

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, September 24, 2019, in Room 212 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 12:30 P. M.

PRESENT: Members: Dr. Donald M. Scothorn, Vice-Chairman  
Mr. Steve Clinton  
Mr. I. Ray Sloan (left at 6:25 P. M.)  
Dr. Richard G. Bailey

ABSENT: Members: Mr. Billy W. Martin, Sr., Chairman

Others present at the meeting:

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

The Chairman called the meeting to order at 12:33 P. M.

On motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Board went into Closed Session pursuant to the Code of Virginia, 1950, as amended, to discuss the following: Section 2.2-3711.A. 3, Acquisition or disposition of real property for economic development purposes where discussion in open session would adversely affect the County's bargaining position or negotiating strategy namely concerning the Amsterdam (Greenfield) and Blue Ridge (EastPark and Jack Smith Park) Districts; Section 2.2-3711.A. 5, Discussion on prospective businesses or industries or the expansion of existing businesses or industries where no previous announcement has been made of their interest in locating or expanding facilities in the community namely concerning the Amsterdam (Greenfield) District; and Section 2.2-3711.A. 8, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring legal advice regarding economic development incentives for a facility located in the Amsterdam (Greenfield) District. (Resolution Number 19-09-03)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

The Chairman called the meeting back to order at 2:00 P. M.

On motion by Dr. Scothorn, seconded by Mr. Sloan, 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 19-09-04)

AYES: Mr. Sloan, Mr. Clinton, Dr. Scothorn, Dr. Bailey

NAYS: None

ABSENT: Mr. Martin

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.

Dr. Scothorn noted that Mr. Martin is not present at today's meeting as he is recovering from knee surgery.

Dr. Bailey then led the group in reciting the pledge of allegiance.

Dr. Scothorn then asked for a moment of silence.

Mr. Tony Zerrilla, Director of Finance, then introduced Ms. Kim Hartman to the Board. He noted that two years ago Ms. Hartman worked part-time in his office handling accounts payable. Mr. Zerrilla noted that she left for a full-time position and, as a result of combining two part-time positions into one full-time position in Finance and Purchasing, the County has been able to recruit her back.

He stated that she recently moved to Blue Ridge and it is great to have her, along with the additional finance-related work experience picked up in the past two years, back with the County.

Dr. Scothorn welcomed Ms. Hartman back to employment with the County.

Chief of Fire and EMS Jason Ferguson stated that Battalion Chief Camille Black recently completed two certification programs—The Virginia Department of Fire Programs' Fire Officer 4, and the National Fire Academy's Certificate for Management of EMS. He noted that the Department of Fire Programs class included a significant amount of course work on leadership and management and the Academy's program was a 10 day residence course concentrating on management duties/responsibilities.

Chief Ferguson then presented Ms. Black with her certification and congratulated her for this achievement.

The Board also congratulated Ms. Black for these achievements.

Chief Ferguson then stated that Daniel Murray, the Department's emergency management expert, was recently deployed as a member of the Southwest Virginia Incident Management Team. He noted that this deployment was to South Carolina, Georgia, and eastern Virginia in advance of Hurricane Dorian. He noted that Mr. Murray served as part of the team's information technology and public information groups.

The Board congratulated Mr. Murray for his work on the Incident Management Team.

Dr. Scothorn then stated that there has been a lot of recent citizen questions/comments about the proposed Community Development Authority Ordinance amendments scheduled for public hearing later today. Dr. Scothorn stated that he would like to delay the public hearing to allow staff to gather additional information on CDAs to respond to these questions/concerns.

He noted that several individuals have submitted requests to speak and he would give them the opportunity to voice their concerns during the public comment period.

Mr. Mark Tyson of Hardbarger Road in Buchanan stated that he understands that regulations pertaining to the creation of CDAs are included in the State Code and the public hearing scheduled today is to determine if CDAs should be allowed in the County. Mr. Tyson stated that Virginia is becoming a "socialist state." He noted that to allow CDAs in the County is to grant those areas taxation capability which would be "taxation without representation." He noted that, if CDAs are approved, it will "move the County toward a socialist County."

Mr. Walter Michael of Archway Road in Blue Ridge stated that he has several questions about the proposed CDAs. Mr. Michael stated that he has reviewed both the proposed County Code amendment and the Code of Virginia's provisions regarding CDAs. Mr. Michael questioned if the Board was aware that the CDA's board of directors would have the ability to impose a tax of up to 25¢ per \$100 valuation to fund any infrastructure improvement projects within the CDA. He stated that this would mean that within the CDA the County's current real estate tax rate would increase from 79¢ to \$1.04 per \$100 valuation.

He also questioned if there could be more than one CDA created in a certain area, can a CDA have more than one project ongoing at a time, who and how will the CDA's boundary lines be established, does the CDA have its own board of directors and how are they appointed, do they have their own articles of incorporation and handle the financing of infrastructure improvements, are the board members compensated and, if so, does it add to the cost of the project being funded. Mr. Michael stated that a CDA petition requires participation by 51% of the area's property owners and questioned how much representation the other 49% of property owners have on the board of directors.

He further noted that Short Pump in eastern Virginia has been referenced as an example of a CDA. Mr. Michael stated, from what he has heard, that development has not been a positive aspect for the people outside of the CDA's boundaries.

Dr. Scothorn stated that the Board hopes to be able to answer some of these questions either after this afternoon's presentation or after staff has had an opportunity to obtain additional information.

Mr. Doug Gimbert of Peachtree Valley Drive then stated that he is concerned about another layer of government being placed on top of what is currently in place. Mr. Gimbert stated that he believes that CDAs would be a burden on the citizens. He stated that the County has already recently experienced two of the largest tax increases in its history and, as a citizen, he finds this potential for an additional tax levy being implemented very disturbing.

Mr. Gimbert stated that CDAs would place another layer of regulations on the property owners located within its boundaries. He stated that it would be taxation without representation in his opinion and an extra burden on the citizens. Mr. Gimbert stated that if the County "does not have enough going on now to take care of what we have, we do not need" CDAs. He noted that the citizens have been told that the new businesses locating in the County are helping to increase the County's revenues. Mr. Gimbert stated that, even with all of the new businesses and revenues, the County's tax rate has not decreased.

Mr. Gimbert encouraged the Board to not consider allowing CDAs—it is an unnecessary burden on the citizens.

Discussion was then held on consent agenda items. Dr. Scothorn stated that he would like to remove item #5 (Approval of a Fire Prevention Week proclamation) from the consent agenda.

On motion by Dr. Bailey, seconded by Mr. Clinton, and carried by the following recorded vote, the Board approved the following consent agenda items, with the Fire Prevention Week proclamation to be considered separately by the Board. (Resolution Number 19-09-05)

AYES: Mr. Sloan, Mr. Clinton, Dr. Scothorn, Dr. Bailey

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Approval of minutes of the regular meeting held on August 27, 2019;  
Approval of minutes of the continued meeting held on September 12, 2019;  
Adoption of the following resolution approving the Roanoke Valley-Alleghany Regional Hazard Mitigation Plan:

**WHEREAS**, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

**WHEREAS**, a Hazard Mitigation Plan Committee comprised of representatives from the counties of Alleghany, Botetourt, Craig and Roanoke; the cities of Cov-

ington, Roanoke and Salem; and the towns of Buchanan, Clifton Forge, Fincastle, Iron Gate, New Castle, Troutville and Vinton was convened in order to study the Roanoke Valley-Alleghany Region's risks from, and vulnerabilities to, natural hazards, and to make recommendations on mitigating the effects of such hazards on the Roanoke Valley-Alleghany Region; and

**WHEREAS**, the efforts of the Hazard Mitigation Plan Committee members and the Roanoke Valley-Alleghany Regional Commission, in consultation with members of the public, private and non-profit sectors, have resulted in the development of the 2019 *Roanoke Valley – Alleghany Regional Hazard Mitigation Plan* including Botetourt County.

**NOW, THEREFORE, BE IT RESOLVED**, by the County of Botetourt, that the Roanoke Valley-Alleghany Regional Hazard Mitigation Plan dated August 15, 2019 is hereby approved and adopted.

Approval of the following proclamation declaring the week of October 20 - 26 as Red Ribbon Week:

**WHEREAS**, the Virginia Federation of Communities for Drug-Free Youth instituted an anti-drug campaign in 1985; and,

**WHEREAS**, the red ribbon was adopted as the symbol of intolerance of illegal drug use and a commitment of a drug-free lifestyle; and,

**WHEREAS**, in 1988 the National Family Partnership sponsored the first national Red Ribbon Celebration; and,

**WHEREAS**, the last week in October has been designated as National Red Ribbon Week; and,

**WHEREAS**, Botetourt County endorses all activities to encourage the citizens of Botetourt County and the Roanoke Valley to not use illegal drugs,

**NOW, THEREFORE**, it is hereby proclaimed that the week of October 20 – 26, 2019, is ***Red Ribbon Week*** in Botetourt County.

Approval of the following Sestercentennial anniversary proclamation:

**WHEREAS**, by Act of Division enacted by the House of Burgesses of the Colony of Virginia on the 27<sup>th</sup> day of November, 1769, and assented to by the Royal Governor of said Colony in the Council Chamber on the 21<sup>st</sup> day of December, 1769, effective the 31<sup>st</sup> day of January, 1770, the County and Parish of Botetourt was created and so named in honor of Norborne Berkeley, Lord Botetourt, Royal Governor of the Colony of Virginia; and,

**WHEREAS**, said County of Botetourt will attain the 250<sup>th</sup> anniversary of its creation in the year 2020; and,

**WHEREAS**, the Board of Supervisors of the County of Botetourt, Commonwealth of Virginia, deems it appropriate that the sestercentennial of said County be recognized and celebrated.

**NOW, THEREFORE**, the Board of Supervisors of the County of Botetourt, Commonwealth of Virginia, proclaims the year 2020 as the Sestercentennial of said County.

Approval of the acceptance of a \$50,000 Community Foundation matching grant to be used for Wayfinding purposes and directed the County Administrator and Director of Finance to include \$25,000 in matching funds in the FY 2021 County budget to fulfil this obligation; and

Approved an appropriation and transfer of \$28,500 to the Economic Development Authority for engineering costs associated with the Murray Drive road improvement project.

Consideration was then held on approval of a proclamation declaring the week of October 6 – 12 as Fire Prevention Week. Chief of Fire and EMS, Jason Ferguson, stated that his staff will enhance their community fire prevention education efforts during Fire Prevention Week. He noted that the Department's staff is also working with the County's volunteer fire stations to have presentations on-going at the elementary schools during this time.

Chief Ferguson stated that the theme this year is "Not Every Hero Wears a Cape. Plan and Practice your Escape!" and his staff and the volunteer stations will focus on how conducting emergency drills in the home can help the occupants in the event of a fire.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board adopted the following proclamation declaring the week of October 6 – 12, 2019, as Fire Prevention Week.

AYES: Mr. Sloan, Mr. Clinton, Dr. Scothorn, Dr. Bailey

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Resolution Number 19-09-06

**WHEREAS**, Botetourt County, Virginia, is committed to ensuring the safety and security of all those living in and visiting the County; and,

**WHEREAS**, according to the National Fire Protection Association (NFPA), U. S. fire departments responded to 357,000 home fires in 2017, which resulted in 2,630 civilian deaths, representing the majority (4 out of 5) of all U. S. fire deaths occurring at home each year; and,

**WHEREAS**, newer homes are built with lightweight materials that burn faster than older home constructions and many of today's products and furnishings produce toxic gases and smoke when burned, making it impossible during a fire event to see and breathe within moments; and,

**WHEREAS**, these conditions contribute to a much smaller window of time for people to escape a home fire safely, with people having as little as one to two minutes to escape from the time a smoke alarm sounds; and,

**WHEREAS**, a home fire escape plan, which should be developed by all members of the household, provides the skill set and know-how to quickly and safely escape such a situation; and,

**WHEREAS**, a home fire escape plan includes two exits from every room; smoke alarms in all required locations; a path to the outside from each exit; and a meeting place outside where everyone in the home will meet upon exiting; and

**WHEREAS**, practicing a home fire escape plan twice a year ensures that everyone in the household knows what to do in a real fire situation; and,

**WHEREAS**, Botetourt's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and,

**WHEREAS**, Botetourt's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and,

**WHEREAS**, the 2019 Fire Prevention Week theme, "***Not Every Hero Wears a Cape. Plan and Practice Your Escape!***," effectively serves to remind us that we need to take personal steps to increase our safety from fire;

**NOW THEREFORE, BE IT PROCLAIMED**, that we, the Board of Supervisors of Botetourt County, Virginia, do hereby proclaim October 6 - 12, 2019, as **Fire Prevention Week** throughout this community.

Consideration was then held on approval of transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there two transfers, 10 pass through, and 1 regular appropriation for the Board's consideration. He noted that these included expenditure reimbursements, donations, receipt of fees, and grant funds.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 19-09-07)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Transfer \$306.95 to Central Purchasing – Store Supplies, 100-4012530-12530-6021-000, from various departments as follows for store supplies:

- \$ 12.00 Dep. Co. Admin.–Office Supplies, 100-4012120-12120-6001-000
- \$ 4.95 Finance – Office Supplies - 100-4012430-12430-6001-000
- \$120.00 Econ. Development - Marketing, 100-4081500-81500-5840-000
- \$ 68.00 Sports Complex–Laundry/Housekpg., 100-4071300-71300-6005-000
- \$102.00 Library – Office Supplies, 100-4073100-73100-6001-000

Transfer \$1,055.86 to Central Purchasing – Pool Car Transfers, 100-4012530-12530-6020-000, from various departments as follows for fuel usage:

- \$ 13.02 Finance – Fuel, 100-4012430-12430-6008-000
- \$ 6.26 Dep. Co. Admin.–Fuel, 100-4012120-12120-6008-000
- \$ 18.47 Purchasing – Veh. Repairs, 100-4012530-12530-3312-000
- \$ 11.61 CSA – Fuel, 100-4053500-53500-6008-000
- \$ 23.82 Technology Svces. – Fuel, 100-4012510-12510-6008-000
- \$167.58 County Administrator – Fuel, 100-4012110-12110-6008-000
- \$223.71 Comm. Devel. – Fuel, 100-4081200-81200-6008-000
- \$213.62 Economic Devel. – Fuel, 100-4081500-81500-6008-000
- \$ 83.39 Registrar & Electoral Board, 100-4013300-13300-6008-000
- \$281.86 Van Program – Fuel, 100-4071500-71500- 6008-000
- \$ 12.52 Maintenance - Fuel, 100-4043000-43000-6008-000

Additional appropriation in the amount of \$2,976.16 to Fire & EMS – Convention & Education, 100-4035500-35500-5540. This is for the receipt of scholarship funds.

Additional appropriation in the amount of \$2,809.87 to Fire & EMS – Troutville Fire Dept. – Department Funds, 100-4035500-35520-5950. These are funds received from Troutville Fire Department for a P-Card purchase for Troutville paid for by the County.

Additional appropriation in the amount of \$2,822.50 to Sheriff's Department – RAID Patrol, 100-4031200-31200-5830. This is a quarterly reimbursement of RAID program expenses for the Sheriff's Alternative Program.

Additional appropriation in the amount of \$4,489.27 to Sheriff's Department – DMV Salaries, 100-4031200-31200-1800. These are DMV grant funds to deter high speed and driving under the influence of alcohol.

Additional appropriation in the amount of \$2,936.19 to the following Sheriff's Department accounts: \$1,080.00 to Forest Patrol Salaries, 100-4031200-31200-1900; \$82.62 to FICA, 100-4031200-31200-2100; \$1,102.52 to Overtime, 100-4031200-31200-1200; \$533.90 to Vehicle Supplies, 100-4031200-31200-6009; and \$137.15 to Uniforms, 100-4031200-31200-6011. These are reimbursed funds received for Forest Patrol, extradition, overtime, and uniform contract expenses.

Additional appropriation in the amount of \$3,857.72 to the following Correction & Detention accounts: \$3,379.72 to Medical & Lab Supplies, 100-4033100-33100-6004; and \$478.00 to Uniforms, 100-4033100-33100-6011. The former is for medical co-pays and Craig County reimbursements regarding medical care for inmates and the latter is for contract payments.

Additional appropriation in the amount of \$150.43 to Library – Books & Subscriptions, 100-4073100-73100-6012. These are donated funds from the Blue Ridge Chapter of the Friends of the Library.

Additional appropriation in the amount of \$300.00 to Community Development – Professional Services, 100-4081200-81200-3100. These are funds received due to a citing of a Code violation for property not mowed.

Additional appropriation in the amount of \$328.43 to Electoral Board/Registrar – Subsistence & Lodging, 100-4013300-13300-5530. These are funds received by the Voter Registrars Association of Virginia for reimbursement of costs relating to a Region 7 meeting.

Additional, appropriation in the amount of \$150,000.00 to EDA Transfers, 100-4091800-918000-3800. These are Virginia Telecommunications Initiative (VATI) grant funds received from the State for the Craig-Botetourt Electric Cooperative Broadband project. A total of \$758,998.00 received will be appropriated in the next few months.

Additional appropriation in the amount of \$146,691.28 to Fire & EMS – Capital Outlay – Other Capital, 100-4035500-35500-8012. These are Fire Program Funds (\$107,944.00) and Four-for-Life Funds (\$38,747.28) received at the end of FY19.

Consideration was then held on approval of the Accounts Payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payables totaled \$1,716,215.91. He noted that this month's large expenditures included a \$425,000 transfer to the Economic Development Authority for Commonwealth Opportunity Fund and County economic incentive payments to Altec Industries, \$65,057 to Stryker Sales for cardiac monitors, \$37,549 to Visit Virginia's Blue Ridge as the second of four FY 20 budget payments; \$79,695 to S. C. Rossi and Company for the Orchards of Ashley road construction project; and \$300,000 for the County's annual matching contribution to the YMCA.

After questioning by Dr. Bailey, Mr. Zerrilla stated that, based on his experience, the amount of monthly expenditures are consistent with his expectations for this period in the budget cycle. He noted that receipt of grant funds is difficult to anticipate as they can be received throughout the fiscal year.

There being no further discussion, on motion by Mr. Clinton, seconded by Dr. Bailey, and carried by the following recorded vote, the Board approved the accounts payable and ratified the Short Accounts Payable List as submitted. (Resolution Number 19-09-08)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Consideration was then held on a request for transfer and appropriation of School funds. Mr. Tony Zerrilla, Director of Finance, and Dr. Lisa Chen, Superintendent of Schools, were present to speak regarding this item.

Mr. Zerrilla stated that the County Administrator received a letter from Dr. Chen in early September requesting a \$600,000 transfer from the School Self Health Fund to the School Operating Fund. He noted that these funds were cost savings in the School's employee health fund that they would like to redirect to several pending priorities including repairs to the James River High School track, purchase of Chromebooks for the two middle schools, and reimbursements to staff for professional development costs.

Mr. Zerrilla noted that Mr. Corbin Stone with the County's auditing firm, Robinson, Farmer, Cox Associates, was consulted and is in agreement with the accounting treatment of

this proposal. He further noted that this would be an acceptable repurposing of school funds and eliminate the need for the schools to request these funds from the Supervisors in the future.

Dr. Chen then introduced Mr. Ben Irvin, the School System's Director of Operations, and Ms. Beth Allen, Director of Technology, to the Board. Dr. Chen stated that she believes in utilizing every available source for funds before requesting monies from the Board of Supervisors.

She stated that the James River track has problems with flooding and is in need of additional repairs before the spring track and field season begins. Dr. Chen stated that Chromebook computers are needed at both middle schools for student academic testing purposes and to bring the "One to One" initiative to the middle school level. She further stated that funds are also needed to allow high school teachers to become certified to teach college courses. Dr. Chen stated that these cost reimbursements would save time, generate cost savings, and provide the teachers with professional development opportunities.

Dr. Bailey thanked Dr. Chen and her staff for their detailed research into the school's budget funds to capture these savings. He noted that this is an excellent idea.

Mr. Clinton agreed with Dr. Bailey's comments and stated that this is exactly what the Supervisors would like to see--utilizing existing school fund monies for these types of projects.

After questioning by Mr. Clinton, Ms. Allen stated that Chromebooks are laptops that are basically web browsers which allow the students access to various Google software applications (apps) for educational purposes.

Dr. Chen stated that the use of computers for education is a State initiative (OER-Open Educational Resources) to allow school systems to access the most up-to-date information and interactive content. She further stated that this will also allow them to use their textbook funds more wisely since "everything is on-line now."

After questioning by Mr. Clinton, Ms. Allen stated that 9<sup>th</sup> – 12<sup>th</sup> grade students currently have Chromebooks and they want to expand this computer access to the middle school students. She noted that they are currently looking at on-line mathematics programs to help students prepare for the Standards of Learning (SOL) tests.

Dr. Chen stated that their goal is for a K-12 system that gives students access to technology.

Dr. Scothorn thanked Dr. Chen and her staff for their hard work in finding these funds to help the County's schoolchildren.

After questioning by Dr. Scothorn, Dr. Chen stated that the school staff have reviewed their health fund expenses several times and discussed the issue with the County's auditor and they do have adequate reserve funds remaining to buffer against any potential large-scale health claims. She noted that they are being fiscally conservative in requesting this \$600,000 transfer/appropriation.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board approved a transfer in the amount of \$600,000 from the School Self Health Fund (Fund 608) to the School Operating Fund (Fund 220). (Resolution Number 19-09-09)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

On motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Board approved a supplemental appropriation in the amount of \$600,000 to the School Operating Fund (Fund 220). (Resolution Number 19-09-10)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

A public hearing was then held on the establishment of a deadline for receipt of applications to, and disposition by, the Board of Equalization (BoE). Mr. Cody Sexton, Assistant to the County Administrator, stated that, at their August regular meeting, the Board made recommendations to the Circuit Court Judge for appointees to the Board of Equalization. He noted that, in early 2020, reassessment notices will be mailed to all County property owners who will then have an opportunity to appeal their assessments to Wampler-Eanes Appraisal Group. He further noted that, if the property owners are not satisfied by Wampler-Eanes' decision, they will be able to appeal their assessment to the Board of Equalization.

Mr. Sexton stated that the State Code provides that the Supervisors may establish deadlines for the filing of these appeals to the BoE and for the BoE to act upon the appeals in order to ensure timely completion of the reassessment process. He noted that a draft resolution to this effect was included in the Board's information packets.

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

There being no further discussion, on motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Board adopted the following ordinance, pursuant to Section 58.1-3378 of the Code of Virginia, to establish a deadline for the receipt of applications to the Botetourt County Board of Equalization and a deadline for the disposition of such applications.

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Resolution Number 19-09-11

**WHEREAS**, Botetourt County is in the process of a General Reassessment of real estate within the County; and,

**WHEREAS**, the Board of Supervisors anticipates that at the appropriate time the Circuit Court for Botetourt county will appoint a Board to process applications for the equalization of assessments in accordance with statute; and,

**WHEREAS**, the Board of Supervisors desires that the equalization process be handled in an orderly and efficient manner;

**NOW, THEREFORE, BE IT ORDAINED**, that the deadline for the receipt of applications to the Botetourt County Board of Equalization shall be May 15, 2020, and the deadline for disposition of applications by the Board of Equalization shall be June 30, 2020.

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

Mr. Varney then reviewed the monthly report. He noted that the Route 220 safety improvement project is ongoing; the Route 11 bridge reconstruction projects should be completed by the end of the month as there are only some clean-up items that need to be finished;

the Ball Park Road bridge rehabilitation project is continuing; the I-81 bridge deck overlay at Exit 150 should be completed by the end of September; the FY 20 paving plans are being prepared; and the nighttime Route 220 north paving project should be completed soon.

Regarding land development projects, Mr. Varney stated that paving work by a private contractor has been completed on Ashley Links Drive and Fairway Court and the three Orchards of Ashley streets are still under construction. Regarding site plan reviews, he noted that VDoT has approved the site plan for the new Colonial Elementary School and the necessary permits have been issued. Regarding Residency Projects, Mr. Varney stated that the Route 43/Shiloh Drive intersection project has been completed except the recent dry weather has not allowed the grass seed placed on the graded areas to sprout. He further noted that environmental permits for safety improvements to reconstruct the shoulders on Old Fincastle Road have been obtained. Mr. Varney noted that they have also received the necessary right-of-entry permit from the impacted property owner and this work should begin in October. He further noted that this project will involve widening 170' of the road's shoulder area and placing large steel nails and wire mesh along the cut-back cliff's edge.

Mr. Varney stated that one right-of-entry permit has been obtained on the Zimmerman Road project and they are working to obtain the permit for the waste material site. He noted that the contractor is ordering materials and will be ready to begin work next week. Mr. Varney noted that VDoT is also planning to work on the bridge located between West Road and Archway Drive and is in the process of notifying the public that Zimmerman Road will be closed to through traffic for about 8 weeks. He noted that VDoT will post road closure signs at the Bedford County line and near the West Road intersection. Mr. Varney stated that both of these Zimmerman Road projects will be coordinated by VDoT and the contractor.

Mr. Varney stated that the pre-final surface pavement on the White Church Road Rural Rustic Road project will be placed this week with the project finished by the end of October. He further stated that VDoT is working with the County on the Murray Drive road improvement project's plan review to keep the project's costs down.

Regarding the Arterial Preservation Plans for Routes 220 and 460, Mr. Varney stated that the citizen information meetings on these proposed plans have been delayed. He noted that these relatively inexpensive improvement projects will help traffic flow through several intersections along these major roadways in Botetourt County.

Dr. Scothorn then requested that maintenance be conducted on Martin's Lane (Route 679) and that the road be considered for potential improvements in the future.

Mr. Sloan stated that he appreciates Mr. Varney's attendance at the Board meetings and his efforts to work through problems/concerns pertaining to the County's roads.

After questioning by Mr. Sloan, Mr. Varney stated that the ruts on Wheatland Road are a result of marking tapes being cut out of the pavement. He noted that the paving contractor self-schedules these paving projects but this road will be repaired before the end of the paving contract period (December 1, 2019). He noted that pavement will not stick to the thermoplastic line markings so the markings have to be cut out before new pavement can be put down.

After questioning by Mr. Clinton, Mr. Varney stated that VDoT has patched the deteriorating sections of Deerfield Road and he will have their maintenance staff check the roadway to see if additional work is needed.

Dr. Scothorn thanked Mr. Varney for VDoT's work on the two Route 11 bridge projects and noted that it will be nice to see this construction completed.

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

Consideration was then held on a request for an extension of completion of the assessment and setting of the Board of Equalization's compensation. Mr. Cody Sexton, Assistant to the County Administration, stated that the Code of Virginia requires that a real estate reassessment be completed by December 31 of the year preceding its effective date. He noted that, to ensure that the reassessment takes into account the most recent land sales data and to provide ample opportunity for last minute work by the assessor (Wampler-Eanes Appraisal Group), in the past the County has requested a three-month time extension through the Circuit Court Judge. He noted that this extension would expire on March 31, 2020.

He stated that Wampler-Eanes does not anticipate needing the full three months but having that option would be appreciated.

Mr. Sexton further stated that in August the Board nominated five individuals to the Circuit Court Judge for appointment to the Board of Equalization. He noted that State law allows these BoE members to be compensated for time engaged in their duties. Mr. Sexton stated that staff is recommending that the Board approve a compensation rate of \$22.00 per hour.

After questioning by Dr. Bailey, Mr. Sexton stated that there will be no additional cost to the County by Wampler-Eanes for work conducted during the 3 month reassessment extension period.

There being no further discussion, on motion by Dr. Bailey, seconded by Mr. Sloan, and carried by the following recorded vote, the Board authorized the County Attorney to submit a request to the Circuit Court Judge requesting a three-month extension to March 31, 2020, for completion of the County's reassessment. (Resolution Number 19-09-12)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

On motion by Dr. Scothorn, seconded by Mr. Clinton, and carried by the following recorded vote, the Board authorized compensation for the Board of Equalization members at a rate of \$22.00 per hour. (Resolution Number 19-09-13)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Consideration was then held on a request for advertisement of a public hearing on amendments to Chapter 25. Zoning to allow "hotel" as a Special Exception use in the RAM use district. Mrs. Nicole Pendleton, Director of Community Development, stated that in August the Economic Development Authority requested that the Supervisors consider the addition of "hotel" to the uses permitted by Special Exception in the Research and Advanced Manufacturing (RAM) Use District.

She noted that this recommendation was made based on the Hotel and Conference Study conducted two years ago.

Mrs. Pendleton noted that a conference or training center is currently allowed in the RAM district and allowing this proposed use would allow for a hotel to be considered as part of a conference center project, if proposed by a private developer.

She noted that the Planning staff is supportive of the request and believes that these amendments could be drafted and brought to the Planning Commission and Supervisors for public hearing within the next 3 months. Mrs. Pendleton also suggested that parking requirements for hotels be evaluated/updated in order to provide for maximum site utilization of such a project.

After questioning by Dr. Scothorn, Mrs. Pendleton stated that there is no set time frame for approval of these amendments.

On motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board directed staff to advertise for a public hearing as early as the December Planning Commission meeting, and with Planning Commission action, by the Board of Supervisors at their next regular meeting to consider proposed amendments to the Zoning Ordinance to allow the use of "hotel" by special exception permit within the Research and Advanced Manufacturing (RAM) Use District, and for revised parking requirements for this hotel use. (Resolution Number 19-09-14)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Consideration was then held on approval of Class 2 trash collection franchise agreements. Mr. Gary Larrowe, County Administrator, stated that the County administers a franchise system for the collection of solid waste which ensures the availability of services to all residents and businesses at reasonable rates.

He noted that staff issued a RFP for these collection services which include the emptying of front- and rear-load containers at a not to exceed rate of \$49.50/ton. Mr. Larrowe stated that companies submitting proposals are required to satisfy a set of qualifications and conditions as listed in the County Code. He further stated that these franchises are for a contract term of seven years.

He noted that six companies submitted proposals; 5 of which are incumbent franchise holders. Mr. Larrowe noted that these proposals were reviewed by County staff along with Mr. Clinton and Mr. Sloan. Mr. Larrowe stated that the new company proposing services in the County is Container First Services which has locations in Petersburg, Lunenburg, and Christiansburg, Virginia, and operates two transfer stations, two landfills, and provides recycling services.

Mr. Larrowe noted that the committee determined that all six companies met the County's requirements and are recommending approval of these franchise agreements for a seven year term beginning on January 1, 2020. He noted that, upon approval by the Board, staff will prepare/execute the franchise agreements.

Mr. Clinton stated that it is fortunate that the County received a good set of proposals for Class 2 trash collection. He noted that all of these companies have good qualifications and experience in trash collection so a decision on which franchises to recommend for approval was not difficult.

There being no further discussion, on motion by Dr. Bailey, seconded by Mr. Sloan, and carried by the following recorded vote, the Board awarded Class 2 solid waste collection franchises to: C&S Disposal; The CFS Group, LLC, dba Container First Services; County Waste of Southwest Virginia, LLC; First Piedmont Corporation; BFI Waste Services, LLC, dba Allied

Waste Services of Roanoke Valley/Republic Services of Roanoke; and Waste Management of Virginia, Inc., for a seven year term commencing January 1, 2020, and ending December 31, 2026, and authorized County staff to execute franchise agreements with the companies upon the review and approval of the County Attorney. (Resolution Number 19-09-15)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Consideration was then held on a facility usage policy for the Botetourt County Administration Center. Mr. Cody Sexton, Assistant to the County Administrator, stated that, when Virginia Western Community College (VWCC) operated the Greenfield Education and Training Center, it was primarily only used for classes and training during the evening hours. He noted that VWCC managed/rented the property for meetings, conferences, and other social events during weekdays and weekends when class was not in session.

He stated that, as the County transitions the facility into space for County offices, the building will be fully occupied to support those government operations which will limit any space availability for use by outside groups to only the Burgess Auditorium and the grounds/parking lots. Mr. Sexton stated that the staff has drafted a facility use policy which outlines the availability of the property, particularly by non-County groups.

He noted that use of the space would be limited based on the following priorities: 1st priority--County government operations/functions and public programs/services provided by the County; 2nd priority—non-County governmental entities, committees/groups and governmental professional organizations and government-related groups in which the County is a member/participant; 3rd priority—non-profit 501(c)3 community service organizations which provide a significant portion of their services to County constituents.

Mr. Sexton noted that after-hours use of the facility would be considered based on the availability of staff to open/close the facility or provide audio/visual equipment support and a fee schedule sufficient to cover the County's actual staff/equipment costs would be developed.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Clinton, and carried by the following recorded vote, the Board adopted the Botetourt County Administration Center Use Policy as submitted. (Resolution Number 19-09-16)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Mr. Jim Whitten, Capital Projects Manager, then updated the Board on the Colonial Elementary School project. Mr. Whitten stated that the site's rough grading has been completed by Plecker Construction. He noted that a meeting was held with G&H Contracting, general contractor, last night at which the construction contract was signed.

Mr. Whitten noted that the construction firm's office trailers are on site and G&H will begin mobilizing their equipment/staff this week with digging work to begin as soon as possible thereafter.

Mr. Whitten stated that this has been a long process and thanked Nicole Pendleton, Community Development Director; Cody Sexton, Assistant to the County Administrator; Chief of Fire and EMS Jason Ferguson for his help with the plans for the fire alarm/suppression system,

and David Givens, Development Services Manager, for his help on erosion and sediment control infrastructure.

Dr. Scothorn thanked Mr. Whitten for all of his hard work in reaching this point in the construction process. Dr. Scothorn noted that he hopes that there are no delays in construction and this project can proceed quickly through a good working partnership with G&H.

Dr. Bailey also thanked Mr. Whitten for his time and efforts on this project. He noted that a lot has been accomplished to date because of Mr. Whitten's oversight.

After questioning by Dr. Bailey, Mr. Whitten stated that, according to the architect, the building construction project should take 12 – 16 months. Mr. Whitten noted that the baseball and soccer fields have already been graded and had top soil placed on them, and the parking lots and staging work has begun.

The Board thanked Mr. Whitten for this update.

Consideration was then held on various appointments.

After discussion, on motion by Mr. Sloan, seconded by Dr. Bailey, and carried by the following recorded vote, the Board reappointed Mr. G. Lyn Hayth and Mr. John Griffin to the Economic Development Authority for four year terms to expire on November 1, 2023. (Resolution Number 19-09-17)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

On motion by Mr. Sloan, seconded by Dr. Scothorn, and carried by the following recorded vote the Board appointed Dr. Lisa Chen as an alternate on the Community Policy Management Team from the County Schools for a term to expire on September 1, 2020. (Resolution Number 19-09-18)

AYES: Mr. Clinton, Mr. Sloan, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Dr. Scothorn then stated that a public hearing had been scheduled at this time on a proposed amendment to Chapter 2. Administration of the Botetourt County Code regarding authority to consider citizen petitions for creation of Community Development Authorities (CDAs); however, due to Board member and citizens' questions, the hearing would be delayed until a later date. He noted that the staff presentation on this proposed amendment would proceed at this time.

Mr. Ken McFadyen, Economic Development Director, stated that the staff requested at the August regular meeting that this amendment be advertised for a public hearing.

Mr. Michael Lockaby, County Attorney, stated that this proposed amendment only pertains to "an ordinance granting the Board the authority to consider a CDA." He noted that this amendment does not formally institute regulations approving CDAs—it only gives the Board the authority to consider citizen petitions requesting the creation of a CDA.

Mr. McFadyen stated that today's presentation is based in part on information included in a Virginia General Assembly presentation on this topic. He noted that a CDA is a financing tool, allowed under the provisions of the Code of Virginia (Title 15.2, Chapter 51, Article 6), for a

local government to partner with the private sector to provide infrastructure or other services within a designated CDA area. He stated that a CDA is a separate authority created by the locality for each specific development project which allows a voluntary special assessment district to be created at the landowners' request.

He noted that the purpose of a CDA is to finance infrastructure or provide services made necessary by development within the CDA district; to issue bonds to finance these improvements; and to generate monies through user fees, special ad valorem taxes, or assessments on property to pay for these improvements. Mr. McFadyen further noted that, while cities have inherent authority to consider petitions for CDAs, counties must assume authority via an ordinance to accept citizen petitions for CDAs and this draft ordinance is the purpose of today's public hearing. He stated that the Board is not required to approve such petition if it is received.

Mr. McFadyen stated that this proposed ordinance is an out-growth of the Exit 150 Market Study and Conceptual Master Plan completed in 2015 which suggested several public finance tool options to pay for infrastructure/capital improvements to encourage commercial development at Gateway Crossing. He noted that staff has been working on Zoning Ordinance amendments for the Gateway Crossing area which will be presented to the Planning Commission/Board of Supervisors later this year.

After discussion, Mr. McFadyen stated that private developers have previously asked staff what the County is willing to consider to support commercial development at Gateway Crossing and at adjacent commercial areas. He noted that a CDA is one option that the County can consider.

He noted that the initial driving factor in creating a CDA, once an enabling ordinance is adopted, is the receipt of a petition requesting the creation of a CDA from a property owner(s) who owns at least 51% of the land area or 51% of the land valuation in a designated area. He further noted that the Supervisors could require a higher percentage of property owners' signatures or provide a formal means for opposing landowners to object to the CDA petition.

Mr. McFadyen stated that such a petition has to include: the name and boundaries of the district, public improvements or services proposed, a plan for financing services, benefits of the CDA, a listing of the CDA's board of directors' members, and how they would be appointed. He further stated that the process of adopting the petition would include a public notice advertised for at least 3 weeks with a waiting period of 10 days from the last publication before action can be considered; conducting the public hearing; if agreeable, modifying the planned CDA, not inconsistent with the petition; if approved, the Supervisors would file the CDA's articles of incorporation, which would limit the functions, purposes, and area subject to the authority, with the State Corporation Commission, and record the existence of the CDA in the impacted parcels' land records.

He stated that CDAs are funded through either a special tax or a special assessment on the properties within the designated boundaries. He noted that the special tax option can be levied as an annual ad valorem real estate tax; is limited to 25¢ per \$100 of assessed value unless a greater tax is requested by all landowners; the collected taxes are paid by the County to the CDA, subject to annual appropriation; the tax is required to be levied on all taxable property in the designated district, and it creates a tax lien on the property. Mr. McFadyen further noted that the special assessment option is not an ad valorem tax; the assessment is a one-time, fixed levy that is apportioned among the district's parcels; there is no limit on the amount but it cannot exceed the benefit to the property owner(s); creates a tax lien on the property; the

assessment can be paid over time (40 year maximum) or in a lump sum; and can be prepaid and the property released from the lien.

Regarding what public improvements the CDA can pay for, Mr. Lockaby stated that they have to be some sort of improvement that is above and beyond what is provided in the rest of the County.

Mr. McFadyen stated that the CDA may only fund projects that are not currently provided in the CDA area, such as new sidewalks/curb and gutter, off-street public parking, roads and streets, stormwater management systems, recreational facilities, and fire stations/fire trucks/related equipment; or services that are not currently provided in the CDA such as landscaping, stormwater system maintenance, snow removal, and general upkeep of public improvements and spaces above what is provided elsewhere in the County.

Mr. McFadyen then gave an example of how a CDA would work based on a petition received for 10 commercial properties consisting of 30 acres with a total real estate assessed value of \$20 million. He noted that at least 51% of these property owners (in terms of total acreage or land value) have determined that off-street parking and streetscape improvements would help their businesses and increase their property values. He further noted that these improvements are estimated to cost \$550,000, of which the property owners have agreed to fund 10% at the outset, leaving \$500,000 in needed financing. Mr. McFadyen stated that, if this amount is amortized over 20 years at 5% interest, it would equal debt payments of \$40,000/year.

He noted that, if the CDA enabling ordinance is in place, the property owners could petition the Supervisors to create the CDA. He further noted that this petition would outline the project details, the terms of financing, and who would serve on the CDA's board of directors. Mr. McFadyen stated that the Supervisors could adjust the project's details, keeping the intent of the project in place and consider any objecting property owners' views, and if the petition is approved following a public hearing, the CDA would be created. He further stated that the property owners within the CDA would receive an initial additional tax levy of 20¢/\$100 valuation to fund the debt payments. Mr. McFadyen noted that as the property values within the CDA increase, the special tax levy would proportionately decrease and, when the debt is retired, the CDA could dissolve and the special tax levy would end.

After questioning by Dr. Scothorn, Mr. McFadyen stated that if, for example, Dr. Scothorn owned property within a proposed CDA and he opposes being included in the CDA, Dr. Scothorn could request the Supervisors to not include his property within the designated area's boundaries.

Mr. Lockaby noted that, in CDAs he has worked with, the property owners within the proposed CDA were unanimously in favor of having the CDA created. He noted that any government-owned property within a CDA is counted against the area and the assessment valuation, so a 100% unanimity requirement for all acreage or land value is not practical. Mr. Lockaby stated that the Supervisors could require a higher percentage of CDA property owners to sign the petition of request. He noted that having a lower threshold percentage would encourage the property owners to come to an agreement by removing the incentive for individual landowners who would benefit from the overall project to "hold out" for more benefits or controls specifically for themselves.

After questioning by Dr. Scothorn, Mr. Lockaby stated that there are no set parameters for a CDAs' boundaries; however, properties can be excluded if the petitioner desires, in order

to make the CDA workable, and the district could have “holes” where parcels are left out or have non-contiguous areas, so long as each non-contiguous area met the 51% threshold to petition for membership.

Mr. Clinton stated that he can envision that this would be a complex process and questioned “who is the typical petitioner.”

Mr. Lockaby stated that it is usually a major developer who has control/ownership of a large area.

After further questioning by Mr. Clinton, Mr. Lockaby stated that, if the area within a CDA complies with the Zoning Ordinance, a person can begin development-related work within the CDA. He noted that the board of directors would probably want to retain a financial advisor to make contact with banks/other lending agencies to assess feasibility and obtain financing for the project before filing a petition.

After questioning by Mr. Clinton regarding earlier comments about a CDA being another level of taxation, Mr. Lockaby stated that the only thing that can be taxed in a CDA, over and above the County’s current real estate, personal property, etc., taxes, is real estate. He noted that the County could enter into an agreement with the CDA to appropriate other categories of taxes to it, but this would be assessed in individual situations.

After further questioning by Mr. Clinton, Mr. Lockaby stated that most CDAs in the state are located in the Richmond and Northern Virginia areas. After questioning by Mr. Clinton as to whether there is any “transaction” between the two, Mr. Lockaby stated that a CDA would not affect any other taxes imposed by the County or the State.

Mr. McFadyen stated that, as per the Virginia constitution, only a governing locality board may impose taxes. He noted, therefore, that a CDA’s board of directors could recommend a tax rate to the Supervisors but the Supervisors have the final say and taxes could only be imposed on real estate within the CDA. He stated that a CDA could also implement a user fee on any improvements it constructs such as a parking fee or levy a special assessment; however, Virginia law is very strict on how such special assessments are made and their amounts.

Mr. McFadyen stated that the benefits of a CDA include: financing of infrastructure without using General Fund monies; costs are paid by those who benefit most; infrastructure can typically be financed on a tax-exempt basis and is typically long-term; enhances the feasibility of redevelopment projects; the locality is not obligated on the CDA bonds; the costs of creating the CDA may be financed through the CDA bonds, etc.

He further stated that a CDA can end as it only is allowed to exist for 50 years or until the purposes of the CDA have been completed. He noted that, once the CDA’s purpose is done, all bonds are retired, all of the services are handed-off to others, the board of directors would vote for the CDA to go out of existence, and the Supervisors would act to accept that vote.

After questioning by Mr. Sloan, Mr. McFadyen stated that there can be more than one project occurring within the CDA. Mr. Lockaby concurred with this response as long as the CDA’s articles of incorporation set out the multiple projects to be financed.

After questioning by Dr. Bailey, Mr. Lockaby stated that, if another infrastructure project is determined to be needed after the original CDA is formed, the board of directors could amend their petition to the Supervisors requesting inclusion of the new/additional project.

After discussion, Mr. Lockaby stated that, if it is determined by the board of directors that additional taxes are needed to fund the infrastructure improvements, the directors would submit a recommendation to the Supervisors with the additional requested tax rate. He noted that taxes can only be imposed by elected officials.

After questioning, Mr. Lockaby stated that, if there is more than one infrastructure project proposed within the CDA, each project would have to be set out in the articles of incorporation.

Mr. Lockaby further noted that a CDA's borders can be set in any configuration and there are means to remove parcels from a CDA if a particular landowner does not want to remain in the district.

He stated that the board of director's members, who are appointed by the Supervisors, can be compensated at an amount set by the Supervisors and the compensation would be included in the costs of the CDA. He further stated that the Supervisors could require that the board of directors be residents of the CDA.

After discussion, Mr. Lockaby stated that there are dozens of CDAs in Virginia—some are operational and some are not and the localities' experiences with these CDAs "are not uniformly positive or negative."

Mr. Lockaby stated that, for the Board to be able to consider citizen/developer petitions requesting the creation of a CDA, an ordinance is required that gives them the authority to consider such petitions, which is what the staff is requesting at this time.

After discussion by Mr. Clinton, Mr. Lockaby stated that some CDAs have failed; however, it would "get complicated" if, for instance, the revenue stream and the specific CDA project are transferred to someone else to oversee. After further questioning by Mr. Clinton, Mr. Lockaby stated that it is only the CDA's credit that would be on the line not the County's, if the CDA failed. He noted that those that did fail resulted in the banks who approved the financing "taking a hit."

Dr. Bailey stated that the County is not at risk if a CDA fails where it might be if a County-owned project failed. He noted that the people who would benefit from the formation of a CDA would be the property owners within the CDA's boundaries who are assessed an additional tax rate to fund the requested project. Dr. Bailey stated that, if the CDA has financial difficulties, the County is not responsible for the debt. He noted that this "separation" is an important aspect in his consideration of this text amendment request.

Dr. Bailey further stated that the Supervisors are involved in the petition-approval process and in approving the recommended appointees to the CDA's board of directors and this quells his concerns about taxation without representation.

Mr. Lockaby stated that for the Supervisors to set a tax rate for a CDA would require the same tax rate public hearing process as the County follows each year during the budget approval process.

Dr. Bailey stated that he would imagine that the Commissioner of Revenue and Treasurer would act in their roles to assess and collect the levy. Mr. Lockaby stated that this is correct; however, if a user fee is implemented in the CDA, the collection process for the user fee might be set up differently.

Dr. Scothorn suggested that those citizens who spoke earlier today with questions about the CDA ordinance should receive a copy of this presentation to hopefully answer their questions.

After questioning by Mr. Sloan on whether the Board should table this public hearing, Dr. Scothorn stated that the Board will use today's presentation as an educational opportunity/process for the public. Dr. Scothorn thanked Mr. Lockaby and Mr. McFadyen for putting this presentation together.

There being no further discussion, the meeting was adjourned at 3:54 P. M. until 6:00 P. M.

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

A public hearing was then held on a request in the Amsterdam District from Jeremiah Douglas & Kelly Barker for a Special Exception Permit for a Campground, with possible conditions, for two primitive campground sites in both the Agricultural (A-1) and Forest Conservation (FC) Use Districts in accordance with Section 25-73(7). Uses permissible by special exception and Section 25-93(3). Uses permissible by special exception of the Botetourt County Code on an 18.31-acre parcel located at 937 Little Catawba Creek Road (State Route 600), Troutville, and is identified on the Real Property Identification Maps of Botetourt County as Section 85, Parcel 54.

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

Mr. Drew Pearson, Long-Range Planner, stated that the applicants are proposing two primitive campground sites on their 18.3 acre parcel located in the western part of the County. He noted that this parcel's zoning is split by Little Catawba Creek with A-1 on the western side and FC on the eastern side of the lot.

He further noted that there is one dwelling on this property, which consists of both pasture and timber/forest areas, and several outbuildings. Mr. Pearson noted that there is a small meadow near Little Catawba Creek where the applicants are proposing to locate the two primitive campground sites. He stated that the SEP is for tent camping only—no RVs would be allowed.

Mr. Pearson then reviewed the concept plan which showed the residence, forest area, the meadow, and the proposed camp sites. He noted that parking for the campsites would be located near the applicants' barn and the campers would have to walk from the parking area to the camp site.

Mr. Pearson noted that staff had recommended four conditions be considered for this SEP: "Camping shall be limited to two primitive campsites for tent camping in close proximity to the locations shown upon the concept plan; The applicant shall not be exempted from the requirements of Botetourt County Code, Article II. Noise; Campers shall not be allowed to operate motorized vehicles, such as, but not limited to, ATVs or dirt bikes; The use or overnight occupancy of a recreational vehicle shall be prohibited."

Mr. Pearson stated that, in general, SEP requests are not subject to the County's Noise Ordinance provisions but, in this instance, the condition was added specifically referencing that the applicant was not exempt from these requirements.

Mr. Pearson stated that the Planning Office received 5 telephone calls from area residents about this request prior to the Planning Commission's meeting along with several e-mail messages with questions about the proposal. He noted that most of the calls/e-mails were in opposition to this request and several neighbors spoke in opposition at the Commission meeting.

Mr. Pearson then stated that, due to confusion over the meeting date, the applicant did not attend the Commission's meeting. He noted that a letter from the applicant to this effect was included in the Board's information packet. Mr. Pearson also noted that Mr. and Mrs. Barker are present at this meeting.

After questioning by Mr. Clinton, Mr. Pearson presented Mr. Clinton with a copy of Mrs. Barker's September 11 letter apologizing for their absence at the Planning Commission meeting and responding to various citizen concerns about this proposed campground.

After questioning by Dr. Scothorn, Mr. Pearson stated that the applicant is proposing two primitive camping sites at this time but there are no conditions that would restrict the number of tents allowed on each site. Mr. Pearson stated that the Board can place limitations on the number of people allowed at each site. He then suggested that the Board not place limits on the number of tents allowed on the two proposed primitive camp sites. Mr. Pearson further noted that he believes it is the applicants' intention to limit the number of campers allowed on the property at any one time to 8.

Mrs. Kelly Barker, applicant, stated that this proposed camping site is not visible from Little Catawba Creek Road and she is willing to limit the number of campers allowed at both sites.

Mr. Clinton noted that Mrs. Barker's September 11 letter answers a lot of his questions about how the site will be managed.

After questioning by Mr. Clinton, Mrs. Barker stated that her residence is quite a distance from the campsites. After further questioning by Mr. Clinton, Mrs. Barker stated that she has not previously managed a campground but she has camped over the years. After further questioning by Mr. Clinton, Mrs. Barker stated that these sites will comply with the County Code and she is agreeable to a maximum of 8 people being allowed to camp on the property at any one time.

After questioning by Mr. Clinton, Mr. Barker stated that they currently have the site listed on the internet at a maximum number of four campers per site. After questioning by Mr. Clinton, Mr. Barker stated that drop-in reservations would not be allowed as the campsites would have to be reserved on-line. He further stated that they would obtain information about the potential renters' backgrounds through their contact information.

After further questioning by Mr. Clinton, Mrs. Barker stated that they have spoken to some of their closest neighbors about this proposed campground and received positive comments.

After questioning by Mr. Clinton regarding waste disposal, Mrs. Barker stated that their policy for these primitive campsites would be "pack in and pack out."

After questioning by Mr. Sloan, Mrs. Barker stated that they would not allow any campers to use the site if she and her husband are out of town.

After questioning by Mr. Sloan, Mr. Lockaby, County Attorney, stated that he would further suggest that the applicants contact the Commissioner of Revenue to obtain a business license, if this request is approved.

After questioning by Dr. Scothorn, Mr. Barker stated that they do not have a locked gate across their driveway to keep people out if they are not at home. Mr. Barker further stated that there is no sign on Little Catawba Creek Road that advertises the proposed campsite and no information on the Airbnb website indicates the campsites' location.

After questioning by Dr. Bailey, Mr. Pearson stated that the closest residence to this site is approximately 700' – 800' away. Mrs. Barker stated that there is no line-of-site view from the adjacent properties to this proposed campground location.

After further questioning by Dr. Bailey, Mrs. Barker stated that no pets are allowed on the campsites at this time but she does not see the need for a limit on the number of pets. Mr. Barker stated that they are willing to limit the number of dogs allowed on each campsite to two per household.

After questioning regarding the barking dogs disturbing the neighbors, Mrs. Baker stated that she does not think that the neighbors would be able to hear dogs barking from the meadow.

After questioning by Mr. Clinton, Mrs. Barker stated that the campers are only allowed to camp at the two primitive sites in the meadow—nowhere else on the property.

After questioning by Mr. Sloan regarding hiking options in the area, Mrs. Barker stated that there is a side-trail of the Appalachian Trail that gives access to this area. Mr. Barker stated that the Andy Lane Trailhead is approximately a mile away. He further noted that their land is fenced so he does not anticipate any problems with trespassing.

Mrs. Barker noted that they have not seen any evidence of trespassing on their land.

After questioning by Mr. Clinton, Mrs. Barker stated that she “would be thrilled if they had 10 nights a month” rental for these campsites but she has no idea of the potential number of renters at this time.

Dr. Scothorn then questioned, “Why would I use this camping site?” Mr. Barker stated, “To get away from society and embrace nature.”

After questioning by Dr. Scothorn, Mr. Pearson stated that there are currently no camping sites in the County similar to what the Barkers are proposing. He noted that this is a small-scale campground for tent camping only; however, many other campgrounds in the County allow RVs.

Ms. Cheryl Bryant of Little Catawba Creek Road stated that she lives across the street from the Barkers and sent the County an e-mail with her concerns about this request. She stated that the Barkers sent a letter to the neighbors to try to alleviate some of their concerns but their comments did not ease her concerns. She noted that the website for this campground indicates that pets are allowed and up to 8 guests are permitted per site.

Mr. Sloan then left the meeting at this time (6:25 P. M.)

Ms. Bryant stated that the Barkers listed this campground on their website as early as April 2019. She noted that the information on their website also shows that hiking is permitted. Ms. Bryant stated that she is concerned about there being no restrictions on the renters and questioned who is going to enforce the conditions if this request is approved. She further noted that there has been a lack of communication from the Barkers on this request.

Ms. Bryant stated that the VDoT letter regarding this proposal did not indicate that the proposed campground would not impact traffic on Little Catawba Creek Road, it said that the proposal would not adversely impact the VDoT right-of-way.

After discussion, Ms. Bryant stated that she has lived on her property for 30 years and they want to keep the area peaceful.

Mrs. Janet Mikulas of Paradise Lane stated that her property is 1¼ miles from the Andy Lane Trail and she objects to this request. Ms. Mikulas stated that “inviting non-monitored guests to this area is asking for trouble.” She questioned what would be the safety policy against bears if the campers are not allowed to bring firearms onto the property, what would be

the maximum length of stay, and what would be the eviction policy if the campers do not want to leave, how would these individuals be removed from the property, what are the disposal plans for trash and human waste, who would police underage drinking restrictions, what are the fire safety policies and what types of fire pit fuel would be prohibited (would gasoline be allowed to start a campfire), would knives be permitted on the site, would campers be allowed to charge their electronic devices at the Barkers' barn, are there security cameras, patrols of the area when campers are present, will there be liability insurance coverage for damages to adjacent properties, etc.

Mr. John Mikulas of Paradise Lane stated that he owns 40 acres across Little Catawba Creek Road from this property. He is concerned about this being a primitive campsite and the renters being required to "pack out" their human waste. Mr. Mikulas stated that he can imagine that the campers would toss out bags of waste along the roadway when they left as they would not want to transport the waste back to their homes in their vehicles.

He noted that there are two residences in this area that have lost their wells because of e-coli bacterial contamination. He further noted that these two proposed campsites could generate as much sewage as a 6 – 8 bedroom house. Mr. Mikulas stated that this use would be a risk to the area's water sources as it is possible that men would urinate in the creek instead of into a bag/container that they would have to pack out.

Mr. Mikulas further stated that the Barkers have said that they would offer a shower tent that would allow the use of water from the creek to fill a solar bag. He questioned what would happen to that wastewater and what is going to be done with sewage from 16 people on these two campsites. Mr. Mikulas stated that if the wastewater is dumped in the creek then the downstream properties will be impacted.

Mr. James Williams of Little Catawba Creek Road stated that his son can see the Barkers' property from his porch. Mr. Williams stated that his concern is that this campground would be "totally out of place in the community." Mr. Williams stated that this general area is the most densely populated section of Route 600.

Mr. Williams stated that the Barkers' website for this campground offers many options/activities for the campers, including hiking, biking, etc., and these offerings are totally inconsistent with the area.

Mr. Williams noted that, if this request is approved, he can imagine the Barkers applying to the County for a RV campground in the future.

He also noted that "a bunch of men are not going to urinate in a bag; they are going to go to the creek." He questioned what is going to happen to the toilet waste. Mr. Williams noted that he used to work for the railroad and they had a waste disposal system—a bag—which, when filled, was thrown off of the train onto adjacent property.

Regarding trespassing, Mr. Williams stated that there are people that still hike an abandoned portion of the Appalachian Trail in this area.

Ms. Misty McCombs-Bush of Little Catawba Creek Road stated that there is a ditchline in front of her property that collects trash blown off of the roadway and questioned how the Barkers are going to keep their renters from tossing trash and bags of human waste out of their vehicles when they leave. She is also concerned about the Barkers ensuring that the campers' pets stay on the campsite.

Ms. McCombs-Bush also questioned how regulations regarding no guns and other weapons were going to be enforced, along with ensuring that all campfires are extinguished,

and that cigarette butts would not litter the area. Ms. McCombs-Bush stated that she is opposed to this request because she will have toilet bags, trash, and the campers' dogs ending up on her property.

Mr. Barry Roberts of Catawba Road stated that his sister owns property adjacent to the Barkers' and she notified him of this proposed campground request. Mr. Robert stated that he sent the Planning Office a letter expressing their concerns including poaching, trespassing, littering, damages to fencing, etc.

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

Dr. Scothorn stated that the neighbors have many questions regarding this proposed request that need to be answered. He noted that several good questions and comments have been made at this hearing.

Mr. Clinton stated that he admires an enterprising spirit and initiative concerning the outdoors; however, he is concerned about a limited management plan having been developed for this campground. Mr. Clinton stated that managing this type of business activity is probably not as simple as the petitioners think it will be.

Mr. Clinton stated that Mrs. Mikulas had approximately 11 questions about this proposed campground and some of the questions were valid. Mr. Clinton stated that he is not sure if these questions are going to be answered to his satisfaction.

Dr. Bailey stated that he would agree with Mr. Clinton's statements. He noted that there are some discrepancies between the website information and the business plan presented by the Barkers that concern him. He also stated that having a "neighborly spirit" about this proposal is also important to him. Dr. Bailey stated that he respects someone who wants to enjoy the outdoors but there are more questions than answers regarding this proposal.

Dr. Scothorn stated that there are a lot of enforcement regulations that need to be addressed but he appreciates the opportunity to open up this area for tourism/camping.

Mr. Barker stated that he feels like most of the questions could be answered.

Mr. Clinton stated that these are basic questions that should have been addressed ahead of time.

Mrs. Barker stated that she respects their neighbors and their concerns and hopes that they can be addressed. She noted that the people who live in this area "are not their market" for renting these camping sites. Mrs. Barker noted that those who have expressed interest in renting this site are young couples or those wanting a romantic getaway.

Mr. Barker stated that many of the questions/concerns from this hearing pertain to items that they cannot enforce. He noted that there is only so much that they can do.

There being no further discussion, on motion by Mr. Clinton, seconded by Dr. Bailey, and carried by the following recorded vote, the Board denied the request in the Amsterdam District from Jeremiah Douglas & Kelly Barker for a Special Exception Permit for a Campground for two primitive campground sites in both the Agricultural (A-1) and Forest Conservation (FC) Use Districts in accordance with Section 25-73(7). Uses permissible by special exception and Section 25-93(3). Uses permissible by special exception of the Botetourt County Code on an 18.31-acre parcel located at 937 Little Catawba Creek Road (State Route 600), Troutville, and is identified on the Real Property Identification Maps of Botetourt County as Section 85, Parcel 54, on the basis that the requirements of Section 25-583 of the Zoning Ordinance have not been satisfied due to the following reasons: lack of overall management of waste, concerns regard-

ing access to the creek, number of campers, location in a neighborhood, etc. (Resolution Number 19-09-19)

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

NAYS: None

ABSENT: Mr. Martin, Mr. Sloan

ABSTAINING: None

A public hearing was then held on a request in the Blue Ridge District from Kathy R. Yeatts, c/o Kathy Dillon (Walter Hinkley, contractual purchaser), to rezone from the Agricultural (A-1) and Business (B-2) Use Districts to the Business (B-3) Use District, with possible proffered conditions, in accordance with Section 25-262. Permitted uses of the Botetourt County Code for a towing service. The applicants also request a Special Exception Permit for Truck (heavy) and bus repair, with possible conditions, in accordance with Section 25-263. Uses permissible by special exception (6); and a Special Exception Permit, with possible conditions, to reduce the minimum district size to five (5) acres in accordance with Section 25-264. District requirements on a 5.0-acre parcel located at 2517, 2525, and 2527 Webster Road (State Route 738), Roanoke, and identified on the Real Property Identification Maps of Botetourt County as Section 109, Parcel 70.

It was noted that the Planning Commission had recommended conditional approval of these requests.

Mr. Drew Pearson, Long-Range Planner, stated that the Board is being requested to take three separate actions on this request—rezoning, SEP for truck and bus repair, and SEP to reduce the minimum district size to five acres.

Mr. Pearson stated that this 5 acre parcel is split zoned and is smaller than the minimum district size (7 acres) allowed in the B-3 Use District. He noted that there is a house on the front of the property in the B-2 zoned area, a couple of accessory buildings, and a commercial, cinderblock garage with 3 bays. He noted that this property was used for commercial vehicle repairs for some time and most recently has been used as the location of a trash hauling business.

Mr. Pearson then reviewed the conceptual site plan for this property. He noted that the gravel portion of the lot, which is at the front of the property, consists of approximately 2 acres. Mr. Pearson noted that no proffered conditions were submitted by the applicant with this rezoning request; however, a condition was submitted at the Planning Commission meeting (“That the future storage yard will be developed in substantial conformity with its location as shown on the Preliminary Site Plan for Kathy R. Yeatts by Pierson Engineering and Surveying, dated July 22, 2019.”).

Mr. Pearson stated that the towed vehicles will be stored at the rear of the lot.

He then reviewed the conditions recommended for inclusion with the SEP requesting to reduce the district size (“The applicant shall not be exempted from the requirements of the Botetourt County Code, Chapter 15 Offenses-Miscellaneous, Article II, Noise; The future storage yard shall be constructed in substantial conformance as shown on the preliminary site plan prepared by Pierson Engineering and Surveying, dated July 22, 2019; All outdoor storage of materials, the parking of wrecked or damaged vehicles, and/or the parking of vehicles awaiting repair shall be parked in the future storage yard as shown on the preliminary site plan prepared by Pierson Engineering and Surveying, dated July 22, 2019; All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no

instance shall the zoning conditions exempt a project from any local, state or federal development requirement, except where allowed by the Zoning Ordinance; The storage yard area shall not exceed a one (1) acre maximum on the preliminary site plan prepared by Pierson Engineering and Surveying, dated July 22, 2019, in conjunction with the proffered condition.”).

Mr. Pearson noted that, if these requests are approved, a more-technical site plan would have to be submitted to the Planning/Zoning Office for review. He noted that the designated storage yard area could not exceed 1 acre in size.

Regarding the SEP for heavy truck/bus repair, Mr. Pearson stated that this is being requested to allow Mr. Hinkley, the contractual purchaser of this property, to be able to service his towing fleet vehicles. He noted that there were no conditions recommended by the Planning Commission with this SEP; however, the Board could place conditions on this request, if they desire.

After discussion, Mr. Pearson stated that no citizen calls or letters have been received regarding these requests. He noted that Mr. Hinkley and his realtor, Mr. Anthony Smithers, were present to answer any questions.

After questioning by Dr. Bailey, Mr. Pearson stated that the minimum district size in the B-3 district is 7 acres. Mr. Pearson noted that, on the County's tax records, this lot is shown as 5 acres; however, a recent survey of the property indicates that it consists of 4.87 acres.

After further questioning by Dr. Bailey regarding the a limit on the maximum number of towed vehicles allowed on the lot, Mr. Pearson stated that a condition could be added to this effect; however, it would be difficult to enforce. Mr. Pearson stated that it is more suitable from an enforcement standpoint to limit the size of the lot on which the towed vehicles can be stored as there are only so many vehicles that can be parked in the proposed 1 acre storage area.

After questioning by Dr. Bailey regarding the entrance off of Webster Road into this property, Mr. Pearson stated that this property is currently being used by large trash trucks so the entrance is of adequate size to allow large tow trucks to access/exit the site. He further stated that, if this request is approved, VDoT will review the entrance more thoroughly to determine if it meets their standards or if site modifications are needed before an entrance permit can be approved.

After questioning by Dr. Bailey, Mr. Hinkley stated that the garage/shop building is approximately 150 yards from of Webster Road.

Mr. Pearson noted that the shop building is located behind a small hill and there is vegetation along most of Webster Road which blocks the building from view.

After questioning by Dr. Scothorn regarding screening of this site from the adjacent parcels, Mr. Pearson stated that the Zoning Ordinance includes screening provisions for out-door storage yards. He stated that the gravel lot to be used for storage of towed vehicles is screened from view by trees along the northeastern property line. Mr. Pearson further stated that Mr. Hinkley plans to leave the vegetative screen on the eastern side of the parcel in place and will be required to fill in the evergreen buffer in any open areas along the property lines.

Mr. Hinkley noted that he lives on 147 Westview Road in Troutville. He stated that VDoT's August 21, 2019, letter mentioned no concerns/comments regarding access to the site.

Mr. Hinkley noted that this property began as an automobile repair shop in 1959 and in 1978-79 a trash collection company moved to the site and stored their dumpsters/equipment on the parcel for 30 years.

After questioning by Dr. Scothorn, Mr. Hinkley stated that he intends to make this site more aesthetically pleasing. He noted that the storage area is located in a small valley and would be difficult to see from Webster Road.

After questioning by Dr. Bailey, Mr. Hinkley stated that he is required by the State to conduct automobile auctions once a month and they will be held on this site.

Mr. Anthony Smithers of Franklin County stated that he is Mr. Hinkley's real estate agent. Mr. Smithers stated that he has been trying to find a new site for Mr. Hinkley's business for many years. He noted that this Webster Road property works well for this proposed use and all of the property's boundaries have screening foliage to block the view from adjacent parcels.

Mr. Smithers stated that they have also contacted VDoT about this proposal to ensure that they are following all appropriate procedures.

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

After questioning by Dr. Scothorn, Mr. Pearson noted that the Planning/Zoning Office has not received any calls/comments about this request. He noted that the adjacent property owners were sent certified letters notifying them of these public hearings and signage was posted on the property notifying the public about the rezoning/SEP request.

After further discussion, on motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this request with the following condition. 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 19-09-20)

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

NAYS: None

ABSENT: Mr. Martin, Mr. Sloan

ABSTAINING: None

KATHY R. YEATTS, C/O KATHY DILLON  
(Walter Hinkley, contractual purchaser),

In the Blue Ridge District to rezone from the Agricultural (A-1) and Business (B-2) Use Districts to the Business (B-3) Use District, in accordance with Section 25-262. Permitted uses of the Botetourt County Code for a towing service on a 5.0-acre parcel located at 2517, 2525, and 2527 Webster Road (State Route 738), Roanoke, and identified on the Real Property Identification Maps of Botetourt County as Section 109, Parcel 70.

1. That the future storage yard will be developed in substantial conformity with its location as shown on the Preliminary Site Plan for Kathy R. Yeatts by Pierson Engineering and Surveying, dated July 22, 2019.

On motion by Dr. Scothorn, seconded by Mr. Clinton, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved a request in the Blue Ridge District from Kathy R. Yeatts, c/o Kathy Dillon (Walter Hinkley, contractual purchaser), for a Special Exception Permit to reduce the minimum district size to five (5) acres in accordance with Section 25-264. District requirements on a 5.0-acre parcel located at 2517, 2525, and 2527 Webster Road (State Route 738), Roanoke, and is identified on the Real Property Identification Maps of Botetourt County as Section 109, Parcel 70, with the following conditions: (Resolution Number 19-09-21)

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

NAYS: None

ABSENT: Mr. Martin, Mr. Sloan

ABSTAINING: None

1. The applicant shall not be exempted from the requirements of the Botetourt County Code, Chapter 15 Offenses-Miscellaneous, Article II, Noise.
2. The future storage yard shall be constructed in substantial conformance as shown on the preliminary site plan prepared by Pierson Engineering and Surveying, dated July 22, 2019.
3. All outdoor storage of materials, the parking of wrecked or damaged vehicles, and/or the parking of vehicles awaiting repair shall be parked in the future storage yard as shown on the preliminary site plan prepared by Pierson Engineering and Surveying, dated July 22, 2019.
4. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the zoning conditions exempt a project from any local, state or federal development requirement, except where allowed by the Zoning Ordinance.
5. The storage yard area shall not exceed a one (1) acre maximum on the preliminary site plan prepared by Pierson Engineering and Surveying, dated July 22, 2019, in conjunction with the proffered condition.

On motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved a request in the Blue Ridge District from Kathy R. Yeatts, c/o Kathy Dillon (Walter Hinkley, contractual purchaser), for a Special Exception Permit for Truck (heavy) and bus repair in accordance with Section 25-263. Uses permissible by special exception (6) on a 5.0-acre parcel located at 2517, 2525, and 2527 Webster Road (State Route 738), Roanoke, and is identified on the Real Property Identification Maps of Botetourt County as Section 109, Parcel 70. (Resolution Number 19-09-22)

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

NAYS: None

ABSENT: Mr. Martin, Mr. Sloan

ABSTAINING: None

A public hearing was then held on a request in the Amsterdam Magisterial District from Pleasant Hill Baptist Church for a Special Exception Permit, with possible conditions, for an Electronic Message Board/L.E.D. sign per Section 25-462(e)(3), Electronic Message Board/L.E.D. of the Botetourt County Code on a 4.44-acre lot in the Agriculture (A-1) Use District located at 4930 Country Club Road (State Route 665), Troutville, at the intersection of Haymakertown Road (State Route 666), and identified on the Real Property Identification Maps of Botetourt County as Section 71, Parcel 100.

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

Mrs. Nicole Pendleton, Director of Community Development, stated that this 4.44 acre lot is zoned Agricultural A-1. She noted that the Church would like to replace a 50 year old, existing, lighted sign with an electronic message board sign. Mrs. Pendleton further noted that the proposed sign's design appears to meet all of the Zoning Ordinance's provisions.

She stated that there would be a timer installed on the new sign which would turn it off between 10PM and 6AM and the sign would also have an automatic dimming feature that would reduce the sign's brightness between sunset and 10PM.

Mrs. Pendleton stated that one letter of opposition was received regarding this request and two comments regarding concerns about traffic safety and light pollution were made during the public hearing. She noted that the applicants were present at this meeting to answer any questions.

After questioning by Mr. Clinton, Mrs. Pendleton stated that the Zoning Ordinance requires that electronic message boards/LED signs always display a message other than at night.

After questioning by Dr. Scothorn, Mrs. Pendleton stated that the sign is programmed to dim in the evening and includes an automatic shut-off between 10PM and 6AM.

After questioning by Mr. Clinton, Mrs. Pendleton stated that the Zoning Ordinance's provisions require that these types of electronic/LED signs be turned off between 10PM and 6AM. After further questioning by Mr. Clinton, Mrs. Pendleton stated that the Ordinance also requires that the sign's message only change once every 6 – 8 seconds.

After questioning by Dr. Bailey, Mrs. Pendleton stated that the Planning Commission recommended a condition be included with this request--the sign would have a dark background such as black or dark navy.

After questioning by Mr. Clinton, Mrs. Pendleton noted that electronic/LED signs in the County have to be of monument-type design and temporary LED signs are not allowed.

Mr. Jay Etzler, representing Pleasant Hill Baptist Church, stated that this church has served its community for over 175 years. He noted that the old sign is worn out and the church's membership believes that a LED sign will allow them to better serve the community by announcing blood donation events, meals, food drives, and special events/programs.

Mr. Etzler stated that the Church submitted a SEP request two years ago for this same type of sign and received a good deal of feedback from the Church's neighbors regarding light pollution, sight distance, and concerns about the proposed sign being a distraction for drivers. He noted that the Church took time after the original request to consider these issues/concerns.

Mr. Etzler noted that the existing sign has standard (fluorescent/incandescent) lights on both sides and the light pollution generated by the proposed sign is significantly less than the current sign.

After discussion, Mr. Etzler stated that the Country Club/Haymakertown Road intersection does not have good sight distance but the Church recently purchased property at the intersection for a building expansion. He noted that they have been able, through pruning of the vegetation and other means, to improve vehicles' sight distance on the southbound side of Country Club Road.

After questioning by Dr. Bailey, Mr. Etzler stated that the current sign is lighted all night and the new sign will automatically turn off at 10PM and has a dimming capability between sunset and 10PM.

After questioning by Mr. Clinton, Mr. Etzler stated that the proposed sign will be placed very close to the current sign's location.

After questioning by Dr. Scothorn, 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. Bailey, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request in the Amsterdam Magisterial District from Pleasant Hill Baptist Church for a Special Exception Permit for an Electronic Message Board/L.E.D. sign per Section 25-462(e)(3), Electronic Message Board/L.E.D. of the Botetourt County Code on a

4.44-acre lot in the Agriculture (A-1) Use District located at 4930 Country Club Road (State Route 665), Troutville, at the intersection of Haymakertown Road (State Route 666), and identified on the Real Property Identification Maps of Botetourt County as Section 71, Parcel 100, with the following condition: (Resolution Number 19-09-23)

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

NAYS: None

ABSENT: Mr. Martin, Mr. Sloan                      ABSTAINING: None

1. The sign shall have a dark background.

There being no further discussion, on motion by Dr. Bailey, seconded by Mr. Clinton, and carried by the following recorded vote, the meeting was adjourned at 7:31 P. M. (Resolution Number 19-09-24)

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

NAYS: None

ABSENT: Mr. Martin, Mr. Sloan                      ABSTAINING: None