

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, May 24, 2016, 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
Mr. Billy W. Martin, Sr.
Dr. Donald M. Scothorn

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 12:52 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; 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 2.2-3711(A) (1), (3), (5) and (7) of the Code of Virginia of 1950, as amended. (Resolution Number 16-05-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

On motion by Mr. Dodson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board returned to regular session from Closed Session and adopted the following resolution by roll-call vote. (Resolution Number 16-05-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

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

Mr. Leffel then opened the meeting for public comment and asked that the speakers limit their comments to three minutes.

Mr. Michael Henning of Moore's Creek Road in Rockbridge County, then stated that the Rockbridge County Board of Supervisors had submitted a letter to the Botetourt Board of Supervisors in January requesting that a decision on the Apex Wind Energy/Rocky Forge

Special Exceptions Permit be delayed to allow additional study and public comment. He noted that the Botetourt Board did not delay action and approved this SEP request.

Mr. Henning stated that in the intervening time the residents of Rockbridge County have tried to understand the effects of this action. He stated that the County's wind energy ordinance does not protect Rockbridge County residents from the impacts of this proposed wind farm. He noted that the sound generated by these turbines will be in excess of rural ambient sound levels.

Mr. Henning stated that on page 6, tables 2 & 3, in Apex's SEP application, they indicate that the facility would be generate between 19 – 29 decibels of sound. He noted that 30 decibels is considered a maximum for a rural, quiet area. He noted that, as a reference, a whisper is 3 decibels. Mr. Henning stated that allowing this facility to generate 60 decibels of sound at night while people are trying to sleep will cause health issues. He noted that the World Health Organization (WHO) recommends less than 30 decibels at night and less than 35 decibels in classroom teaching conditions.

Mr. Henning stated that he is providing the Board with his comments on a thumb drive for their information. He noted that, even though the ordinance has been approved, there were significant irregularities in Apex's application process. He stated that Apex's report indicates that the Rocky Forge facility will provide energy for 20,000 homes. He noted that a nearby weather station is located at an altitude of 600' higher than the Apex site and the data from this station does not indicate the necessary wind speed in this area to result in the turbines generating this much electricity.

Ms. Denise Neas of Lexington stated that she lives 20,000' (4 miles) from the Apex facility and she opposes the project. Ms. Neas stated that several Rockbridge County residents and their Board of Supervisors requested in January that the Botetourt Board delay approval of the Apex SEP request. Ms. Neas stated that her research and the research of experts conducted in June 2015 indicate that she might have to leave her home because she may not be able to tolerate the noise from these turbines.

Ms. Neas stated that Botetourt County is a "horrible neighbor." She noted that the residents are concerned about the infrasound generated by this project as the turbine's generators "sound like a chainsaw." Ms. Neas stated that Apex has said that this project will provide electricity to 20,000 homes but there is "no way" that there will be adequate wind speed 24/7 at this site to generate this energy.

Ms. Neas stated that Apex is "going to build this facility and then sell it" and she previously told the Board that this is what Apex would do. She questioned "did Apex buy the Board cars?"

Mr. Leffel then stated that he feels compelled to go on the record about the noise issue regarding the Apex project. Mr. Leffel stated that members of the Board of Supervisors and Planning Commission visited a wind farm in West Virginia during the County's review of this SEP application. He noted that the members were within 35 – 40 yards of the turbines and there was hardly any sound generated by the moving turbine blades. Mr. Leffel stated that they also went inside the turbine structures and the sound level was comparable to a refrigerator.

Mr. Leffel stated that he appreciated the comments made by Mr. Henning and Ms. Neas.

Mr. Henning stated that his comments did not pertain to the sounds that can be heard from this wind farm but the low-level noise.

Mr. Jim Ludington of Asbury Lane stated that, in reading the minutes from last month's meeting, the Board said that a number of good things are coming to the County but not right away and a tax increase would be necessary to fund the County's operations. He noted that the Board is pitting the elderly and the teachers against each other.

Mr. Ludington noted that the Board had stated that they had to make hard choices but it seems that they made the easy choice. He stated that the tax rates increased three years ago and the County's proposed tax rates are 50% higher than those in Bedford and Franklin Counties.

Mr. Ludington stated that he moved to the County to live in the country, have some space, and because of low taxes. Mr. Ludington stated that he knows that the services are less than those provided in Roanoke County as he lives on a dark, country road with no street lights. Mr. Ludington stated that, if the Board is going to raise taxes so that they are comparable with other counties, then the citizens services should be the same as in those counties including street lights and sidewalks.

He noted that the County also compared the teachers' salaries to those of the City of Salem but not the other adjacent localities. He stated that the issue of benefits received by teachers and County staff were disregarded; however, these benefits cost the County dearly. Mr. Ludington stated that he had to take a 20% pay cut three years ago.

He then thanked the Board for the opportunity to speak.

Mr. Mark Tyson of Hardbarger Road stated that he supports the comments made by Mr. Ludington. He stated that, at the April 26 budget and tax rate public hearing, a large group of people spoke. He noted that 65% of the speakers were against the tax increase, only 8% were in favor, and 2% of the speakers were not County residents. He noted that 89% were opposed to any additional tax increase. Mr. Tyson questioned why bother with a public hearing if the citizens' comments meant nothing to the Board.

Mr. Tyson stated that "people need to regain their voice." He noted that there is a grass-roots coalition of citizens who have had enough and encouraged anyone present at this meeting to join this group.

Mr. Larry Ceola of Borden Run Road in Fincastle stated that today is an historic day for the County as there is the potential for one of the largest tax increases on record to be approved by the Board. He noted that this action will "reverberate throughout the County" and the "consequences will be unknown."

Mr. Ceola stated that Mr. Leffel should know that he represents the largest magisterial district in the County and should know how many people in his district struggle to make ends meet. He noted that Mr. Dodson is the Chairman of the Botetourt County Republican Party and the party's creed includes "fiscal responsibility." Mr. Ceola stated that the Republicans on the Board of Supervisors are not a good representation of the Republican Party and this calls into question their ability to lead the Republican Party.

Mr. Ceola stated that it takes two members besides Mr. Martin to deny the motion for this tax increase and he hopes that two Board members will do this. Mr. Ceola stated that he also agrees with the comments previously made by Mr. Ludington and Mr. Tyson.

Consideration was then held on approval of minutes of the regular meeting/budget public hearing held on April 26, 2016, the continued meeting held on May 6, 2016, and the continued meeting held on May 16, 2016.

On motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the minutes of the regular meeting/budget public hearing held on April 26, 2016, the minutes of the continued meeting held on May 6, 2016, and the minutes of the continued meeting held on May 16, 2016, as submitted. (Resolution Number 16-05-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there were two transfers, 10 pass through appropriations, and one regular appropriation for the Board's consideration this month. He noted that the transfers included \$500,000 to the Economic Development Authority for site preparation expenses on the Eldor property and \$20,000 for landfill leachate treatment costs.

Mr. Zerrilla stated that the appropriations were for sponsorship funds, donations, pass-through of revenues, grant funds, reimbursement costs, receipts, and the County's match of State funding received for mandated services by the Comprehensive Services Department. He noted that the State pays for 64% of these CSA-related costs.

After questioning by Mr. Martin, Mr. Zerrilla stated that the Comprehensive Services appropriations are not to fund expenses related to the Coyner Springs Juvenile Detention Home. He noted that these are appropriations are used for payment of mandated at-risk youth treatment expenses under the Comprehensive Services Act.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Williamson, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 16-05-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$500,000 from General Fund – Undesignated Fund Balance to Economic Development Authority of Botetourt County account. This transfer and resulting appropriation coupled with \$1 million in previous transfer approvals satisfies the \$1.5 million appropriation stipulation included in the March 15, 2016, Performance Agreement by and among Botetourt County, the Economic Development Authority of Botetourt County, and Eldor Corporation. These funds will be reimbursed to the County in the form of a Commonwealth's Development Opportunity Fund grant.

Transfer budgeted funds of \$20,012.40 from General Services, 100-4040000 to Waste Management, 100-4042400. This transfer will cover leachate treatment costs in excess of budget.

Additional appropriation in the amount of \$1,500 to Sports Complex – Purchase of Services – Gov. Entities, 100-4071300-3800. These are sponsorship funds for costs associated with the NCCAA Softball National Championship banquet.

Additional appropriation in the amount of \$1,400 to Parks and Recreation – Marketing, 100-4071000-5840. These are funds donated by American Legion Post to the Botetourt recreation clubs and will be evenly forwarded to the seven clubs for scholarships and equipment.

Additional appropriation in the amount of \$14,000 to Treasurer – Payment for Collection Services, 100-4012410-3160. This appropriation will cover collection fees related to DMV stop fees, which are subsequently recovered.

Additional appropriation in the amount of \$4,475 to CIP – E911 System, 100-4094301. This appropriation is for the receipt of the remainder of a \$150,000 VITA State grant for E911 hardware and software enhancements.

Additional appropriation in the amount of \$34,753.02 to Emergency Communication – Capital Outlay – Machinery & Equipment, 100-4035600-8001. These are State grant funds from the Department of Health that will be utilized toward the purchase of mobile communication radios.

Additional appropriation in the amount of \$1,443.20 to Correction & Detention – Medical & Lab Supplies, 100-4033100-6004. These are funds received from Craig County for reimbursed medical costs.

Additional appropriation in the amount of \$125.40 to Sheriff's Department – Subsistence & Lodging, 100-4031200-5530. These are funds received from the Commonwealth for reimbursed extradition costs.

Additional appropriation in the amount of \$2,250.60 to Sheriff's Department – Firing Range Expenses, 100-4031200-6015. These are funds received for: a) the sale of brass casings, and b) use of the firing range.

Additional appropriation in the amount of \$142,036 to Children's Services – Professional Services, 100-4053500-3100. This is the State supplemental funding for mandated services under the Children's Services Act, and is contingent upon receipt of State funds.

Additional appropriation in the amount of \$746.16 to Animal Control – Professional Services, 100-4035100-3100. These are State grant funds received for the sale of animal friendly license plates that will be distributed to Mountain View Humane in support of animal spay/neuter services.

Additional appropriation in the amount of \$79,964 to Children's Services – Professional Services, 100-4053500-3100. This is the local match for item #9.

Consideration was then held on approval of the accounts payable list and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payable totaled \$931,393.50; \$922,328.34 in General Fund invoices; and \$9,065.16 in Debt Service expenditures. He noted that this month's short accounts payable totaled \$247,537.06; \$244,482.06 in General Fund invoices; and \$3,055 in Debt Service Fund expenditures.

Mr. Zerrilla stated that this month's large expenditures included \$51,490 to Motorola Solutions for the purchase of 34 fire/EMS radios with \$35,000 of this cost being paid by grant funds, and \$38,234 to Harris Computer Systems for the second of three payments for the County's new financial software.

After questioning by Mr. Williamson, Mr. Zerrilla stated that these software payments are within the budgeted amount.

There being no further discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the accounts payable list and ratified the Short Accounts Payable List as submitted. (Resolution Number 16-05-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of the 2016 tax rate resolution and the FY 16-17 budget resolution. Mr. Tony Zerrilla, Director of Finance, stated that the public hearing on

the proposed tax rates and FY 17 budget was held on April 26 and, at the May 16 work session, the Board approved an increase of \$1.35 million in local contribution to the schools.

He stated that three separate tax rate resolutions were included in the Board’s agenda package for rates of 78¢, 79¢, and 81¢ as well as the accompanying budget approval resolution to correspond to each specific rate. Mr. Zerrilla stated that the personal property and motor homes tax rates are proposed to increase from \$2.63 to \$2.71 (3%) and no change is proposed in the Machinery and Tools Tax Rate (\$1.80). He further stated that the advertised budget included a proposed rate for wind farms (\$1.80) and this rate will be considered for approval by the Board at a future date.

Mr. Zerrilla then handed out three proposed budget scenarios indicating funding options at various tax rates. He noted that these scenarios show an additional \$1.35 million for schools, an estimated \$75,000 in tax relief impact from the proposed elderly/disabled tax exemption ordinance amendments, a 2% employee salary increase as of September 1, \$350,000 for a new 24/7 EMS crew at Troutville, and various CIP funding options.

Mr. Williamson then reviewed the three budget funding scenarios. He stated that the elderly/disabled tax relief calculation figure (\$75,000) is a revised number based on information from the Commissioner of the Revenue. He noted that the Board has until June 30 to decide on a tax rate for wind farms which had an advertised rate of \$1.80. Mr. Williamson stated that the FY 17 school budget which was approved two weeks ago is \$150,000 less than the advertised figure.

Mr. Williamson stated that the need for an 81¢ real estate tax rate has diminished and funding scenario #2 will “get us reasonably where we need to be” but the funding is “light” on community and infrastructure improvements.

Mr. Williamson then made a motion to adopt the following resolutions to approve the 2016 tax rate and FY 16-17 County budget.

WHEREAS, the County proposed tax levy was duly advertised and a public hearing was held on April 26, 2016, in accordance with the Code of Virginia;

NOW, THEREFORE, BE IT RESOLVED, that the tax rates per \$100 of assessed value for tax year 2016 are set as follows:

Personal Property	\$2.71
Machinery & Tools	\$1.80
Public Utilities	\$0.79
Mobile Homes	\$0.79
Real Estate	\$0.79
Motor Homes	\$2.71

WHEREAS, the County proposed budget was duly advertised and a public hearing was held on April 26, 2016, in accordance with the Code of Virginia;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County budget for Fiscal Year 2016-2017 is:

Revenues:

General Fund Revenues:	
Local	48,131,397
State	10,792,634
Federal	880,000
<i>Total General Fund Revenues</i>	59,804,031
School Fund Revenues:	
Other	1,465,891

State	24,617,359
Federal	40,000
Self-Sustaining Funds	3,222,839
School Nutrition Fund	1,730,134
Textbook Funds	1,175,000
Capital Reserve Fund	507,000
<i>Total School Fund Revenues</i>	<u>32,758,223</u>
Total Revenues	92,562,254
<u>Expenditures:</u>	
General Fund Expenditures:	
Operations as detailed below*	30,581,067
Capital Projects	1,493,000
<i>Total General Fund Expenditures</i>	32,074,067
Debt Fund Expenditures:	
County/VPSA Fund	2,637,130
School Literary Fund	736,335
<i>Total Debt Fund Expenditures</i>	3,373,465
Contingency	157,217
School Operating Fund Expenditures:	<u>56,957,505</u>
Total Expenditures	92,562,254
<u>* OPERATIONS DETAIL:</u>	
BOARD OF SUPERVISORS	225,411
COUNTY ADMINISTRATOR	382,299
DEPUTY ADMINISTRATOR	342,937
COMMISSIONER OF REVENUE	403,211
TREASURER	475,608
FINANCIAL SERVICES	351,250
TECHNOLOGY SERVICES	913,277
CENTRAL PURCHASING	94,645
CENTRAL GARAGE	85,036
ELECTORAL BOARD/REGISTRAR	317,357
CIRCUIT COURT	67,796
GENERAL DISTRICT COURT	31,123
MAGISTRATE	997
CLERK OF CIRCUIT COURT	640,364
COMMONWEALTH'S ATTORNEY	763,158
SHERIFF	4,839,149
DISPATCH	841,023
VOLUNTEER FIRE & RESCUE	1,286,756
CORRECTION & DETENTION	4,102,823
JUVENILE DETENTION CENTER	90,000
PROBATION OFFICE	4,352
COMMUNITY DEVELOPMENT	831,001
ANIMAL CONTROL	510,178
FIRE & EMS	3,523,318
EMERGENCY COMMUNICATIONS	296,371
GENERAL SERVICES	337,105
DIVISION OF WASTE MANAGEMENT	733,827
MAINT. OF BUILDINGS & GROUNDS	858,093
LOCAL HEALTH DEPARTMENT	329,252
MENTAL HEALTH SERVICES BOARD	38,743
CHILDREN'S SERVICES ACT (CSA)	1,243,890
TOTAL ACTION FOR PROGRESS (TAP)	1,000
BRAIN INJURY SERVICES	2,500
CHILD HEALTH INVESTMENT PART. (CHIP)	2,000
ROANOKE ARFEA MINISTRIES	1,000
BOTETOURT RESOURCE CENTER	10,000
LEAGUE OF OLDER AMERICANS	11,000

DABNEY S. LANCASTER COMM. COLLEGE	2,140
DABNEY S. LANCASTER C.C. - PROMISE PROGRAM	5,000
VIRGINIA WESTERN C. C. - CCAP PROGRAM	30,000
BOTETOURT COUNTY FFA ALUMNI	1,000
PARKS & RECREATION	1,302,835
BOTETOURT SPORTS COMPLEX	485,162
VAN PROGRAM	73,292
ROANOKE VALLEY TRANS. PLANNING ORG.	2,686
ROANOKE VALLEY CONV./VISITORS BUREAU	140,705
ROANOKE VALLEY GREENWAY COMM.	14,475
ROANOKE REGIONAL SMALL BUS. DEV. CENTER	1,000
ROANOKE CHAMBER OF COMMERCE	3,500
BOTETOURT COUNTY MUSEUM/HIST. SOCIETY	9,000
LIBRARY	1,132,065
ECONOMIC DEVELOPMENT	199,699
TOURISM/MARKETING	298,135
PLANNING DISTRICT COMMISSION	30,160
ECONOMIC DEVELOPMENT PARTNERSHIP	72,842
BOTETOURT CO. CHAMBER OF COMM.	4,500
ATTIC PRODUCTIONS	7,000
STANDING ROOM ONLY	7,000
WESTERN VA. EMS COUNCIL	7,141
ENVIRONMENTAL MANAGEMENT	19,155
COOPERATIVE EXTENSION PROGRAM	62,641
SALARY ADJUSTMENTS	75,000
WELLNESS PROGRAM	50,000
REVENUE REFUNDS	150,000
SOCIAL SERVICES	<u>1,407,084</u>
 GENERAL FUND EXPEND. - OPERATIONS	 30,581,067

Mr. Martin stated it is no secret that he opposes the proposed tax increase and he believes that this proposed tax increase will take away some of the incentives for people to locate in Botetourt County. He noted that many people move here because the taxes are low. Mr. Martin stated that he is aware that the County has a problem with the schools and he agrees that a solution is needed but it should not be a burden on the taxpayers.

Mr. Martin stated that he knows that he is outnumbered in this issue and is afraid that there are some citizens that will not be able to live with these higher taxes.

Mr. Dodson stated that raising taxes is never an easy decision but not increasing taxes when there are many problems/issues that need to be addressed is a bigger problem. Mr. Dodson stated that every item included in the proposed budget affects the County's citizens/businesses. He stated that, if we want to cut the budget, we have to look at what we are cutting. Mr. Dodson stated that each member of the Board has reviewed the budget in detail and noted that the staff began their work to compile all of the budget data before January 1, 2016. He noted that staff even met with Mr. Martin individually for several hours to review the budget and answer his questions.

Mr. Dodson stated that Mr. Larry Ceola mentioned "fiscal responsibility" in his comments earlier this afternoon. He noted that the definition of fiscal responsibility means that debt is decreasing and this is true for the County; however, we have debt that will be incurred in the near future including a new school that has to be constructed. He noted that the County needs to look at the future in deciding on its budget.

Mr. Dodson stated that another definition of fiscal responsibility is that the debt ratio is on target and sustainable. He noted that the County's debt ratio is very good according to our auditors and we are 102 in Virginia in the amount of debt compared our population. He further stated that another definition is that the economy is strong and the budget is balanced. Mr.

Dodson stated that this region's economy is getting better and hopefully soon the County will receive some additional good economic development news. He noted that the County has not had a balanced budget for six of the past eight years as the Board has had to use Undesignated Fund Balance monies to balance the budget. Mr. Dodson stated that the County cannot continue to use these Undesignated Fund monies as it is bad fiscal policy.

Mr. Dodson stated that the County has to bridge the gap now and this is what the proposed budget will do.

Mr. Leffel stated that he has lived in the County his entire life and he feels deeply for the County. He stated that this means tomorrow, not today and not yesterday. Mr. Leffel noted that the County has an aging population; we need young people. He stated that this is fixed by creating economic development opportunities to allow young people to have a reason to return to the County to live and work. He stated that the County also needs to give the children the best education possible so they can compete for jobs.

Mr. Leffel stated that he feels that the Board is doing the right thing and he is willing to take the criticism to make the County the best we can be for tomorrow but it will take money to do so. Mr. Leffel stated that he appreciates everyone's concerns and their participation in democracy but this is what he thinks regarding this issue.

There being no further discussion, Mr. Williamson's motion was approved by the following recorded vote. (Resolution Number 16-05-10)

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

NAYS: Mr. Martin

ABSENT: None

ABSTAINING: None

Mr. Larrowe then read a press release from the Governor's Office announcing the location of Ballast Point Brewing and Spirits' East Coast brewing operation in Botetourt County. He noted that the company will invest \$48 million and create 178 new manufacturing and retail operations jobs at the Lawrence Companies building in Botetourt Center at Greenfield.

Mr. Larrowe stated that the company began operations in 1996 and their product is distributed globally and in nearly all 50 states. He noted that representatives of Lawrence Companies were critical in the success of this announcement.

Mr. Larrowe further noted that the Roanoke Regional Partnership and the Virginia Economic Development Partnership estimate that there will be \$376 million in regional economic impact from this project. He stated that the project has been awarded \$2.4 million from the Commonwealth's Opportunity Fund and the company will also be eligible to receive a \$250,000 grant from the Agriculture and Forestry Industries Development Fund through the Department of Agriculture and Consumer Services. He stated that the project is eligible for \$1.402 million in tax incentives, including \$650,000 from the Botetourt Opportunity Fund.

After discussion, Mr. Larrowe stated that this is an extraordinary opportunity for the County to attract younger people and generate more investment in the community. He noted that so far in 2016, Arkay Packaging has announced the hiring of 50 additional employees, Eldor Corporation will create 350 new jobs, the Virginia Community College System's shared services facility will create 200 new jobs, and 178 new jobs are planned from the Ballast Point project.

Mr. Larrowe stated that he appreciated the hard work by the Board of Supervisors, the Economic Development Authority, the Roanoke Regional Partnership, VEDP, and County staff to bring Ballast Point to the County. He then congratulated the Board.

Mr. Leffel thanked Mr. Larrowe for making this announcement and stated that none of this could have come to fruition without Mr. Larrowe's hard work and relentless efforts in dealing with the State to secure this company's location.

Mr. Kevin Hamm, Maintenance Operations Manager with the Virginia Department of Transportation, was then present to review VDoT's monthly report. Mr. Hamm stated that the Exit 150 project is going smoothly.

After questioning by Mr. Dodson, Mr. Hamm stated that he is not sure if the Route 11 traffic lanes will be realigned later today but he will check and inform the Board members of this schedule.

Mr. Hamm stated that work to rehabilitate the I-81 bridge across the James River near Buchanan has begun. He noted that work under the bridge will be done during the day and work on the upper/roadway portion will be done at night. Mr. Hamm stated that he has talked to the contractor on the 779/672 project and they have tightened the work schedule and now believe that the project will be finished by the end of August or early September.

Dr. Scothorn stated that he has been informed that there have been a few traffic accidents in the Catawba/Etzler Road area over the past few months.

Mr. Hamm stated that the box culvert replacement on Indian Rock Road is almost complete and should be finished in early June and the culvert replacement project on Roaring Run Road should be complete in late June.

Mr. Hamm stated that the bridge replacement project on Route 779 beyond the landfill will necessitate the closure of the roadway for 12 days beginning in the middle of June. Mr. Hamm stated that VDoT staff has had some discussions with residents about the length of the road closure and the long detour that will be put in place and their construction staff have discussed options with one family that is having a large gathering during the closure period.

Mr. Hamm stated that the Route 615 bridge replacement project should be complete in the next week or two. He noted that seven private entrance and utility permits have been issued over the past month. Mr. Hamm further noted that VDoT and their subcontractors have completed mowing of all primary roads in the County and will begin mowing of the secondary system roadways this week. He stated that the pipe replacement projects on Archway Road, Timber Ridge, Long Run Road, and Hayden Loop have been completed.

Mr. Hamm then reviewed VDoT's summer paving schedules. He noted that \$2.4 million in plant mix will be placed on various County primary and secondary routes this summer, including some project's from 2015 such as paving Route 11 from the Troutville town limits to Darby Road. He stated that \$90,000 in slurry sealing has been completed on several roadways and \$600,000 in surface treatment projects are planned for this year.

Mr. Williamson stated that the recent heavy rains have again washed out Trevey Road and there are numerous potholes. He questioned if unpaved road funds could be used to pave this road to keep VDoT from having to repair the gravel roadway after heavy rains.

After discussion by Mr. Williamson regarding combining the right-hand turn lanes on Route 220 northbound from Advanced Auto to Valley Road into one continuous turning lane, Mr. Hamm stated that VDoT is still considering their options on this request. He noted that they

may be able to use operational funds to widen the turning lane versus combining the deceleration lanes.

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

A work session on the FY 17 – 22 Secondary System Six Year Plan was then held. Mr. Brian Blevins, VDoT's Area Land Use Engineer, stated that the Plan lists that Catawba Road project as priority 0 as it is expected to be completed this fall. He noted that priority 1 is the Glebe Road reconstruction project; priority #2 is the Buhrman Road reconstruction project; and priority #3 is the McFalls Road reconstruction project.

Mr. Blevins stated that the County is expected to have \$331,770 in the FY 17 Six Year Plan budget which includes unpaved road monies. He noted that the Buhrman Road project could be built this year; however, the completion of the necessary environmental permits is delaying this project. Mr. Blevins stated that the drainage issues along this roadway are causing delays with the permit approvals.

Mr. Blevins stated that the Commonwealth Transportation Board funds end in 2020; however, district funds will then be available. He noted that it is projected that Botetourt County would receive \$414,000 in 2021 and 2022, which will allow the County to add more road improvement projects to the Plan. He noted that reconstruction of White Church Road and Stone Coal Road could possibly be added to the Plan. Mr. Blevins stated that, if the Board members have any additional road improvement preferences, VDoT staff would be willing to consider those projects prior to the June public hearing for inclusion in the Plan.

Mr. Blevins then stated that two projects were removed from the Six Year Plan—a bridge replacement project on Springwood Road and the Springwood Road/Fincastle bypass project. He noted that the bridge replacement project was completed with maintenance funds. Mr. Blevins further noted that the Fincastle bypass project was removed as part of their cleanup process as no funding has been allocated to this project for several years. He stated that there is no longer a funding scenario for a project of this type and it would have to go through the House Bill 2 (HB2) funding application process to obtain funds.

Mr. Leffel stated that the Fincastle bypass is the second oldest requested project in the County behind improvements to Route 220 north of Eagle Rock and he would like the County and VDoT to pursue funding for this project, "no matter what route is taken to obtain" these monies.

Mr. Blevins stated that he would be glad to work with County staff to develop an HB2 funding application for this project. He noted that updated cost estimates, justifications for the project, etc., will need to be provided with the application.

Mr. Williamson stated that paving Trevey Road, which is an interconnect between Wheatland and Old Hollow Roads, or installing concrete ditch lines would save VDoT money from having to repair the roadway after heavy rains.

Mr. Blevins stated that VDoT staff can review this roadway again to see if it will qualify for the "pave in place" program but noted that the roadway is narrow and may not meet the program's qualifications.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board authorized staff to advertise the FY 17-22 Secondary System Six Year Plan and the FY 16-17 Secondary System budget for public hearing at the June 28 regular meeting. (Resolution Number 16-05-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on proposed amendments to Chapter 23. Taxation of the Botetourt County Code regarding an increase in the Transient Occupancy Tax. Mr. Jim Farmer, Director of Parks, Recreation, and Tourism, stated that as discussed last month, in November 2015 the County adopted a resolution requesting authorization from the Virginia General Assembly to increase the transient occupancy tax up to a maximum of 7% from the current 5% rate. He noted that the General Assembly and the Governor have approved this request effective July 1, 2016.

Mr. Farmer stated that other amendments to the Transient Occupancy Tax are also proposed including language for owners of short-term/vacation rentals to assess the tax on “facilities offering guest rooms rented for continuous occupancy for fewer than thirty consecutive days” and that the revenues from the collected portion of the tax over 5% be “designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau.”

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 Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board adopted the attached amendments to Chapter 23. Taxation, Article X. Transient Occupancy Tax to increase the tax rate from five (5) to seven (7) percent, effective July 1, 2016. (Resolution Number 16-05-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a School Division Capital Reserve Fund request. Mr. Tony Zerrilla, Director of Finance, stated that the School Board is requesting an amount not to exceed \$80,000 from their Major Capital Reserve Fund for consultant design costs regarding a ten-year facility assessment. Mr. Zerrilla stated that the School’s Capital Reserve Fund was established by the Supervisors in July 2008 and has a balance of \$678,094 as of April 30, 2016.

Mr. Zerrilla stated that the schools will provide an update on this facility assessment study at the June joint Supervisors/School Board meeting.

After questioning by Mr. Dodson, Mr. Zerrilla stated that this funding is for a ten-year school facility assessment and not for the School Efficiency Study completed last year.

Mr. Martin stated that \$80,000 for a study seems somewhat excessive to him. He noted that the School Board has been scrutinized for the costs of some of their recent studies and questioned if an advertising/bidding process for this study was implemented.

Mr. Zerrilla stated that he was of the opinion that the school system had followed the required proposal submission process in obtaining bids for this study.

Mr. Martin stated that this seems like a lot of money for a study.

After discussion, Mr. Williamson stated that he believes that most of the work on the study has been completed and noted that there is currently \$678,000 in the School Capital Reserve Fund.

After questioning by Mr. Williamson, Mr. Zerrilla stated that this request is to utilize up to \$80,000 from the Capital Reserve Fund to pay for this facility study; this is not a request to transfer monies into the Fund.

There being no further discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request from the School division to access the School Project Capital Reserve Fund for an amount not to exceed \$80,000 to provide funding to cover design costs for a ten-year facility assessment study. (Resolution Number 16-05-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on proposed amendments to Chapter 25. Zoning of the Botetourt County Code regarding short-term vacation rentals, timelines, processing of requests, enforcement, etc. Mrs. Nicole Pendleton, Planning Manager, stated that at a joint Supervisors/Planning Commission work session on April 11, the staff gave a presentation on proposed Zoning Ordinance text amendments.

She noted that minor changes have been made to the proposed ordinance amendments since that time, including that access to short-term rental properties shall be acceptable to the Fire/EMS Chief. She noted that these uses require an SEP so site access issues will be an item for consideration during the review/approval process. Mrs. Pendleton stated that further amendments were made to clarify various timelines and procedures regarding zoning map and Zoning Ordinance amendments, Comprehensive Plan amendments, rezoning and special exceptions permit requests including SEPs for cell towers to bring the ordinance into compliance with State and federal regulations, and minor changes to some definitions.

Mrs. Pendleton further stated that these amendments also include technical changes pertaining to the adoption a few years ago of a Research and Advanced Manufacturing Use District. She noted that when the RAM district was approved it was omitted from the listing of established zoning districts, as well as the sign regulations, parking, and site plan review requirements. Mrs. Pendleton stated that the proposed amendments also include new procedures to allow the collection of civil penalties by the County for certain types of zoning violations, establishes procedures and fees for the implementation of these penalties, and grants the Zoning Administrator the authority to revoke permits if the owner/applicant is in violation of the ordinance's provisions.

Mrs. Pendleton stated that the staff is also proposing amendments to the Zoning and Subdivision Ordinance Fee Schedule to include an application fee for a short-term rental permit and updates to other departmental/permit fees which have not been amended since 2005. She noted that approval of the revised fee schedule is by resolution of the Board.

Mrs. Pendleton stated that staff is also requesting that Section 25-581.2 (a) Zoning ordinance text amendment—owner-initiated be amended to now state that, "The owner or the agent of the owner of any parcel of real property, or any other resident of the County, may file a petition for a change in the text of the zoning ordinance." She noted that this amended language would allow any resident of the County, not just a property owner or his agent, to file a text amendment request with the Zoning Administrator.

After questioning by Mr. Williamson, Mrs. Pendleton stated that this proposed amendment would not change the current process whereby a citizen has to first submit a text amendment request to the Board of Supervisors who then determine whether the matter should be forwarded to the Planning Commission for consideration/public hearing.

Mrs. Pendleton noted that the County Attorney had also suggested that the third sentence of subsection (d) (4) of Section 25-583.1 Special exceptions subject to the Telecommunications Act of 1996, be replaced with the following language, "The time limitations set forth in subsections (e) and (f) shall be tolled during the period between the date the zoning administrator gives written notice and the date such information is received."

After questioning by Mr. Williamson, Mrs. Pendleton stated that staff revisions regarding review of the SEP application by the Chief of Fire/EMS to ascertain whether adequate access to short-term rental properties is provided for emergency services vehicles, addressing the potential for storage of recreational vehicles rather than prohibit the storage at an RV park, and provisions regarding sewage disposal at RV parks, were reviewed with the Planning Commission at their hearing earlier this month.

Mr. James Morris of Troutville then suggested that the Board take into consideration the impact of these fees during neighborhood land use disagreements.

After questioning by Mr. Martin, Mr. Morris stated that disagreements between neighbors pertaining to technicalities of the Zoning Ordinance should be considered in implementing these ordinance provisions.

Mr. Williamson stated that he does not believe that there are any provisions in the ordinance regarding this aspect of neighbor disputes other than the ability of the County to impose civil penalties.

After questioning by Mr. Williamson, Mrs. Pendleton stated that the imposition of civil penalties by her office may be appealed to the Circuit Court.

After questioning by Mr. Leffel, 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. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the attached amendments to Chapter 25. Zoning of the Botetourt County Code regarding the process and procedure timelines related to zoning requests as they are consistent with the Comprehensive Plan and the purposes and intent of the Zoning Ordinance. (Resolution Number 16-05-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Dodson, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the attached amendments to Chapter 25. Zoning of the Botetourt County Code regarding the Research and Advanced Manufacturing (RAM) Use District as they are consistent with the Comprehensive Plan and the purposes and intent of the Zoning Ordinance. (Resolution Number 16-05-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the attached amendments to Chapter 25. Zoning of the Botetourt County Code regarding civil penalties as it has been determined that they are consistent with the Comprehensive Plan and the purposes and intent of the Zoning Ordinance. (Resolution Number 16-05-16)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Dodson, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the attached amendments to Chapter 25. Zoning of the Botetourt County Code regarding short-term rental regulations as they are consistent with the Comprehensive Plan and the purposes and intent of the Zoning Ordinance. (Resolution Number 16-05-17)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a revised Zoning and Subdivision Fee Schedule.

It was noted that this chart includes a fee for the new short-term rental permit, incorporates fees for public hearing land use applications which currently have no fee but incur advertising costs, and adjusts/increases fees to better reflect the amount of staff resources needed to process each type of application.

There being no discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board adopted the attached Zoning and Subdivision Fee Schedule effective immediately. (Resolution Number 16-05-18)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a request for Library Incentive Fund monies for a project at the Eagle Rock Library. Mr. Steve Vest, Library Director, and Mr. Michael Hibben, Eagle Rock Branch Librarian, were present to speak regarding this request.

Mr. Vest stated that the Friends of the Eagle Rock Library would like to use Library Incentive Fund monies to create a self-service coffee and tea area in the Eagle Rock Library. He noted that this application has been reviewed and approved by the Library Board of Trustees.

Mr. Hibben noted that a detailed report on this proposal was included in the Board's information packets. He noted that the Friends of the Library are requesting \$2,000 in matching monies from the Incentive Fund for this project. He noted that the coffee and tea area is proposed to be located in the space that now houses their local history collection and two public access computers. He noted that the local history materials and the two computers will be relocated within the library.

Mr. Hibben stated that the Eagle Rock Library is six years old and they want to continue innovating and recreating the library for use by their patrons. He noted that offering coffee and tea in libraries "is not a new thing" as the South Roanoke County Library off of Merriman Road

and the new Vinton Library both have coffee franchises (Mill Mountain Coffee and Land of a Thousand Hills Coffee) in their facilities.

Mr. Hibben stated that they are proposing a Keurig coffee machine, a mini-fridge, more comfortable furniture for this area, and replacement of the carpet with wood laminate flooring. He noted that it is 19 miles one way to the nearest coffee shop from the Eagle Rock area. Mr. Hibben stated that offering coffee/tea would be another reason for citizens to visit the library. He noted that “we need to change the way we do things to make the library more viable” and usable for the citizens.

He stated that the Friends of the Eagle Rock Library will pay one-half of the cost of this project.

After questioning by Mr. Martin, Mr. Hibben stated that the Eagle Rock Library averages 75 – 100 visitors per day

After further questioning by Mr. Martin regarding the Library’s policy of no food or beverages in the building, Mr. Vest stated that the coffee/tea area would be in a contained section away from the main library operations. Mr. Vest stated that he believes that this project will bring additional citizens to the Library.

Dr. Scothorn commended Mr. Hibben for a fantastic job on this Library Incentive Fund proposal. Dr. Scothorn stated that he would like to see information on whether the Library’s yearly attendance figures increase after this coffee/tea area becomes operational. Dr. Scothorn stated that he hopes that there is a plan for covering the cost of supplies once the service is ongoing.

After questioning by Mr. Dodson, Mr. Hibben stated that they hope to make this a self-sustaining operation as there will be a donation box located next to the coffee pot which will be used to pay for coffee, cups, creamer, etc.

Mr. Dodson stated that this is a great project for the recently created Library Incentive Fund and he would also like to see the whether the facility’s patronage increases over the next year.

After questioning by Mr. Martin, Mr. Hibben stated that he talked to the staff at the South County Library and they do allow food/coffee in the library. Mr. Hibben noted that, if spills become an issue in the Eagle Rock Library, he will implement a rule that food and drink would only be allowed in the coffee area which would have laminate wood flooring.

Mr. Leffel stated that Mr. Hibben does a fantastic job for the County at the Eagle Rock Library and he thanked Mr. Hibben for his efforts and for this self-service coffee/tea area project.

There being no further discussion, on motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the application from the Friends of the Eagle Rock Library to create a self-service coffee and tea area at the Eagle Rock Library and authorized the expenditure of up to \$2,000 in matching funds from the Library Incentive Fund for this project. (Resolution Number 16-05-19)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Public hearing was then held on proposed amendments to Chapter 23. Taxation of the Botetourt County Code regarding real estate tax exemptions for elderly and disabled persons. Mr. Tony Zerrilla, Director of Finance, stated that, during the FY 17 budget development pro-

cess, the General Fund Budget Subcommittee suggested that the tax exemption guidelines for elderly and disabled persons be reconsidered. He noted that these guidelines provide tax relief for qualified persons based on parameters including exempt income, net combined financial worth, and exempt tax relief percentages based on income tiers.

He stated that the proposed changes include increasing the maximum income level from \$40,000 to \$50,000, increasing the minimum income qualification level for a 90% tax exemption from \$20,000 or less to \$27,500 or less, increasing the allowed acreage exemption from 1.25 acres to 2.0 acres, increasing the net combined financial net worth from \$175,000 to \$185,000, increasing the income exemption of each relative living in the home from \$7,500 to \$8,500, and changing various tax exemption percentages based on certain income levels.

Mr. Zerrilla stated that, based upon feedback from the Commissioner of the Revenue, the increase in the acreage exemption from 1.25 acres to 2.0 acres has a nominal impact on the calculation of tax relief.

Mr. Zerrilla stated that staff recommends that the Board conduct the public hearing and then adopt the amendments to the Taxation Ordinance regarding elderly and disabled persons' real estate tax exemptions.

Mrs. Margaret Bailey of Zimmerman Road stated that she is opposed to raising taxes whether relief is provided or not. She stated that taxes are currently high enough and the formula and income exemption figures to qualify for this tax relief program are cumbersome. Mrs. Bailey stated that these proposed amendments would likely not help to reduce the County taxes that she pays.

Mrs. Bailey stated that she is on a fixed income and any increases in her expenses are difficult as she has not had a cost of living increase in two years. Mrs. Bailey stated that her home and land do not increase her income. Mrs. Bailey stated that she may be forced to move out of the County because of higher taxes. She suggested that the County freeze the tax rates for citizens once they reach 65 years of age or have disabilities. Mrs. Bailey stated that the County's taxes continue to escalate year after year and asked that the Board provide "real and fair tax relief for the elderly and disabled."

Mr. Williamson stated that the proposed ordinance amendments would increase the combined financial net worth from \$175,000 to \$185,000 which excludes the value of the property owner's house and two acres of land. He noted that the value of the house does not impact the net worth calculation.

Mr. Dodson encouraged Mrs. Bailey and other elderly/disabled residents to talk to the Commissioner of the Revenue to see if they qualify for this tax exemption.

Ms. Joanne Monday of Archway Road thanked the Board for considering revising these exemption figures. She stated that this is really needed as the County's elderly and disabled citizens "are having a hard time." Ms. Monday stated that she is the sole revenue contributor in her home. Ms. Monday stated that she has not participated in any government assistance programs and does not want to be as she prefers to "pull her own weight."

Ms. Monday stated that she is concerned about taking any sort of assets into consideration to qualify for these tax exemptions as it penalizes people who have saved their entire lives. She stated that there should be a reward for people who have been responsible citizens and saved their assets and exemptions should only be allowed for income and not on any type of assets.

Ms. Monday stated that, as taxes increase, the elderly on fixed incomes will have to sell their homes and move. She stated that citizens' assets should be used to pay for personal expenses and health costs. She noted that some individuals own land; however, it may not be able to be divided and sold for income to help pay taxes. Ms. Monday stated that she has not had a child in the County's school system for 28 years. She asked that the Board please consider helping the elderly.

Ms. Peggy Pearson of Webster Heights Road stated that she "does not understand permanent increases in the real estate tax rate to solve a temporary tax revenue problem;" however, she feels that the Board is offering some relief for the elderly with these proposed income and net worth exemption increases. Ms. Pearson stated that there are some residents that "fall through the cracks" in these guidelines.

After questioning by Mr. Williamson, Ms. Pearson stated that she has three acres of land. Mr. Williamson stated that Ms. Pearson's house and two acres of land may qualify as a tax exemption under these proposed guidelines and he encouraged her to contact the Commissioner of the Revenue to see if she meets the other parameters to obtain this tax exemption.

Ms. Pearson requested that the Board pass some decent tax relief provisions for the elderly and disabled. She noted that the County has a high number of these types of residents compared to other area localities. Ms. Pearson stated that "revenues should be generated by the businesses, not the elderly."

Mrs. Beverly Lottermoser of Grimes Street stated that any type of financial help looks good to her in regard to paying her taxes. Mrs. Lottermoser stated that her husband passed away in January and she is 80 years old. Mrs. Lottermoser noted that she hopes to begin receiving a pension on June 1 but any funds she currently receives are from Social Security and these monies are used to pay for her car and home repairs. She stated that costs are rising and it is going to be hard on her and her finances.

Mrs. Lottermoser stated that she owes the Veterans Administration hospital over \$21,000 and the funeral home as well but she does have health insurance.

Mr. Leffel thanked Mrs. Lottermoser for taking the time and for caring enough to attend the Board meeting.

Dr. Scothorn suggested that Mrs. Lottermoser talk to the Commissioner of Revenue to see if she qualifies for any exemptions under the elderly tax relief program.

Mr. Zerrilla then stated that the County Attorney has reviewed the proposed ordinance amendments.

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

Mr. Leffel thanked the speakers for making their comments.

Mr. Williamson noted, if these proposed amendments are adopted, the application filing deadline for these exemptions has been extended to July 1. He noted that there seems to be some confusion regarding qualifications to obtain these tax exemptions. Mr. Williamson stated that an elderly/disabled resident's home and two acres are not included in the net worth qualification calculations for this program. He suggested that the County's elderly/disabled citizens contact the Commissioner of Revenue to see if they qualify for this tax relief program.

Mr. Dodson agreed with Mr. Williamson's comment encouraging the elderly/disabled residents to contact the Commissioner to determine if they qualify for this program.

Mr. Martin stated that his heart goes out to those ladies who spoke today. He noted that it is tough out there and household revenues decrease with the loss of a spouse. Mr. Martin stated that, if there is any way that he can be of assistance, he would be glad to meet with them to discuss this program.

There being no further discussion, on motion by Mr. Dodson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board adopted the attached amendments to Chapter 23. Taxation of the Botetourt County Code regarding real estate tax exemptions for elderly and disabled persons. (Resolution Number 16-05-20)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on amendments to the Salem trash transfer station contract. Mr. Kevin Shearer, Director of General Services, stated that the County has had a Solid Waste Disposal Agreement with the City of Salem since January 1, 2008, to accept the County's residential and commercial trash. He noted that this agreement expires on June 30, 2016, and the staff has been meeting with Salem staff to negotiate a three year extension to this agreement.

He stated that the tipping fees are proposed to remain the same along with Salem's surcharge to accept the waste (\$3.50 per ton). Mr. Shearer stated that the current and proposed agreements have been included in the Board's information packets. He noted that the amended agreement has been reviewed and approved by both the County's and Salem's attorneys.

Mr. Shearer further stated that the contract extension would be from June 30, 2016 through June 30, 2019. He noted that Salem has considered joining the Roanoke Valley Resource Authority and there is a provision in the agreement that the City may assign this agreement to the Authority without Botetourt County's consent.

Mr. Shearer stated that there is no change proposed in the current fee structure and staff recommends that the Board approve this contract extension.

After questioning by Mr. Martin, Mr. Shearer stated that there are no changes proposed to the tipping fee structure including the City's current surcharge amount (\$3.50 per ton).

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 three-year contract extension to the Solid Waste Disposal Agreement with the City of Salem as discussed and authorized the County Administrator to sign the agreement on the Board's behalf. (Resolution Number 16-05-21)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on amendments to the County's Personnel Policy Manual. Mr. David Moorman, Deputy County Administrator, stated that these amendments are recommended by the Human Resources staff to clarify the employee drug and alcohol abuse program's policy to encourage employees who have a substance abuse problem to voluntarily notify the County Administrator's Office.

He noted that these amendments are to inform employees that the County will help them work through their substance abuse issues without disciplinary action if the employee voluntarily notifies the County. Mr. Moorman stated that self-disclosure of drug/alcohol abuse by an employee is handled differently than if the abuse is discovered during the County's drug screening program. He noted that the screening program is handled by an independent firm.

After questioning by Mr. Martin, Mr. Moorman stated that, if an employee voluntarily admits to a drug/alcohol problem, the County offers to partner with that person to get treatment, support, encouragement, and assistance. After further questioning by Mr. Martin, Mr. Moorman stated that the implementation of these policy amendments will be communicated to the employees, their department heads, and managers.

Mr. Moorman stated that the County had not had many problems over the years with employees who abuse drugs and alcohol.

After questioning by Mr. Williamson, Mr. Moorman stated that, if there is an accident involving an employee, there is a post-accident drug screening test which is required to ensure that the employee did not have drugs or alcohol in his system that could have caused the accident. After further questioning, Mr. Moorman stated that the employee is directed to have a drug test with 24 hours of the accident in this situation.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the attached amendments to the County's Personnel Policy Manual which clarify the employee drug and alcohol abuse program. (Resolution Number 16-05-22)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Dodson, seconded by Mr. Martin, and carried by the following recorded vote, the Board, in lieu of today's economic development announcement, authorized the Chairman to sign the performance agreement with Ballast Point Brewing and Spirits for their facility location in Botetourt Center at Greenfield. (Resolution 16-05-23)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Williamson stated that, in the interests of full disclosure, he serves of the Board of Directors of Lawrence Companies which owns the building that Ballast Point is locating to. Mr. Williamson stated that Lawrence is an employee stock ownership plan company; however, he has no financial interest in the company.

Mr. Dodson then stated that the Parks and Recreation Commission met on May 5 and discussed several upcoming programs and events including the Fishing Carnival in Buchanan on June 4. He noted that a pamphlet, paid for by Camp Bethel, has also been created listing the various summer camps and clinics that are available.

Mr. Dodson stated that he has also received many comments from citizens about the closure of the Greenfield walking trails due to the Eldor construction project. Mr. Dodson stated that he understands that the trails should be reopened in approximately 45 days after the grading/blasting work is completed.

Mr. Dodson then noted that he recently attended an open house at The Learning Barn which is a facility for home-schooled students that offers STEM-H classes based on agriculture-related topics. He noted that the school's middle- and high-school aged students are attending a competition this week in New Orleans on wind-energy projects.

Dr. Scothorn stated that he recently talked to a Columbia University student who did a class report on the Apex wind facility.

Mr. Leffel stated that the Board of Social Services appointments would be tabled until the June regular meeting.

Mr. Leffel then stated that Mr. Williamson put a lot of work into the preparation of the FY 17 County budget and he appreciates Mr. Williamson's leadership on the Budget Subcommittee. Mr. Leffel stated that it has been a pleasure to work with him on this project.

Mr. Williamson also thanked Mr. Leffel for his work on preparing the budget.

The Chairman then called for a 10 minute break at 4:12 P. M.

The Chairman called the meeting back to order at 4:35 P. M.

Mr. David Moorman, Deputy County Administrator, stated that, at the request of Mr. Williamson several months ago, staff members from the Community Development Office are present to conduct an informational work session on trends, stormwater, and regulatory issues currently being handled by their departments.

He noted that the Board adopted a new stormwater ordinance in 2014 and an illicit discharge ordinance late last year as well as new permit and penalty fees, of which, the County is required to remit a certain percentage of the fees to the Virginia Department of Environmental Quality (DEQ).

Mr. Moorman stated that David Givens, Development Services Manager; Jeff Scott, Building Official; and Nicole Pendleton, Planning Manager, will give a broad/general overview of the duties and recent activities in their office.

Mr. Givens then reviewed a listing of staff members in the Development Services Office. He noted that Mr. Scott is the Building Official, Patrick Gauldin is the Erosion and Sediment Control Administrator, Brandon King is a Combined Building Inspector, and Lesa Mabe and Stephanie Sparks are Permit Technicians.

Mr. Scott stated that he began as a Building Inspector for Franklin County in 1999 and came to work for Botetourt County in January 2015. Mr. Scott noted that he has been teaching building inspector classes since 2009. Mr. Scott stated that the purpose of the building department is to protect the health, safety, and welfare of the County's citizens and promote knowledge and training regarding building codes and standards.

Mr. Scott stated that the Virginia Building Code governs construction in the State and is the minimum code requirements that citizens/contractors have to comply with. He noted that the most recent provisions to this Code, which were effective in July 2015, include barrier-free requirements for the handicapped.

Mr. Scott noted that Lesa Mabe has worked in the Building Department for 12 years, and is very knowledgeable about the County, and Stephanie Sparks transferred to the County from Roanoke County approximately 2 years ago. Mr. Scott stated that he conducts reviews of build-

ing plans and he and Brandon King conduct building inspections. Mr. Scott noted that his department hosted a training session last year on the updated 2012 Building Code provisions which was attended by local engineers, contractors, and citizens.

Mr. Scott stated the County can now issue temporary certificates of occupancy which allow, in certain situations, businesses to operate in their new facilities prior to completion of construction. He noted that Dynax America is using this option in their recent building expansion, as is The Learning Barn, which is a new home-school facility off of Country Club Road.

Mr. Scott stated that the Building Department has improved the coordination of their work with the Planning Department on commercial projects.

After questioning by Mr. Williamson regarding how staff will handle the upcoming large construction projects for the Eldor facility and the renovation of the Lawrence Companies' building in Greenfield, Mr. Scott stated that there is the potential to out-source some of the inspections needed on these projects or hire temporary staff to handle the additional work.

Mr. Givens stated that the County current has only two building inspectors. He noted that when training and vacations impact the work schedule, the County has been able to contact Mr. Brandon Nicely, former Building Official, to help with inspections. He stated that the Department is managing as best as they can at this time but may need to hire a third-party inspector for the Eldor project.

After discussion, Mr. Moorman stated that the County has had a policy in place for some time that allows contractors on large projects, such as Eldor, to employ their own inspector. He noted that, by allowing this practice, the County does not give up any authority and it does not delay the project's progress. He noted that, in this instance, Eldor could hire/pay the qualified inspector who would submit inspection/construction reports to the County and that the County will encourage them to do so.

Mr. Givens stated that a couple of years ago the County had three building inspectors and, during the housing boom in the 1990s/early 2000s, the County had 5 – 6 inspectors.

Mr. Moorman noted that the County previously had a part-time plan reviewer on staff; however, only Mr. Scott is currently qualified to conduct plan reviews, which has caused a "bottleneck" at times. He noted that Brandon Nicely is willing to continue to help the County in the future when his personal schedule allows. He stated that the County is looking for creative/innovative solutions in these situations.

After questioning by Mr. Williamson, Mr. Givens stated that a structural engineering/architectural firm could possibly help the County conduct plan reviews; however, they would probably charge \$250/hour.

Mr. Moorman noted that the County could contact other area localities to see if they have qualified personnel who could help conduct inspections, if necessary.

Mr. Scott stated that the plans could also be reviewed by the International Code Council but it would probably be time-consuming and expensive for the County to do so.

Mr. Scott then stated that the Department has several improved areas of service including a wall bracing handout for contractors regarding new requirements introduced by the Virginia Building Code in 2006 due to heavy wind events. He noted that farm structures can now obtain an affidavit as to their use as a farm-related building. Mr. Scott stated that this allows the structure to be constructed without the scrutiny of the Building Official. He further stated that the County has also implemented a residential plan review exemption form for minor/small-scope

projects, e.g., accessory buildings less than 500 sf, finished basement without bedrooms, non-structural alterations to a residence, etc., to expedite eligible permit issuances.

Mr. Scott stated that the office's building reviews have been expanded to include additions, alternations, and accessory buildings to proactively address deficiencies such as improper design, flood plain impacts, existing construction, etc. He noted that plan reviews are completed with 3 – 10 business days to expedite the project. He further noted that the department's workload is approximately 80% residential and 20% non-residential, they have added a "drain tile" inspection program. Mr. Scott also noted that the State requires building inspections to be completed within 48 hours of receipt of request and they try to schedule next-day inspections when they can be worked into the schedule.

After questioning by Mr. Williamson, Mr. Scott stated that the County's three incorporated towns have their own Zoning Departments and they issue zoning permits for construction work within the towns. He noted that this zoning permit is brought to the Building Office by the landowner/contractor as a requirement of the building permit application process.

Mr. Givens stated that the County is also the erosion and sediment control and storm water approval authority for the towns.

After questioning by Mr. Williamson, Mrs. Pendleton stated that the town representatives contact the Planning Department for assistance on Flood Plain related questions. Mrs. Pendleton noted that she has not signed off on any flood plain issues for the towns since she was employed by the County two years ago.

Mr. Scott then stated that his department currently has 604 open building permits and 297 of those have not had an inspection in the last six months which makes them "inactive."

After questioning by Mr. Dodson, Mr. Scott stated that it is the applicant's responsibility to notify the Building Department when an inspection is needed and a permit is considered inactive when no inspections have been made for six months. After further questioning by Mr. Dodson, Mr. Scott stated that, with his workload and limited staff, he is not able to contact the owners/contractors as to why no inspections have been made in over six months. Mr. Scott noted that he would like to have this project assigned to Mr. Nicely if the budget and Mr. Nicely's schedule allows. Mr. Scott noted that the permit holders receive a listing of the required inspections when their building permit is issued.

Mr. Scott stated that his office has staffing limitations. He noted that in 2005 there were 4 staff members in the department who could do plan reviews and five that could make building inspections. He noted that in 2012 there were only three staff members each for plan reviews and inspections, in October 2014 there were only two qualified plan reviewers and inspectors and for a time prior to his (Mr. Scott) being hired, Mr. Nicely was doing all of the reviews/inspections himself. He requested that the Board look at the staffing situation in the Building Department in the future.

Mr. Scott stated that revisions are needed to the County Code regarding unsafe structures. He noted that additional language is needed regarding boarding up windows/doors to secure the building if it is unoccupied.

After discussion, Mr. Moorman noted that staff can review the State Code to see if there are any other ordinance amendments pertaining to unsafe structures that could be considered for implementation by the Board.

Mr. Scott noted that some localities have abandoned building language provisions in their codes.

He further stated that at this time of year his department also handles complaints regarding overgrown lots.

After questioning by Mr. Larrowe regarding razed buildings, Mr. Scott stated that his department handles these types of complaints as well. He noted that, if a building is on the ground, it is considered a solid waste issue.

Mr. Cody Sexton, Information Analyst, stated that there are funds in the budget to demolish unsafe structures.

After questioning by Mr. Leffel, Mr. Scott stated that, before the demolition of a building can proceed, an asbestos inspection is required. He noted that, if the County receives a call about an unsafe structure, or an inspector notices an unsafe structure while making inspections, the owner is contacted and asked what his future plans are for the building. Mr. Scott stated that, if there is no response from the owner, his department follows the unsafe structure guidelines which include notifying the landowner that they have 60 days to address the problem. He noted that, after that time, the County hires a contractor to demolish the structure and clean up the lot and files a lien for the costs against the property.

Mr. Martin then stated that, in the past, he has been contacted by citizens who have had problems obtaining permits from the County and questioned how business-friendly is the Building Department.

Mr. Scott stated that his staff is willing to help whenever necessary with plans and procedures. He noted that they also conduct consultation meetings with applicants to review the building permit application process, especially with commercial ventures. Mr. Scott stated that he believes that his office is very business-friendly.

Mr. Martin stated that he has one business in his district that is having problems that he would like to discuss with Mr. Scott at a future time.

Mr. Scott noted that some permit-related issues are due to State requirements that the County has no control over.

Mr. David Givens then presented the Board with a handout regarding stormwater/erosion and sediment control permitting procedures in the Development Services Department. Mr. Givens stated that many of the complaints received by the Department during this time of year are because of stormwater runoff coming into an individual's backyard or their basement. He noted that, unless this problem is caused by construction-related runoff, the County does not have much authority to resolve the issue.

Mr. Givens stated that Patrick Gauldin has been the County's E&S Control Administrator for approximately one year. Mr. Givens noted that when a complaint is received he and Mr. Gauldin visit the site and offer the homeowner suggestions on resolving the erosion/runoff issue.

Mr. Givens stated that new State stormwater regulations were implemented as of July 1, 2014 and localities are now required to enforce stormwater regulations. He noted that compliance with the stormwater/E&S regulations "cost the developers money but they do not see any benefit" from complying with these provisions. Mr. Givens stated that the purpose of these regulations is to keep streams clean.

He stated that, when a project's plans are submitted, staff conducts a review to ensure that the plans are in compliance with the State's and County's ordinances. He noted that commercial, industrial, and residential subdivision projects are required to submit stormwater and E&S mitigation plans. Mr. Givens stated that owners of new single family dwellings not located

in a subdivision are only required to sign an agreement in lieu of an E&S plan. He noted that there is no cost for this agreement in lieu of; however, there is a cost for the review/approval of the stormwater plans for the other types of projects. Mr. Givens further noted that a land disturbing permit is required whenever more than 10,000 sf is disturbed and a Stormwater Permit is required whenever more than an acre is disturbed or if it is located within a "common plan of development."

After questioning by Mr. Williamson, Mr. Givens stated that if less than 10,000 sf is disturbed then a land disturbing permit is not required from the County. He further stated that, if less than an acre is disturbed, a stormwater plan is still required but not a Stormwater Permit.

Mr. Givens stated that County staff completes the stormwater permit application on the Virginia Department of Environmental Quality (DEQ) website and the permit is issued electronically by DEQ's Richmond office.

After discussion, Mr. Givens stated that an E&S site inspection is required once every two weeks or after a significant rainfall (0.25" or more) to ensure that the E&S perimeter controls are functioning, the site has been seeded, etc. He noted that these inspections are to ensure that the site's E&S is contained on site and does not impact adjacent properties.

Regarding enforcement, Mr. Givens stated that, after an inspection, if there are some measures that need to be corrected, a report is written and submitted to the owner/contractor and giving them two weeks to bring the issues into compliance. He noted that, if the E&S inspector returns to the site and nothing has been corrected, the County can issue a "Notice to Comply" and then a "Stop Work Order" which shuts down the project until the violations have been corrected. Mr. Givens noted that the staff try to work with the owner/contractor to bring the site into compliance.

Mr. Givens stated that, once the project is completed, there is still long-term maintenance required on the stormwater infrastructure. He noted that this infrastructure is inspected once a year to ensure continued compliance with the appropriate regulations.

Mr. Givens then stated that the southern part of the County has been designated as an MS4 (Municipal Separate Storm Sewer System) area since 2003. He noted that this area has a long list of additional requirements that the County has to ensure compliance with including TMDL (Total Maximum Daily Load) action plans for the Roanoke River basin. He noted that TMDL describes a value of the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards.

After questioning by Mr. Williamson, Mr. Givens stated that the MS4 area includes north on Route 220 to Greenfield, down Route 779 to Etzler Road, Cloverdale down to the Roanoke County line, Route 11 up to and including the Town of Troutville, and east on Route 460 to Laymantown Road.

After questioning by Mr. Williamson regarding stormwater management ponds capacity/release rates, Mr. Givens stated that these calculations have been revised and now include the capacity to handle a two, 10, 25, and 100 year storm event. He noted that the facility has to handle 2 and 10 year storm events and provide capacity in the emergency spillway to handle a 100 year storm event.

Mr. Givens stated that the purpose of these regulations is to decrease the amount of sediment leaving the site.

After questioning by Mr. Leffel, Mr. Givens stated that agricultural uses are exempt from compliance with the stormwater regulations. He noted that there are Farm Service Agency and

other programs that encourage farmers to fence livestock out of streams to reduce erosion but compliance with these regulations is not mandatory at this time.

After further questioning by Mr. Leffel, Mr. Givens stated that intense agricultural waste operations such as a dairy farm would have to be inspected by DEQ. He noted that Dynax America has their own industrial pre-treatment program which treats their used water/sewage prior to it being sent to the Roanoke Regional Sewage Treatment Plant.

After discussion, Mr. Givens stated that, as the County continues to develop and the Board's vision of infill development is realized, these stormwater regulations will become more of an issue for everyone because the costs will increase. He noted that, on some sites, an underground stormwater detention basin, which is expensive, may have to be installed due to above-ground space concerns.

Mr. Givens stated that stormwater and E&S complaints may increase in the future and the Board should direct these citizens to the Community Development Office for information. He noted that they will work with the citizens when possible but there is less flexibility in these new State regulations. Mr. Givens stated that a majority of the drainage-related complaints are neighbor versus neighbor.

After questioning by Mr. Dodson, Mr. Givens stated that the Department has been able to keep on top of the required E&S inspections and paperwork since the new regulations were put into effect. He noted that hiring Mr. Gauldin has been a great help in this process.

After further questioning by Mr. Dodson, Mr. Givens stated that he believes that currently and in the near future the staff will be able to keep up with the program's permitting and inspection requirements.

After questioning by Mr. Dodson, Mr. Moorman stated that the current fee structures for the stormwater/E&S program do not make the Community Development Department self-supporting. He further stated that, at one time, the Building Department was self-supporting but no longer as the County's building permit fees have not be upgraded in several years.

After discussion by Mr. Dodson, Mr. Givens stated that the staff can review the various building-related fee schedules during the FY 17-18 budget process or it can be done earlier if necessary.

Mr. Dodson stated that he believes that the County should be reviewing these fees frequently.

Mr. Martin stated that the County does have a customer-friendly Planning/Zoning Office staff.

Mr. Williamson stated that he has been on the Board of Supervisors for 2½ years and he has been pleased with the low level of complaints received about the Building/Planning offices. He noted that the number of complaints that he has received has decreased over the past few years.

Mr. Lockaby, County Attorney, then gave a presentation regarding new legislation pertaining to proffered conditions on residential rezonings that go into effect on July 1, 2016.

He explained the difference between a "special exception permit" and a "proffered condition," and how proffered conditions are voluntary on the part of the rezoning applicant. He further explained that the new legislation prohibits a locality from accepting an "unreasonable condition." Mr. Lockaby stated that the legislation establishes evidentiary presumptions in litigation that are adverse to local governments, and redefines the term "unreasonable" from its previous definition used in State law.

Mr. Lockaby then discussed certain changes in the processing and consideration of rezoning requests that include proffers that he recommends in order to minimize litigation risks. He stated that further training and information would be given if and when rezonings come to the Board in the future.

After questioning by Mr. Williamson, Mr. Lockaby stated that “arbitrary and capricious” is no longer the definition of unreasonable. He noted that it is up to the County to determine if it is unreasonable or not.

Mrs. Pendleton then stated that the staff is conducting a work session with the Planning Commission on June 13 at 6PM to discuss the Planning Office’s implementation of projects associated with the Board’s strategic plan, the timeline for the upcoming Comprehensive Plan update process, housing and outreach opportunities, consultant assistance for the Exit 150 overlay project, and the department’s new Code Enforcement Officer position which will respond on a concern/complaint-basis.

Mrs. Pendleton stated that enforcement of the County’s new sign regulations is limited as her staff cannot do content-based sign enforcement.

The Board thanked Mr. Givens, Mr. Scott, and Mrs. Pendleton for their departmental presentations.

A public hearing was then held on a request in the Fincastle Magisterial District from Richard V. and Barbara J. Woodard for a Special Exception Permit for a commercial kennel to breed a maximum of fifteen adult dogs, with possible conditions, at 172 Fire Tower Lane, Eagle Rock, on the portion of the property in the Forest Conservation (FC) Use District. The 100.29-acre parcel is zoned Forest Conservation (FC) Use District and Agricultural-Rural Residential (AR) Use District. The entrance is located approximately 0.5 miles west of its intersection with Mt. Moriah Road (State Route 681), identified on the Real Property Identification Maps of Botetourt County as Section 27, Parcel 39.

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

Ms. Amanda McGee, Long-Range Planner, stated that the Woodards operate an existing, commercial kennel with 15 adult dogs on their 100 acre property south of Eagle Rock. She noted that the kennel has been operating for about 7½ years and the County received notification of this facility through a citizen’s complaint in late 2015. Ms. McGee noted that the dogs are either kept indoors or in runs.

Ms. McGee then read the definition of a commercial kennel--“An establishment for keeping, training, breeding, handling, selling, treating or boarding dogs, cats, or other household pets as a business. More than four dogs of six months or greater in age kept upon any lot or premises for a fee or compensation shall be considered a commercial kennel.”

Ms. McGee stated that a citizen had contacted staff prior to the previous public hearing with concerns about increasing the intensity of the use and its impact on the condition of the gravel road that is used to access several properties in this area. She then read the conditions proposed by the Planning Commission for this request—“No more than 15 adult dogs will be kept on the parcel at any one time, including pets; no boarding of dogs will occur on the property; and all commercial kennel operations must be confined to the Forest Conservation Use District portion of the property.”

Ms. McGee noted that three nearby property owners and one customer spoke regarding this request at the Planning Commission meeting. She noted that the property owners' comments pertained to the use and ownership of the private road, the dust generated by traffic to the kennel, and the term "commercial."

After questioning by Mr. Williamson, Ms. McGee stated that the applicant is agreeable to these conditions and suggested some of the conditions' language.

Mr. Martin stated that he visited this site with the Planning Commission members. He noted that the kennel is cleaner than many houses and the owners would like to bring the site into compliance with the County's ordinances. He noted that the applicant has stated that there will be no additional traffic or dust generated from this use than what is presently occurring.

Mr. Leffel noted that he has also visited this property.

Mrs. Barbara Woodard stated that the word "commercial" is a concern in her interpretation of the ordinance. She noted that she has been in the dog breeding business for eight years and "the dogs are their kids." Ms. Woodard stated that she also respects their neighbors' concerns about this use. She noted that they only have between 20 – 24 people visit the property regarding the breeding business each year.

Mrs. Woodard noted that a letter from Sheriff Ronnie Sprinkle had been included with her application stating that his office received no complaints regarding traffic or noise issues pertaining to this business during the past eight years. Mrs. Woodard stated that she does not want any more than 15 adult dogs on the property.

After questioning by Mr. Williamson, Mrs. Woodard stated that she breeds French Bulldogs.

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.

On motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the request in the Fincastle Magisterial District from Richard V. and Barbara J. Woodard for a Special Exception Permit for a commercial kennel to breed a maximum of fifteen adult dogs, with possible conditions, at 172 Fire Tower Lane, Eagle Rock, on the portion of the property in the Forest Conservation (FC) Use District. The 100.29-acre parcel is zoned Forest Conservation (FC) Use District and Agricultural-Rural Residential (AR) Use District. The entrance is located approximately 0.5 miles west of its intersection with Mt. Moriah Road (State Route 681), identified on the Real Property Identification Maps of Botetourt County as Section 27, Parcel 39, with the following conditions, on the basis that the applicant has satisfactorily demonstrated that the proposed use will have little to no adverse effects upon the community or other properties in the vicinity and the proposal would serve the public necessity, convenience, general welfare, and is good zoning practice: (Resolution Number 16-05-24)

1. No more than 15 adult dogs will be kept on the parcel at any one time, including pets.
2. No boarding of dogs will occur on the property.
3. All commercial kennel operations must be confined to the Forest Conservation Use District portion of the property.

A public hearing was then held on a request in the Valley Magisterial District from Orchard Hills Church, Inc., for a Special Exception Permit in the Agricultural (A-1) Use District for a daycare center, with possible conditions, on a 9.95-acre parcel, at 6032 Cloverdale Road,

Roanoke, located approximately 0.07 miles northwest of its intersection with EastPark Drive (State Route 1499), identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 244A.

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

Mr. Drew Pearson, County Planner, stated that Orchard Hills Church is located on Alternate U. S. Route 220 adjacent to EastPark Commerce Center. He noted that the Church, which purchased the property in 2002, would like to open a childcare center in their recently-expanded facility. He noted that the properties surrounding the church are zoned Agricultural A-1, Industrial M-2, and Business B-2 use districts and the Comprehensive Plan designates this property to be medium-density residential.

Mr. Pearson stated that the proposed use would provide daycare services for children from 6 weeks through pre-school age and also offer after-school care. He noted that there is public water and sewer service on this property. He noted that 18,000 vehicles per day pass by this site which is accessed by a deceleration lane off of Alternate 220. Mr. Pearson noted that the daycare's hours of operation would be Monday through Friday from 6:30 A. M. to 6:00 P. M.

After questioning by Mr. Williamson, Mr. Pearson stated that VDoT's review of this SEP application did not mention that the deceleration lane needed to be expanded.

Mr. Pearson stated that the Planning Office staff have not received any public comments regarding this request. He noted that the Planning Commission recommended that the following condition be included with this request, "The project shall be developed in substantial conformance with site development plan, dated March 10, 2016, and included in the application."

Mr. Pearson stated that the Church is proposing to install a fence to create an outdoor play area and there is currently a 2,500 sf indoor play area in the building. He noted that access to the daycare facility would either be through the church's front or rear doors. Mr. Pearson noted that Ms. Michelle Stephenson was present at the meeting to answer questions regarding the Church's proposal.

Dr. Scothorn stated that this Church is also used as a polling place. He noted that there were some issues discussed during a recent public hearing to amend the Elections Ordinance regarding vehicles from the Troutville area having to make a "U" turn at the Alternate 220/EastPark Drive stoplight to access this property. He questioned if the issue of allowing a right-of-way to be developed off of EastPark Drive to access the Church had been discussed. He noted that this would eliminate drivers having to make a "U" turn at the stoplight to enter the Church's property.

Mr. Pearson stated that a determination would have to be made as to whether there was adequate space between the Read Mountain Fire Station and the HPS building for this new access road.

Mr. Martin stated that, at the Planning Commission meeting, the applicant was very receptive to any changes.

After questioning by Mr. Dodson, Mr. Pearson stated that the County did not receive any letter from VDoT regarding this request. He noted that, due to the conditions in place, VDoT did not feel the need for any additional review of the site's access and area traffic patterns. Mr. Pearson stated that VDoT can only address the traffic impact on the area directly in front of the property in question.

Mr. Dodson stated that he anticipates many additional U-turns being made at this intersection when this daycare facility opens.

After questioning by Dr. Scothorn, Ms. Stephenson stated that there are no facilities in this immediate area that offer daycare for infants. After further questioning by Dr. Scothorn, Ms. Stephenson stated that the Church has four rooms that will be made available for this use. She noted that three of the rooms would be designated for children in diapers only.

After questioning by Mr. Williamson, Ms. Stephenson further stated that State guidelines require one adult caretaker for every four infants and a ratio of one teacher to eight pre-kindergarten-aged children.

Dr. Scothorn stated that there is a definite need for child care facilities for this young age group in this community.

After questioning by Mr. Williamson regarding whether preferential treatment would be given to church members that needed daycare ahead of non-church members, Ms. Stephenson stated that 2/3 of the interest in this facility so far has been from non-church members. After further questioning by Mr. Williamson, Ms. Stephenson stated that her research shows that this is the only facility of this type in the Bonsack area.

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

On motion by Dr. Scothorn, seconded by Mr. Williamson, and carried by the following recorded vote, the Board approved a request in the Valley Magisterial District from Orchard Hills Church, Inc., for a Special Exception Permit in the Agricultural (A-1) Use District for a daycare center, with possible conditions, on a 9.95-acre parcel, at 6032 Cloverdale Road, Roanoke, located approximately 0.07 miles northwest of its intersection with EastPark Drive (State Route 1499), identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 244A, with the following condition, on the basis that the applicant has satisfactorily demonstrated that the proposed use will have little to no adverse effects upon the community or other properties in the vicinity and the proposal would serve the public necessity, convenience, general welfare, and is good zoning practice: (Resolution Number 16-05-25)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. The project shall be developed in substantial conformance with site development plan, dated March 10, 2016, and included in the application.

Dr. Scothorn also requested that the staff review whether an access road could be developed off of EastPark Drive to access the Orchard Hill Church property.

Mr. Dodson then requested that an opinion letter be received from VDoT on all future rezoning/SEP requests.

Mrs. Nicole Pendleton, Planning Manager, stated that her office sends a request to VDoT regarding traffic impacts on these requests when warranted. She noted that the Planning staff now regularly meets with VDoT representatives to review these types of applications.

A public hearing was then held on a request in the Valley Magisterial District from Summers Properties, LLC, to amend Chapter 25 Zoning, Article II. District Regulations Generally, Division 6. Residential District R-3 of the Botetourt County Code as follows: Section 25-163. Uses permissible by special exception, from "(5) Dwelling, multi-family, up to ten (10.0) dwell-

ings per net acre.” to “(5) Dwelling, multi-family, up to sixteen (16.0) dwellings per net acre;” requests to rezone a 4.73-acre lot from an Agricultural (A-1) Use District and Business (B-2) Use District to a Residential (R-3) Use District, with possible proffered conditions, for the construction of dwellings, multi-family, containing up to 74 dwelling units; and a special exception permit, with possible conditions, for the use of dwelling, multi-family, up to sixteen (16.0) dwellings per net acre, at 168 Bonny View Lane, approximately 0.16 miles north of its intersection with Read Mountain Road (Route 654), identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 200. The development is proposed to be accessed via Summerfield Court (State Route 1117).

It was noted that the Planning Commission had recommended approval of the text amendment and conditional approval of the rezoning and SEP requests.

Mrs. Nicole Pendleton, Planning Manager, stated that this request includes a text amendment, rezoning, and SEP request and the Board should consider these requests in that order. She noted that Summers Properties is proposing to construct 74 dwelling units in three separate buildings on this 4.73 acre parcel. Mrs. Pendleton stated that two of the buildings would be three stories tall and the third building would consist of two stories.

She stated that there would be no access to the apartment units from Bonny View Lane, which is a private road. Mrs. Pendleton then read the 13 proffered conditions submitted by the owner for this rezoning request and the two conditions recommended by the Planning Commission for the SEP.

Regarding the text amendment, Mrs. Pendleton stated that the applicant is proposing to amend Section 25-163 to increase the density per acre from 10 to 16 dwellings. She noted that the staff is considering drafting language for a proposed higher density Residential R-4 Use District in the future pertaining to apartment complexes.

Mrs. Pendleton stated that the Planning Office received two letters of concern and several telephone calls about access, construction traffic, and foot traffic to this property from Bonny View Lane. She noted that the applicant was agreeable to a condition that a 6' fence would be installed across the end of Bonny View Lane to deter vehicle and pedestrian traffic prior to any permits being issued for this construction project.

Mrs. Pendleton noted that Mr. Bobby Wampler, with Engineering Concepts, Inc., and Mr. David Spigle with Summers Properties, were present at the meeting to answer any questions.

After questioning by Dr. Scothorn, Mrs. Pendleton stated that the applicant will be able to discuss maintenance of the landscaping and buffer areas; however, if these areas are not maintained, it will be considered a zoning violation by her office.

Mr. Martin stated that several citizens attend the Planning Commission meeting regarding this request and the applicant was responsive to their concerns.

After questioning by Mr. Williamson, Mrs. Pendleton stated that the minimum side yard setback in the R-3 district is 25'.

After questioning by Dr. Scothorn, Mrs. Pendleton stated that when staff met with VDoT about this project there were concerns about traffic access off of Alternate Route 220 onto Summerfield Court to enter this property. She noted that VDoT does not review the impact of off-site improvements on their roadways. She further noted that they also reviewed accident data at this intersection.

Mrs. Pendleton noted that the Planning Commission could have required a traffic study for this project and deferred the public hearing pending the results of that information; however,

Brian Blevins, VDoT's Area Land Use Engineer, stated that he had previously reviewed this area and did not believe that a traffic study would result in data which would indicate improvements such as a signalized intersection would be warranted.

Dr. Scothorn stated that his office is located in Summerfield Village and he is concerned about this area becoming a larger traffic hazard zone. He suggested that an additional meeting be held with VDoT to discuss the traffic impacts from this project on Alternate 220.

After questioning by Dr. Scothorn regarding emergency vehicle access through Bonny View Lane, Mrs. Pendleton stated that staff recommends that Bonny View Lane be permanently closed to through traffic. Mrs. Pendleton further stated that she discussed this situation with Deputy Chief Jason Ferguson and he had no objections to the application's proposal to bar access to the property via Bonny View Lane as long as the on-site turnarounds are of sufficient size to allow the County's largest emergency response vehicles to have access to the apartments.

Mr. Blaine Coffey with Dale Ridge Church of Christ stated that they have reviewed this application. He noted that the Church is desirous of seeing growth but they are concerned about the Alternate 220 corridor and the lack of a shoulder area from the Church's entrance to the Summerfield Court deceleration lane. He noted that the decel lane is not very long and there are traffic safety concerns especially during inclement weather.

Mr. Coffey stated that VDoT's comments about this proposal are somewhat ambiguous. He noted that this section of Alternate 220 is dangerous and they would like to see a contingency from VDoT that they will be proactive with implementing safety measures, if necessary. He further noted that there will be a lot of traffic into and out of this apartment complex and asked that VDoT conduct a more thorough examination of this project's ingress/egress.

Mr. Williamson stated that the Alternate 220/Summerfield Court intersection was, is, and will be an issue. He noted that 220 from Route 11 to 460 used to be only two lanes and there were many accidents until the roadway was widened to four lanes over 20 years ago.

Mr. Coffey stated that this area is a dangerous situation now and asked that the Board delay the request until the traffic safety questions are resolved.

Mr. Williamson stated that it could be years before a traffic light is installed at the Alternate 220/Summerfield Court intersection.

Mr. Coffey stated that "some degree of modification" is needed for Alternate 220 in this area such as extending the decel lane or widening the median at the crossover.

After questioning by Dr. Scothorn, Mr. Coffey stated that the Dale Ridge Church of Christ is on the west side of Alternate 220 between Old Dominion Memorial Gardens and Summerfield Village. After further questioning by Dr. Scothorn, Mr. Coffey stated that there is a minimal decel lane on Alternate 220 to access the Church's entrance.

After questioning by Dr. Scothorn, Mrs. Pendleton stated that VDoT cannot require any highway-related improvements for any property that does not directly front on Alternate 220, which this proposed apartment complex does not. She noted that the County considers these issues from a long-range planning aspect; however, VDoT views them from a commercial access aspect.

Mr. Bobby Wampler, P. E. with Engineering Concepts, stated that he was present at the meeting to represent Summers Properties on this project. Mr. Wampler thanked the Planning staff for their assistance through the multiple alliterations of this site's design.

Mr. Wampler stated that, regarding traffic issues, VDoT has traffic access management regulations that this project will be required to comply with. He noted that these regulations are based on the amount of traffic generated by a specific type of project. Mr. Wampler stated that the Summers Properties project would have to generate 5,000 vehicle trips per day before VDoT could conduct a full review of the request and consider traffic improvement options. He noted that their figures estimate that only 492 vehicle trips per day would be generated by this proposal.

Mr. Wampler stated that there is less sight distance and a minimal decel lane for vehicles to react to traffic turning into and out of the Church's entrance. He noted that the amount of traffic trips from the apartment complex would not have a major impact on the deceleration lane analysis. He noted that "there are no minor studies in VDoT's world." After discussion, Mr. Wampler, stated that it would be a significant burden on the applicant to delay this project to allow VDoT to conduct a full study.

After questioning by Mr. Dodson, Mr. Wampler stated that the applicant agreed to not allow access to the site through Bonny View Lane due to citizens' concerns.

Mr. David Spigle with Summers Properties stated that there are two points of access to this apartment complex from Alternate 220—one adjacent to the Botetourt Athletic Club and one near the Down Home Pharmacy. Mr. Spigle stated, he understands from Mr. Wampler and the Planning staff, that VDoT has not had an issue with the Alternate 220/Summerfield Court intersection during their review of this application. He noted that there is a VDoT-approved decel lane that serves the main entrance to Summerfield Village.

Mr. Spigle stated that they have tried to be amenable to the citizens' concerns during this project and he asked that the Board not hold this proposal "hostage to a moving target that VDoT may or may not come up with" a solution for.

Mr. Martin stated that he would prefer to not see this project delayed. He suggested that the Board approve these requests and then follow up with VDoT for a request to install a decel lane in the area of concern by the Church.

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

Mr. Dodson stated that this is a good project, with a good design, in a good location and the County needs multi-family housing units. He acknowledged the traffic concerns mentioned along Alternate 220.

Dr. Scothorn stated the County needs infill development and he believes that this project will be good for the County. He noted that the County needs to put pressure on VDoT to consider options for accessing this site including the traffic safety issues.

After questioning Mr. Coffey, Mr. Dodson stated that that it appears that if the existing deceleration lane into Summerfield Village was extended approximately 100' it would solve the Church's traffic access and safety concerns.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Williamson, and carried by the following recorded vote, the Board approved a request in the Valley Magisterial District from Summers Properties, LLC, to amend Chapter 25 Zoning, Article II, District Regulations Generally, Division 6. Residential District R-3 of the Botetourt County Code as follows: (Resolution Number 16-05-26)

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

NAYS: None

ABSENT: None

ABSTAINING: None

BOTETOURT COUNTY CODE

CHAPTER 25. ZONING

* * *

DIVISION 6. RESIDENTIAL DISTRICT R-3

* * *

Section 25-161 – 25-162 (Same)

Section 25-163. Uses permissible by special exception

(1) through (4) (Same)

(5) Dwelling, multi-family, up to ~~ten~~ sixteen (~~10.0~~ 16.0) dwellings per net acre.

(6) through (25) (Same)

Section 25-164. Lot requirements

(a) (Same)

(b) (1) (Same)

(b) (2) (a) (Same)

(b) (2) (b) For multi-family dwellings: ~~Ten~~ Sixteen (~~10.0~~ 16.0) dwellings per net acre.

(c) through (e) (Same)

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this rezoning request with the following conditions. Therefore, be it ordained by the Botetourt County Board of Supervisors that the Botetourt County Zoning Ordinance and the Botetourt County Real Property Identification Maps be amended in the following respect and no other. (Resolution Number 16-05-27)

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

NAYS: None

ABSENT: None

ABSTAINING: None

SUMMERS PROPERTIES, LLC

In the Valley Magisterial District to rezone a 4.73-acre lot from an Agricultural (A-1) Use District and Business (B-2) Use District to a Residential (R-3) Use District for the construction of dwellings, multi-family, containing up to 74 dwelling units, at 168 Bonny View Lane, approximately 0.16 miles north of its intersection with Read Mountain Road (Route 654), identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 200. The development is proposed to be accessed via Summerfield Court (State Route 1117).

1. The maximum number of dwelling units shall be 74.
2. The maximum number of dwelling structures developed on the property shall be three.
3. The dwelling structures shall not exceed three floors.
4. The dwelling structures shall have at least two roof lines.
5. The dwelling structure materials shall be like those utilized in the adjacent Summerfield Village development. No vinyl siding shall be utilized.
6. A Knox Box will be provided for each dwelling structure for emergency services access.

7. Any proposed dwelling structure that is within 200 feet of an existing residential structure shall not exceed two floors.
8. The property will be developed to the exclusion of all other uses other than those indicated in this application for rezoning.
9. Proposed site lighting shall be Dark Sky Friendly™ in accordance with the International Dark-Sky Association.
10. A project sign shall be located at the entrance to the development along Summerfield Court. The project sign shall be a monument type sign with lighting.
11. A 25' landscape buffer shall be provided around the perimeter of the project.
12. The project shall be developed in substantial conformance with the concept rezoning plan dated May 9, 2016.
13. A 6 foot board-on-board fence shall be constructed beginning at the far corner of and bordering the property identified as Tax Map #107-203 (the Elizabeth C. Poff, et als property), and across Bonny View Lane, prior to the issuance of any permits.

On motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved a request Valley Magisterial District from Summers Properties, LLC, for a special exception permit for the use of dwelling, multi-family, up to sixteen (16.0) dwellings per net acre, at 168 Bonny View Lane, approximately 0.16 miles north of its intersection with Read Mountain Road (Route 654), identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 200 [The development is proposed to be accessed via Summerfield Court (State Route 1117)], with the following conditions: (Resolution Number 16-05-28)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. Construction vehicle access shall be only from Summerfield Court, and shall be prohibited on Bonny View Lane.
2. A 25 foot landscaping buffer shall be installed along the entire property line adjacent to Bonny View Lane and should restrict access. This buffer shall be installed prior to the approval of a certificate of occupancy. The buffer shall be maintained so as to restrict access via Bonnie View Lane and any alteration or damage to the buffer must be repaired within 30 days.

The Board also requested that staff discuss the extension of the deceleration lane to Summerfield Court back toward the Dale Ridge Church of Christ's entrance.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board continued the meeting at 7:12 P. M., until 6:00 P. M. on Tuesday, June 21, 2016, in Room 229 of the Greenfield Education and Training Center for a joint meeting with the Botetourt County School Board. (Resolution Number 16-05-29)

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

NAYS: None

ABSENT: None

ABSTAINING: None