrial M-3 Use District to the Agricultural A-1 Use District, with possible proffered conditions, in accordance with Section 25-72. Permitted Uses of the Botetourt County Zoning Ordinance. The applicant is requesting the zoning to revert back to A-1 because the previously approved Special Exception Permit for an asphalt plant is no longer needed as the project will not be constructed. The site is located off Thompson Drive, approximately 1.6 miles north of the intersection of Narrow Passage Road (Route 43) and Botetourt Road (U. S. Route 220), and is identified on the Real Property Identification Maps of Botetourt County as Section 18, part of Parcel 4.

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

Mr. Jerod Myers, County Planner, stated that the property was rezoned to M-3 in the fall of 2017 to allow the site to be used as an asphalt plant during the Route 220 improvement project. He stated that the project is no longer feasible at this location and the landowner is requesting that the 20 acres be rezoned back to the previous A-1 Use District.

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

There being no further discussion, on motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this rezoning request as submitted. Therefore, be it ordained by the Botetourt County Board of Supervisors that the Botetourt County Zoning Ordinance and the Botetourt County Real Property Identification Maps be amended in the following respect and no other. (Resolution Number 18-05-19)

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

NAYS: None

ABSENT: None

ABSTAINING: None

GALA FARM, LLC
(Boxley Materials Co., lessee)

In the Fincastle Magisterial District to rezone 20 acres of a 152.691-acre tract from the Industrial M-3 Use District to the Agricultural A-1 Use District in accordance with Section 25-72. Permitted Uses of the Botetourt County Zoning Ordinance. The applicant is requesting the zoning to revert back to A-1 because the previously approved Special Exception Permit for an asphalt plant is no longer needed as the project will not be constructed. The site is located off Thompson Drive, approximately 1.6 miles north of the intersection of Narrow Passage Road (Route 43) and Botetourt Road (U. S. Route 220), and is identified on the Real Property Identification Maps of Botetourt County as Section 18, part of Parcel 4.

A public hearing was then held on a request in the Fincastle Magisterial District from Richard D. and Lisa D. Farmer for a Special Exception Permit, with possible conditions, in the Business B-1 Use District for a Bed and Breakfast short term rental establishment in accordance with Section 25-434. Bed and breakfast and short-term rental establishments of the Botetourt County Zoning Ordinance, in addition to a change of existing proffered conditions, including the prohibition of specific uses that would otherwise be allowed in the B-1 Use District on a 0.308-acre property located on 5694 Roanoke Road, Troutville (U. S. Route 220) approximately 2.8 miles northeast of its intersection with Trinity Road (State Route 670), and is identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 156A.

It was noted that the Planning Commission had recommended approval of the SEP and conditional approval of the change in existing proffered conditions.

Mr. Drew Pearson, County Planner, stated that the operation of the requested bed and breakfast would be regulated under the Zoning Ordinance's bed and breakfast and short-term rental supplemental regulations. He noted that in 1994 this 0.308 acre property was rezoned to Business B-1 use with conditions for a craft/gift/antique shop to be operated in an 18th century log house that the Farmers had relocated to this site. He noted that the most recent use of this structure was as the White Oak Tea Tavern and the space is currently vacant

Mr. Pearson stated that the applicants would like to convert the first and second floors of the structure into a bed and breakfast. He noted that the applicant operates a sewing room in the basement for her interior design business.

After discussion, Mr. Pearson noted that the request to change the previously-approved proffered conditions was to revise the conditions to allow the proposed bed and breakfast use. He further noted that several of the current conditions regulate the hours of operation and allowable uses which would conflict with the bed and breakfast and other conditions are no longer applicable to the site and are being requested to be removed/deleted.

Mr. Pearson noted that Mr. and Mrs. Farmer were present to answer any questions.

After questioning by Mr. Leffel, Mrs. Farmer stated that they are proposing to have two bedrooms upstairs and living quarters located on the first floor.

Mr. Pearson stated that the applicants are aware that they will need to work with the Building Official to upgrade the facility to comply with current Building Code requirements for the bed and breakfast.

Mr. Martin stated that the Planning Commission did not have any problems with this request.

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

After questioning by Mr. Clinton regarding the historical ownership of this log structure (Cloyd House), Mrs. Farmer stated that a Cloyd family member was involved in an Indian raid/massacre in the 17th century but that site is located on the property currently owned by the Dallases on Shawnee Trail.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved a request in the Fincastle Magisterial District from Richard D. and Lisa D. Farmer for a Special Exception Permit in the Business B-1 Use District for a Bed and Breakfast short term rental establishment in accordance with Section 25-434. Bed and breakfast and short-term rental establishments of the Botetourt County Zoning Ordinance, in addition to a change of existing proffered conditions, as shown below, including the prohibition of specific uses that would otherwise be allowed in the B-1 Use District on a 0.308-acre property located on 5694 Roanoke Road, Troutville (U. S. Route 220) approximately 2.8 miles northeast of its intersection with Trinity Road (State Route 670), and is identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 156A. (Resolution Number 18-05-20)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. The proposed structure will be constructed to resemble a residential structure, as near as possible, in accordance with the submitted sketches.
2. There will be no outdoor lamp posts or security lights, other than two (2) ground lights to illuminate the proposed 4' X 6' sign.
3. The proposed business sign will not exceed 4' X 6'.

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 6:46 P. M. (Resolution Number 18-05-21)

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

NAYS: None

ABSENT: None

ABSTAINING: None