

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, September 25, 2018, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 12:30 P. M.

PRESENT: Members: Mr. L. W. Leffel, Jr., Chairman
Dr. Donald M. Scothorn, Vice-Chairman
Mr. Steve Clinton
Mr. I. Ray Sloan

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

Others present at the meeting:

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

The Chairman called the meeting to order at 12:30 P. M.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board went into Closed Session to discuss personnel issues; staff evaluations and information prepared to evaluate a proposal under the Public-Private Education Facilities Act of 2002 by County Waste; consideration of the acquisition of property for public purposes or the disposition of publicly held real estate in the Amsterdam and Valley Districts where discussion in open session would adversely affect negotiations; discussion concerning a prospective business or industry or the expansion of an existing business or industry in the Amsterdam, Buchanan, Valley and Blue Ridge Districts where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the County; and consultation with legal counsel and briefings by staff members or consultants pertaining to contract negotiations regarding an agreement with Virginia Western Community College, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and to discuss a cellular communications tower SEP request in the Buchanan District pursuant to Section 2.2-3711(A) (1), (3), (5), (7), (8) and (28) of the Code of Virginia, 1950, as amended. (Resolution Number 18-09-01)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

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

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board returned to regular session from Closed Session and adopted the following resolution by roll-call vote. (Resolution Number 18-09-02)

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

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.

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

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

Mr. Leffel then noted that 300 James River High School students recently conducted a cleanup day in the community. He noted that the Board is proud of these students' efforts.

Dr. Scothorn then noted that the County's Broadband Summit is occurring this afternoon and tomorrow. He noted that this event includes representatives from various companies, entities, and local governments on how broadband service could be extended to the County's residents. Dr. Scothorn noted that an internet link will be created so that the public can be informed of the Summit's results.

Mr. John Busher, Superintendent of Schools, then stated that James River High School began conducting a day of service event last year so that the students could participate in various community cleanup events to give back to the citizens of Botetourt County. He noted that it is a whole-school effort and there was positive feedback from the students after the event. Mr. Busher stated that a lot of work went into planning and carrying out this event.

Mr. Busher then introduced Mr. Brandon Lee to the Board. He noted that Mr. Lee is the School system's new Supervisor of Business & Finance and will be working closely with the County during the upcoming budget development process. He noted that Mr. Lee previously worked for Roanoke County Public Schools.

Mr. Lee stated that he previously worked in the Roanoke County School's budget and finance office and prior to that worked as an auditor in the private sector. Mr. Lee noted that he has already met some of the County staff and looks forward to working with them in the future.

The Board welcomed Mr. Lee to the County.

Mr. Jim Farmer, Director of Recreation and Facilities, then introduced four new Recreation Maintenance employees—Matt Prince, Freddie Hostetter, Brian Umber, and Ryan Mehalic. He noted that the Recreation Department is glad to have them working for the County.

The Board welcomed them to employment with Botetourt County.

Chief Jason Ferguson, with the Department of Fire and EMS, then introduced three new full-time employees: Holly Brenner, Brian Sikes, and Seth Mowles. He noted that Ms. Brenner was previously a volunteer with the Fincastle Rescue Squad and has been a part-time employee with the County for two years. Chief Ferguson stated that Mr. Sikes is from Covington and has a background in law enforcement and fire/EMT service in West Virginia. He noted that Mr. Sikes is in the process of moving to the County. Chief Ferguson further stated that Mr. Seth Mowles is a Firefighter/Paramedic who started the County's paid Fire/EMS program with him (Chief Ferguson) in 2001. He stated that Mr. Mowles previously worked in Bedford County and has moved back to Botetourt County.

The Board welcomed them to employment with the County.

Chief Ferguson then introduced Mr. Dylan Kyger to the Board from the Troutville Fire Department. He noted that Mr. Kyger recently completed the Virginia Fire Official's Academy through the University of Richmond.

The Board congratulated Mr. Kyger on receiving this certification.

Mr. Sloan then asked the family of Mr. Sam Smelser to come forward.

He stated that Mr. Sam Smelser, Jr., served as a member of the Blue Ridge Volunteer Fire Department from 1959 to 1998 and passed away in mid-July. Mr. Sloan stated that he first

met Mr. Smelser in 1981 and he encouraged him (Mr. Sloan) to become involved in the County's volunteer fire service.

Mr. Sloan stated that he does not believe that he would have gotten to the level that he did in the County's volunteer fire service without Mr. Smelser's help and assistance.

He noted that a proclamation has been drafted and framed for presentation to Mr. Smelser's family recognizing his service and dedication to the County's citizens. He then read the proclamation as follows:

WHEREAS, Samuel H. Smelser, Jr., (Sam) served as a member of the Blue Ridge Volunteer Fire Department from 1959 to 1998, serving as a founding charter member; and,

WHEREAS, Sam, with the utmost dedication and commitment, faithfully served as a member of the County of Botetourt's public safety community for over 30 years; and,

WHEREAS, During his extensive tenure as a volunteer, Sam contributed countless hours to call response, training, fundraising and other community activities, dedicating his entire adult life to ensuring the provision of fire and emergency services in and around the community of Blue Ridge; and,

WHEREAS, Sam also served as a member of the United States military protecting his country from all enemies, foreign and domestic, by faithfully discharging his duties; and,

WHEREAS, Sam received the designation of "*Chief Emeritus*" of the Blue Ridge Volunteer Fire Department in 1998 after serving as Chief of the Department from 1968 until 1998; and,

WHEREAS, Botetourt County, and more specifically the Blue Ridge community, its citizens, and visitors are safer because of the dedication and sincere commitment of Sam's volunteerism;

WHEREAS, Sam passed away on July 19, 2018, and his service as a charter member and a long-term and instrumental leader as Fire Chief in the Blue Ridge community shall henceforth be memorialized; and,

NOW, THEREFORE, BE IT RESOLVED, that we, the Board of Supervisors of Botetourt County, Virginia, do hereby recognize Samuel H. Smelser, Jr., and his family for their service, dedication, and commitment to the citizens and visitors of Botetourt County.

Mr. Reggie Smelser thanked the Board and the Fire/EMS staff for this proclamation. Mr. Smelser noted that his father would not have expected this proclamation but would have appreciated the gesture.

Mr. Jerry Jacobson of Hardbarger Road then invited the Board members and County Administrator to the VFW Lodge's First Responders Luncheon on October 23 from 11 – 1PM at the VFW Lodge on Route 220. He noted that this is the fourth year of this event and is one small thing that they can do to recognize the area's first responders. Mr. Jacobson said that these individuals have stressful jobs and this luncheon is a way to give back to them and recognize their efforts.

Mr. Leffel thanked Mr. Jacobson for the invitation as well as his service to the country and thanked the VFW for what they do to serve veterans.

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 consent agenda items: (Resolution Number 18-09-03)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Approval of minutes of the regular meeting held on August 28, 2018;

Approval of a proclamation declaring the week of October 21 - 27, 2018, as "Red Ribbon Week;" and

Approval of a resolution declaring the week of October 7 - 13, 2018, as "Fire Prevention Week."

Consideration was then held on approval of transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there were three transfers and 9 pass through appropriations for the Board's consideration this month. He noted that the transfers were for reoccurring expenses related to the Purchasing Store Fund and Pool Car accounts, as well as a request for transfer of \$80,000 from the Contingency Fund for the General District Courthouse's renovation project. Mr. Zerrilla stated that the appropriations were for receipt of grant funds, cost reimbursements, receipt of insurance claims proceeds, and refunds.

Mr. Zerrilla then requested that the Board consider a walk-on appropriation request in the amount of \$25,183 to the CIP-Sheriff Mobile Safety Plan account, 100-4094000-31200-8005-205, to outfit four Animal Control vehicles with mobile data terminals.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 18-09-04)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Transfer \$ 345.74 to Central Purchasing – Store Supplies, 100-4012530-12530-6021-000, from various departments as follows for store supplies usage:

\$ 12.00 Comm. Devel. - Office Supplies, 100-4081200-81200-6001-000
 \$ 24.99 Comm. Devel. – Uniforms, 100-4081200-81200-6011-000
 \$117.00 Dep. Co. Admin.–Office Suppl., 100-4012120-12120-6001-000
 \$ 12.75 Finance – Office Supplies - 100-4012430-12430-6001-000
 \$179.00 Maint. –Rep. & Maint. – Suppl., 100-4043000-43000-6007-000

Transfer \$ 707.54 to Central Purchasing – Pool Car Transfers, 100-4012530-12530-6020-000, from various departments as follows for fuel usage:

\$ 4.50 Finance – Fuel, 100-4012430-12430-6008-000
 \$ 5.00 Gen. Svces.–Rep. & Maint.–Veh., 100-4040000-40000-3312-000
 \$ 6.90 Purchasing – Fuel, 100-4012530-12530-6008-000
 \$ 11.50 CSA – Fuel, 100-4053500-53500-6008-000
 \$ 19.60 Technology Svces. – Fuel, 100-4012510-12510-6008-000
 \$ 25.80 County Administrator – Fuel, 100-4012110-12110-6008-000
 \$ 50.80 Comm. Devel. – Fuel, 100-4081200-81200-6008-000
 \$ 62.90 Economic Devel. – Fuel, 100-4081500-81500-6008-000
 \$ 66.70 Registrar & Electoral Bd., 100-4013300-13300-6008-000
 \$219.50 Van Program – Fuel, 100-4071500-71500- 6008-000
 \$234.34 Fire & EMS – Fuel, 100-4035500-35500-6008-000

Transfer budgeted funds of \$80,000.00 from Contingency, 100-4091000-93000-0000-000, to CIP - General District Courthouse, 100-4094000-21200-8012-417. These budgeted funds will be utilized for the General District Courthouse renovation project.

Additional appropriation in the amount of \$36,663.12 to Fire and EMS – County Volunteer Rescue Squads, 100-4035500-35500-5651. These are Four-For-Life funds received from the State.

Additional appropriation in the amount of \$315 to Fire and EMS - Part-Time Wages – Regular, 100-4035500-35500-1300. These are funds received from Carilion Clinic for precept services provided by Botetourt Fire and EMS personnel.

Additional appropriation in the amount of \$4,015.71 to Sheriff's Department – DMV Salaries, 100-4031200-31200-1800. These are DMV grant funds for deterring high speed and driving under the influence of alcohol.

Additional appropriation in the amount of \$3,017.00 to Animal Control – Repairs & Maintenance, 100-4035100-35100-3311. This is a claims payment from VACoRP for vehicle repairs.

Additional appropriation in the amount of \$1,193.85 to the following Sheriff's Department accounts: \$900.00 to Forest Patrol - Salaries, 100-4031200-31200-1900; \$68.85 to FICA, 100-4031200-31200-2100; and \$225.00 to Vehicle Supplies, 100-4031200-31200-6009. These are reimbursed funds received for Forest Patrol overtime expenses.

Additional appropriation in the amount of \$301.91 to Sheriff's Department – Uniforms, 100-4031200-31200-6011. These are reimbursed funds for contract payments.

Additional appropriation in the amount of \$2,274.14 to Correction and Detention – Medical & Lab Supplies, 100-4033100-33100-6004. These are medical co-pays and Craig County reimbursements regarding medical care for inmates.

Additional appropriation in the amount of \$1,880.01 to CIP – Sheriff Mobile Data Safety Plan, 100-4094000-31200-8005-205. This is a refund for antenna exchanges.

Additional appropriation in the amount of \$128.93 to Buchanan Fire and EMS Contribution Fund, 235-5002022-00000-0000-000. These pass-through funds will be used to cover a water bill.

Additional appropriation in the amount of \$25,183 to CIP-Sheriff Mobile Safety Plan, 100-4094000-31200-8005-205. This appropriation is for funds that will be used for outfitting four Animal Control vehicles with Mobile Data Terminal (MDT) units and will provide the enhanced communication functions currently being used by road deputy and Sheriff's administration vehicles.

Consideration was then held on approval of the Accounts Payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payable totaled \$1,033,452.72. He noted that this month's large expenditures include \$35,000 to ESRI, Inc., for GIS licensing costs; \$82,313 to the Botetourt County Health Department for a quarterly budget payment; \$23,453 to Blue Ridge Rescue Suppliers for uniforms; \$56,929 to the Roanoke Center for Animal Control and Protection which is a contingency charge to the FY 18 budget; and \$102,104 to Tyler Technologies, Inc., for the new tax system software.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board approved the Accounts Payable list and ratified the Short Accounts Payable List as submitted. (Resolution Number 18-09-05)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

The Solid Waste Committee then gave a report on negotiations with County Waste for a contract to operate the County's landfill. Mr. Larrowe stated that Dr. Scothorn and Mr. Leffel served on this committee and have worked with staff to negotiate an agreement with County Waste of Southwest Virginia for operation of the County landfill.

Mr. Larrowe stated that this contract was enabled under the provisions of the Public-Private Education Act (PPEA). He noted that County Waste submitted an unsolicited proposal to the County earlier this year to take over operations and closure of the County landfill.

Mr. Larrowe stated that, under Virginia Department of Environmental Quality (DEQ) guidelines, the County is required to close the remaining landfill cells by December 2020. He noted that County Waste will use the remaining air space in these cells for trash disposal and then close and cap the landfill in accordance with DEQ requirements. He noted that these closure/capping costs are estimated to be \$4 million.

Regarding the County's recycling program, Mr. Larrowe stated that County Waste would accept recyclable materials at no charge to the County and its citizens. He noted that some of the County's recycling collection sites have contamination problems and there may be instances where out-of-County individuals are using the sites.

Mr. Larrowe stated that there are also minor changes being made to the landfill disposal rate structure. He noted that the per ton disposal rate will be \$49.50; automobile tire disposal costs will be \$5 per tire for a tire that is 20" or less and \$10 per tire for a tire larger than 20"; white goods without Freon will be \$5.25 each; and heavy equipment tires will not be accepted.

After discussion, Mr. Larrowe stated that this agreement protects the local trash collection franchise haulers as they will be able to bring trash into the landfill for disposal instead of hauling it to the Roanoke Valley Resource Authority's transfer station in Hollins.

Regarding performance bonds, Mr. Larrowe stated that County Waste will be responsible for these bonds to close cells 519 and 582 as per DEQ requirements. He noted that the conclusion of the closure process, the County will work with County Waste in permitting a transfer station on County Waste's Cloverdale property. He noted that, if approved, this transfer station will accept trash from the County and haul it in bulk to County Waste's landfill in eastern Virginia.

Mr. Lockaby stated that since this contract was approved at the Board's August regular meeting, discussions have been held with County Waste and their lawyers to pin down the specifics of the fee schedule and liability issues. He noted that County Waste will provide \$250,000 surety for both a performance bond and a mechanics and materialmen's bond. He further noted that County Waste has suggested that the company and the County split the costs of a post-closure pollution insurance policy.

Mr. Lockaby stated that, if County Waste cannot obtain a permit to construct their Cloverdale transfer station, they will not be required to pay the landfill closure costs but will be required to pay the County \$1.5 million toward the closure costs. He noted that this is a "fall back" position for the County.

Mr. Lockaby stated that the final contract is now ready for signature and he would request that the Board adopt a motion approving the agreement and authorize the County Administrator to sign the agreement on the County's behalf.

Mr. Lockaby further stated that this agreement will necessitate some amendments to the County's Solid Waste Ordinance which will be brought before the Board for public hearing at a future date. He noted that these amendments will include language that allows out-of-County waste to be deposited in the landfill and to amend the fee schedule as per his previous discussion.

Mr. Lockaby stated that County Waste will have to go through the submission and public hearing process to rezone or obtain a Special Exception Permit for the transfer station on their

Cloverdale property. He noted that company representatives have met with the Planning/Zoning staff and submitted a conceptual plan for that project.

After questioning by Mr. Clinton, Mr. Lockaby stated that the County has remaining air/vertical fill space in the landfill's disposal cells which this agreement will allow County Waste to use to accept both in-County and out-of-County trash.

After further questioning by Mr. Clinton, Mr. Lockaby stated that he would suspect that the vehicle impact on Route 779 from County Waste's operation of the landfill facility would be significant.

Mr. Jerry Cifor, Manager with County Waste, stated that they estimate that there would be 30 trucks coming and going from the landfill per day as part of this operation. He noted that they have met with VDOT who does not have any issues with the traffic generation from this proposal.

After questioning by Mr. Clinton, Mr. Cifor stated that this is approximately the same number of trucks that currently visit the landfill site. He noted that these trucks will be "basically their route trucks" bringing trash into the landfill for disposal.

After questioning by Mr. Leffel, Mr. Cifor stated that they were excited about the public/private opportunity to work with the County in a long-term partnership. He noted that this will be a stable outlook for trash disposal and recyclable materials for a long time and gives the County predictable disposal rates for the next 20 years. He noted that this is a win/win for both entities and it has been a pleasure working with the County during this process.

Mr. Scothorn stated that he is happy to be at the end of this process.

Mr. Leffel stated that these discussions and negotiations have taken a long time and it is good that everyone has "come to a point where we all feel good about it."

There being no further discussion, on motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a contract with County Waste of Southwest Virginia, LLC, for solid waste disposal operations and authorized the County Administrator to sign all associated documents on the County's behalf. (Resolution Number 18-09-06)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

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 Exit 150 project is wrapping up and the blue Virginia Logo signs are being installed. Mr. Varney stated that VDOT will review how successful these signs are in directing large trucks through the roundabout area to determine if additional signage is needed.

Mr. Varney stated that the safety improvement project on Route 220 is continuing and he has not heard of any problems from citizens about this project. Mr. Varney stated that the Route 779 bridge project is ahead of schedule and almost completed. He noted that the pavement repairs mentioned by Dr. Scothorn last month on the Route 11 bridge improvement projects in Cloverdale were made by the contractor.

Mr. Varney stated that the historic Phoenix Bridge on Ballpark Road in Eagle Rock will have some structural steel replaced and the bridge will be painted beginning later this year. He noted that the bridge's weight limit will be reduced when the steel work is occurring. Mr. Varney

stated that VDoT has discussed this project with the County's Fire and EMS staff, who have also informed the Eagle Rock Volunteer Fire Department's personnel.

Mr. Varney noted that paving work on International Parkway is underway and there are several other roadways scheduled for paving in the next few weeks weather permitting.

Regarding land development projects and land use permits, Mr. Varney stated that the entrance to the new Member One Credit Union site in Daleville Town Center has been approved. Regarding traffic engineering study requests, Mr. Varney noted that VDoT hopes to conduct the Azalea Road traffic study during the first week of October; guardrail will be installed along a 2.6 mile section of Mountain Pass Road in the next month or so; and two grass islands on Ridgewood Drive off of Laymantown Road have been requested to be removed. He noted that the grass island in the cul-de-sac has an elevation difference and will need further study to determine whether additional right-of-way is needed to complete the project.

Mr. Varney stated that their area headquarter/in-house projects include various pavement and drainage repairs in Hunter's Green Subdivision and evaluation of a request to widen the return at the end of the right-turn lane from Route 11 north onto Simmons Drive in Simmons Industrial Park. Mr. Varney stated that with the current decel lane's width, tractor trailer's rear wheels are approximately 4.6' off of the pavement when making turns onto Simmons Drive. Mr. Varney noted that improvements may include relocation of a utility pole and obtaining additional right-of-way; however, VDoT has previously had issues with the impacted property owner and he is unsure of his willingness to provide the right-of-way. Mr. Varney stated that it might be possible to move Simmons Drive to the north to resolve this issue which would but a "jog" in the roadway's entrance.

Mr. Varney further stated that improvements to the Route 460/Laymantown Road intersection were discussed by Mr. Martin at last month's meeting. He noted that there is a tight curve on the inside of the guardrail in this area and VDoT cannot improve the decel lane due to the short, 8' – 10' bridge across the creek. He noted that right-turn lane improvements are a problem because of the nearness of the creek.

Mr. Varney stated that VDoT has asked their staff for a cost estimate to extend the bridge to help turning traffic at this intersection; however, they do not currently know how this project would be funded, if approved. Mr. Varney stated that he hopes to have a cost estimate available by the next Board meeting.

Mr. Varney further stated that Mr. Martin had requested that the yielding yellow traffic signal at this intersection be removed and turning traffic would only be permitted on a green signal light. He noted that VDoT's review indicates that removing the yielding yellow signal would reduce the efficiency of this intersection. Mr. Varney stated that there is 1,000' of sight distance at this intersection and VDoT does not believe that they can allow the yielding yellow signal to be removed at this time.

Regarding the Shiloh Drive/Route 43 intersection, Mr. Varney stated that VDoT has talked to the adjacent property owner (Mr. VanNess) about additional right-of-way needed to improve this intersection's sight distance. He noted that VDoT is preparing a sketch on how much of Mr. VanNess's property would be needed. Mr. Varney noted that he hopes to provide the Board with an update on these discussions at the October meeting.

Mr. Sloan then requested if there was any relief for the citizens using Loope Lane.

Mr. Varney stated that VDoT will continue to grade this gravel road to help with the recurring drainage and erosion problems.

After questioning by Mr. Sloan regarding the Norfolk Southern railroad crossing on Lithia Road near Mountain Valley Drive, Mr. Varney stated that any sight distance/maintenance issues within the railroad's right-of-way are handled by the railroad, not VDoT. After questioning by Mr. Sloan, Mr. Varney estimated that the right-of-way is a minimum of 80' wide in this area.

Mr. Varney asked that any citizen complaints regarding the railroad right-of-way be forwarded to him and he will look into the issue further and contact Norfolk-Southern.

Dr. Scothorn stated that would ask that Mr. Varney be available to talk to Mr. Peter Winters regarding water runoff issues on Sanderson Drive and VDoT's and the landowner's responsibilities to solve the problem.

Mr. Varney stated that he will contact Dr. Scothorn about scheduling a meeting with the landowner to discuss these issues.

Mr. Clinton stated that Mr. Varney had reported earlier in the meeting that the culvert replacement project on Catawba Road would be completed by the end of September. Mr. Clinton stated that the westbound signs warning drivers of the temporary traffic signals on Route 779 should have been relocated further back toward Daleville to give drivers more notice of the upcoming traffic signal. He noted that there is a small hill in this area which limits driver's visibility of the upcoming signal.

Mr. Clinton then stated that the Azalea Road residents are skeptical of there being any resolution to their problems with cut-through traffic through this residential area and it is "approaching unacceptability."

Mr. Varney stated that VDoT's hope was, by involving the neighborhood's residents in discussions on this problem, that it would "give them some buy-in" on the situation.

Mr. Clinton stated that he thinks that VDoT has lost the confidence of the neighborhood in being able to solve this problem and asked that VDoT complete the traffic study one way or another.

Mr. Varney stated that VDoT will obtain the vehicle counts as soon as possible and move forward with this study.

The Board thanked Mr. Varney for attending this meeting.

Consideration was then held on acceptance of a 0.04 mile section of Magnolia Lane in Ashley Plantation, Section 1, Phase II, into the Secondary System of Highways. Mrs. Nicole Pendleton, Director of Community Development, stated that a 0.04 mile section of Magnolia Lane in Ashley Plantation is being requested for acceptance into the VDoT Secondary System.

She stated that VDoT has reviewed this 211' section of roadway and it is eligible for acceptance.

There being no further discussion, on motion by Mr. Clinton, seconded by Mr. Sloan, and carried by the following recorded vote, the Board adopted the following resolution requesting the acceptance of a 0.04 mile section of Magnolia Lane in Ashley Plantation, Section 1, Phase II, into the Secondary System of Highways.

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Resolution Number 18-09-07

WHEREAS, the street, Magnolia Lane in Ashley Plantation Subdivision, Section I, Phase II, described on the attached Additions Form AM-4.3, fully incorporated herein by

reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of Botetourt County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on January 11, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Botetourt County that this Board requests the Virginia Department of Transportation to add the street described on the attached Additions AM-4.3 to the secondary system of state highways, pursuant to Section 33.2-705, Code of Virginia, and the Department's Street Subdivision Requirements; and

BE IT FURTHER RESOLVED, this Board hereby guarantees the performance of the street requested herein to become a part of the State maintained secondary system of state highways for a period of one year from the date of the acceptance of the referenced street by VDOT into the secondary system of state highways. This Board will reimburse all costs incurred by VDOT to repair faults in the referenced street and related drainage facilities associated with workmanship or materials as determined exclusively by VDOT.

BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

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

A presentation was then given on the 2018 Roanoke Valley Greenway Plan and a request for adoption of a resolution of support. Mr. Jerod Myers, County Planner, stated that Botetourt County joined the Roanoke Valley Greenway Commission in 2016 and has 5 voting members on this organization.

He noted that Ms. Liz Belcher, Regional Greenway Coordinator, gave a presentation on the Plan at the Planning Commission's September meeting and is present to speak to the Board today.

Ms. Belcher stated that this is the first time that Botetourt County has been incorporated into the Greenway Plan. She noted that the Commission is an advisory board and the Greenway Plan was last revised in 2007. She noted that the Commission has updated the plan over the past two years to take into account progress and changes over the past 10 years and to review specific goals and direction for the Valley's greenways for the next 10 years. Ms. Belcher stated that this is an intergovernmental plan and is the only one of its type in the State.

Ms. Belcher then noted that Mr. Arthur LaRoche, Chairman of the Greenway Commission, along with Warren Clark, Botetourt County citizen representative, and Jim Farmer, Director of Recreation and Facilities, were also present at this meeting.

She stated that the Commission approved this plan in June and they are requesting adoption of a resolution of support by the Board of Supervisors.

Ms. Belcher stated that the vision for the Valley's greenway network is to have the Roanoke River Greenway, which runs east to west, as its backbone and then have north/south connections tying in Botetourt County through the Tinker Creek Greenway. She noted that they have spent time considering various routing options and analyzed 48 different trail segments. Ms. Belcher stated that the plan does not have a preferred alternate route but considers various trail location options.

Ms. Belcher then reviewed the Plan's network map of trails which included the Daleville Greenway, the greenway along the James River at Eagle Rock, and the trails on Read Mountain and at Carvin's Cove. She also noted that a conceptual route to connect Greenfield to Carvin's Cove is being developed.

She noted that informational kiosks/signs are being proposed to inform the public about locations of bathrooms and other nearby necessities.

Ms. Belcher stated that there are over 300 miles of trails in Botetourt County, including the Appalachian Trail. She noted that the County does not have many operational and management issues as their current trails are managed by other agencies. She also noted that the Plan reviews trail etiquette as in some instances there are bicycles and pedestrians on the same trail and references the need to have adequate parking areas for those using the trails.

After discussion, Ms. Belcher stated that the Plan also includes regional strategies for future consideration by the Board and encourages the Board and staff to work with developers to include trails in their projects/properties. She noted that the County could also use volunteer and scouting groups to install amenities, renewable energy options, and maintain their trails.

Ms. Belcher then reviewed a chart which showed the growth in the mileage of Valley's greenways since 1995. She noted that the region is seeing economic development growth that is related to the area's numerous greenways. Ms. Belcher stated that the County has a tremendous amount of opportunity for development of facilities associated with greenways including campgrounds and other trail options.

The Board thanked Ms. Belcher for her presentation.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board adopted the following resolution of support for the 2018 Roanoke Valley Greenway Plan.

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Resolution Number 18-09-08

WHEREAS, Botetourt County joined the Roanoke Valley Greenway Commission in June 2016, signing an amended Intergovernmental Agreement in conjunction with the Cities of Roanoke and Salem, Roanoke County, and the Town of Vinton; and,

WHEREAS, the Greenway Commission is charged in the Intergovernmental Agreement with developing and updating the regional greenway plan and encouraging inclusion of a coordinated system of greenways into each locality's planning efforts; and

WHEREAS, the 2018 Roanoke Valley Greenway Plan has been developed by the Greenway Commission after input from staff, citizens, and other regional and governmental entities and includes Botetourt County for the first time; and,

WHEREAS, the Botetourt County Board of Supervisors is committed to advocating for and ensuring the provision greenway infrastructure both in the County and the region; and,

WHEREAS, the Board supports and is actively involved in planning for a regional trail/greenway system through its membership in the Roanoke Valley Greenway Commission; and,

WHEREAS, the plan reinforces the vision for an interconnected system of bicycle and pedestrian paths throughout the region; and,

WHEREAS, the exact location of specific greenways will be determined during subsequent planning phases which will include community involvement and continued cooperation among the many partners;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors fully endorses and supports the 2018 Roanoke Valley Greenway Plan as proposed.

Mr. David Moorman, Deputy County Administrator, then discussed the County's employee group health insurance proposals for the 2018-2019 plan year. He noted that Ms. Cindy Bartolacci, with One Digital Consulting, the County's health insurance consultant, was also present at this meeting.

Mr. Moorman stated that the County solicited competitive proposals for all health plans (Medical, prescription drug, dental, and medical reinsurance) earlier this year as well as a new proposal for vision coverage. He noted that the proposals received showed an overall increase in costs; however, the County does have adequate funding in the current budget to support these increases.

Mr. Moorman stated that the proposal review team included himself, the Director of Finance, and two representatives from the Human Resource Department. He noted that staff is recommending that the employee insurance participation costs be increased to offset some of the proposed premium increases.

Mr. Moorman stated that the medical/pharmacy premiums increased 7.8% over the current plan year due to higher claims which increased 19.5% compared to the current plan year. He further stated that out-patient and professional services claims increased as did ancillary and laboratory costs, and in-patient hospitalizations. Mr. Moorman noted that there were four large health insurance claims in the current plan period which totaled \$553,000 in claims compared to \$430,000 for the prior plan period.

Mr. Moorman stated that the County currently funds \$2.572 million (86.6%) of the employees' health care premium costs and this amount is expected to be \$2.757 million in the new plan year.

After discussion, Mr. Moorman stated that staff is recommending that increases to employee-paid medical and pharmacy insurance premiums be approved as follows: Employee Only--\$15; Employee and Spouse--\$30; Employee and Child--\$10; Employee and Children--\$12.00; Employee and Family--\$30.00.

Mr. Moorman noted that Kroger Prescription Plans offered the most competitive proposal for pharmacy coverage as they are able to obtain better rebates and discounts than other proposers. Mr. Moorman stated that dental premiums increased 13.8% as the claims costs increased by 10.6%. He further stated that the administrative costs are proposed to increase from \$3.25 per month per employee to \$3.35 per month per employee. Mr. Moorman noted that the County contributed \$100,016 towards employee dental benefits in the current plan year and this is expected to increase by \$18,000 in the new plan year. He noted that no dental plan increases are proposed for the employees next year.

Mr. Moorman stated that the County is also able to offer vision insurance through EyeMed Vision Care in the new plan year. He noted that currently the employees have a reimbursement plan (\$75) for these expenses and staff is recommending that a comprehensive vision plan be approved. He noted that this plan is proposed to cost \$72.60 per year per employee with the County paying \$6.05 per month per participant coverage type.

After discussion, Mr. Moorman stated that there are no rate/benefit changes proposed in the Employee Assistance Plan, the employee wellness plan, or in the New World Travel medical

travel plan. He then recommended that the Board approve these employee insurance plan renewals effective December 1, 2018.

Mr. Moorman then presented the Board with a corrected handout of the insurance premiums for the new plan year. He noted that the only change from the chart included in the Board's information packets was to the vision insurance rates.

Mr. Moorman stated that the spousal surcharge for health insurance is increasing from \$250 to \$270 (7.8%) per month and the tobacco surcharge will remain at 50% of the active employee monthly premium.

Dr. Scothorn stated that he is glad that the County is now able to offer vision coverage to its employees.

After questioning, Ms. Bartolacci stated that employees will be able to purchase both glasses and contact lenses in the same plan year. She noted that EyeMed is the only company that offers this benefit.

Mr. Clinton stated that in future, for better ease of understanding, he would like to see a visual display of these health insurance costs/premiums. He then questioned how much of the premium increases are due to market conditions.

Ms. Bartolacci stated that 10.6% of the increase was due to health insurance claims and the increase in the number of procedures resulted in a 9% increase for dental coverage.

After further questioning by Mr. Clinton, Ms. Bartolacci stated that claims are what drive cost increases and then administrative and reinsurance costs are added in. After further questioning, Ms. Bartolacci stated that claims increased 19% of the 7% increase. She noted that the actual claims costs increased 19% and 75% of the premium increases are due to claims and 25% are due to administrative and reinsurance increases.

After questioning by Dr. Scothorn, Ms. Bartolacci stated that 88% of the prescriptions used by employees are generic drugs which is a very good percentage.

After questioning by Mr. Clinton, Mr. Moorman stated that on a fiscal year basis, the County will have an overall expenditure increase of \$123,000 for employee health insurance-related costs. He noted that there are adequate budget funds available to cover this increase.

Mr. Tony Zerrilla, Director of Finance, stated that the current budget included funding for a 5% increase in insurance costs for the final 7 months of the 2018-19 fiscal year. He noted that there are job position vacancy savings which help to cover these costs.

Dr. Scothorn noted that the County funds 86% of the employee health care costs which is approximately \$2 million.

There being no further discussion, on motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board authorized the award of group health insurance plans as recommended to MedCost Benefit Plans, Optum, Kroger Prescription Plans, EyeMed Vision Care, and Revolv effective December 1, 2018; approved the continuation of the County's wellness and medical travel plans; and authorized staff to execute all necessary instruments upon the review and approval of the County Attorney. (Resolution Number 18-09-09)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Mr. Leffel then noted that State Delegate Terry Austin was present at the meeting.

The Chairman then called for a 5 minute break.

The Chairman called the meeting back to order at 3:54 P. M.

A public hearing was then on proposed amendments to Chapter 25 Zoning, Article IV. – Supplemental Regulations, Division 3. – Parking, Section 25-472 and Article VI. – Definitions of the Botetourt County Code to address surfacing requirements for parking areas and storage lots.

Mrs. Nicole Pendleton, Director of Community Development, stated that in April the Board authorized staff to draft and then advertise for a public hearing on proposed Zoning Ordinance amendments for parking area and storage lot surfacing requirements at the request of Altec Industries. She noted that, since that time, staff has worked with Brian Price of Altec, Bobby Wampler of Engineering Concepts, Inc., and a representative of Lawrence Transportation, to review Zoning Ordinance regulations regarding gravel parking areas.

Mrs. Pendleton stated that during and after manufacturing and assembly Altec needs outdoor storage lots for their telescopic boom truck cranes, aerial devices, derricks, etc. She noted that typical asphalt and concrete surfaces do not stand up to the loads associated with maneuvering these heavy, and sometimes track-mounted equipment, in a storage lot.

She noted that staff also reviewed gravel parking areas for other uses where appropriate and for parking in excess of the minimum required spaces for certain uses, as long as they are located on the side or rear yard at least 200' from an adjacent residential lot. Mrs. Pendleton further noted that parking area language in various sections of the Zoning Ordinance was contrary and staff is also recommending that parking calculations for retail stores where a majority of the business is on-line also be considered for revision.

Mrs. Pendleton noted that the Planning Commission recommended approval of these amendments and no comments have been received from the public on this proposal.

She further noted that provisions for gravel parking areas that are not visible from a main right-of-way, those for small churches and small shops are also being recommended. Mrs. Pendleton noted that gravel lots would have to be screened under the same provisions as paved lots.

After questioning by Mr. Leffel, 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 Mr. Leffel, and carried by the following recorded vote, the Board adopted the attached amendments to Chapter 25. Zoning, Article IV. – Supplemental Regulations, Division 3. – Parking, Section 25-472 and Article VI. – Definitions of the Botetourt County Code to address surfacing requirements for parking areas and storage lots. (Resolution Number 18-09-10)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

A public hearing was then held on proposed amendments to Chapter 25 Zoning, Article II District Regulations Generally, Article IV Supplemental Regulations, and Article VI Definitions of the Botetourt County Code for the purpose of adding, modifying, and adopting regulations related to home agriculture uses. Mr. Jerod Myers, County Planner, stated that, as previously

discussed with the Board, these proposed amendments would allow agricultural uses on all residential-zoned parcels that have single family, detached dwellings, except for R-4 districts.

He then reviewed the proposed amendments--the minimum lot size for poultry and rabbits is proposed to be 15,000 square feet (sf) (0.34 acre); up to 12 chickens, quail, pheasant, pigeons, and doves are allowed; roosters capons, ducks, guinea fowl, geese, peacocks and turkeys are prohibited; up to 4 beehives are allowed on parcels of 12,000 sf or larger; for each additional 2,000 sf in excess of 12,000 sf, an additional hive is permitted, and during swarm season, up to 2 additional beehives are allowed.

Mr. Myers stated that staff contacted other Roanoke Valley localities to obtain their regulations for home agriculture uses and the proposed amendments are in line with those requirements. He noted that Roanoke City permits a maximum of 10 chickens on a parcel of less than 20,000 sf and a maximum of 40 chickens on a parcel larger than 20,000 sf and Roanoke County allows 6 chickens on a parcel of 0.5 acre or less and up to 12 chickens on a parcel of an acre or more. He noted that the proposed regulations regarding beehives are on par with the other Roanoke Valley jurisdictions.

Regarding enclosures for allowed animals, Mr. Myers stated that the existing ordinance regulates the size and placement of pens which cannot exceed 150 sf in size. He further noted that the pens cannot be located in the front yard; setback requirements were made consistent in the residentially-zoned districts; and pens are required to have a roof that fully encloses the pen from the top to keep the animals from escaping. He stated that beehives can be set no closer than 10' from the property line and the owner is required to have water available for the bees.

Mr. Myers stated that, at the last Board meeting, it was questioned how many residentially-zoned parcels in the County could potentially be impacted by these proposed amendments. He displayed a map showing these parcels, most of which were in the southern portion of the County. Mr. Myers noted that a numerous parcels in Botetourt East Subdivision would not comply with these amendments as their lot sizes are less than 15,000 sf.

Mr. Reid McMurry of Daleville then requested that the Board increase the setback requirements for bee hives in order to keep them at a safe distance from property lines. Mr. McMurry noted that he is a surveyor and having the hives at a greater distance than the proposed 10' would provide security from being stung while surveying property lines.

Mr. Mike Lewis of Cambridge Drive in Daleville then thanked Mrs. Nicole Pendleton and Mr. Jerod Myers for the work that they have done in drafting these ordinance amendments. Mr. Lewis stated that he originally proposed allowing beehives in residential districts and noted that without bees a lot of foods that we eat would not exist.

Mr. Lewis stated that beekeepers are conscious of what they do in order to protect the public from bee stings. He noted that they also encourage new beekeepers to speak to their neighbors prior to placing beehives on their property. Mr. Lewis stated that he has cattle fencing around his property to protect his hives and stated that he does not see a big issue with bees stinging the public.

Mr. Leffel stated that it is hard for him "to wrap around" the thought that these farm animals are proposed to be allowed on a residential lot that is 12,000 sf in size, which is less than 1/3 of an acre, and there would not be problems created for the neighbors. Mr. Leffel stated that he is still "a little leery" of this proposal; however, the staff has done a lot of research on this issue.

Mr. Lewis stated that he talked to the City of Salem about their beehive regulations and they did not see any problems with the County's proposed provisions.

Mr. Leffel stated that he knows that there are citizens who have to carry Epi-pens at all times in the event that they have a severe allergic reaction from a bee sting. Mr. Leffel stated that he is concerned about allowing beehives in residential districts and with the potential for bears to come into the neighborhoods to eat the honey.

Mr. Lewis stated that he has an electric fence around his hives to deter bears.

Dr. Scothorn stated that he is also concerned about beehives being located on properties that may have citizens in the area that are allergic to bee stings. Dr. Scothorn noted that there is currently a six month waiting period to receive Epi-pens due to shortages. Regarding Mr. Lewis's comment about encouraging new beekeepers to talk to their neighbors before placing hives on their property, Dr. Scothorn questioned what happens if a neighbor sells their house and the new owners have children that are allergic to bees. Dr. Scothorn stated that fear is the biggest issue for him.

Mr. Lewis stated that honeybees are docile unless their hives are disturbed. He noted that a person is more likely to be stung by any other type of bee than a honeybee.

Mr. Robert Frydrych of Country Club Road stated that he is not in favor of these proposed amendments because agriculture is agriculture and a hobby is a hobby. He noted that if a beekeeper is selling his honey then he is running a business.

Mr. Frydrych stated that chickens are considered an agriculture use but what about pigeons. He questioned why people would want chickens—are they raising and selling them? He also stated that without roosters, chickens would not be able to lay eggs. Mr. Frydrych stated that the issue is whether this is a business or a hobby and in his view the lot sizes should be at least a minimum of one acre for bees or chickens. He then questioned what the minimum lot size was for property to be considered in the "land use" program.

Mr. Frydrych stated that the Planning Commission voted in favor of these amendments two weeks ago and at the same meeting a citizen said that he did not want a cell tower as a neighbor. He stated that bees are aggressive when their hives are disturbed.

Ms. Kate Lawrence, Agriculture Extension Agent for Botetourt County, stated that she is in favor of this request as it gives the County's 4-H and FFA youth an opportunity to raise and associate with farm animals if they do not live on a farm. She noted that only 1.78% of the country's citizens live on a farm.

Ms. Lawrence noted that, contrary to the previous comments, chickens can lay eggs without a rooster. She further stated that having 12 chickens is a small agriculture operation and raising chickens in their backyards could start a future interest in farming. She noted that raising animals teaches kids responsibility, allows them to learn where their food comes from, teaches them to look after the environment, and how meat can be raised in a humane manner.

Ms. Lawrence stated that she worked with Mr. Myers in drafting these amendments and is willing to educate citizens who are interested in having these home agriculture uses.

After questioning by Mr. Frydrych, Mr. Myers stated that the minimum side yard setback varies based on the zoning district. He noted that the current side yard setback is 5' in residential districts and 15' in agricultural-zoned districts.

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

Dr. Scothorn stated that, under the present conditions, he agrees with the premise of these amendments; however, he is not in favor of the proposed minimum square footage requirements. Dr. Scothorn stated that he would like to see a minimum lot size of at least 65,690 sf (1.5 acres) required before home agriculture uses are allowed. He also questioned who would police these regulations if enacted, who would ensure that the animals are taken care of, etc.

Dr. Scothorn stated that Mr. McMurry has a good point regarding setback distances for beehives for people working along property lines. Dr. Scothorn stated that he would prefer that the minimum lot size for these uses be increased.

Mr. Clinton stated that this is a complicated issue and he also has questions as to who will enforce these regulations. Mr. Clinton noted that he believes in harmony and tradition and the County has significant areas of agriculture-zoned land. Mr. Clinton stated that he does not think that these proposed amendments are in the best interest of the public and the public's safety and he does not support these amendments at this time.

Ms. Lawrence stated that the people that would police these activities are the same as those that police the agriculture community. She noted that farmers care about their animals and there would be a financial loss to the farmer if they did not take care of their animals.

Mr. Lewis then stated that the average start-up cost for beehives is \$1,000 so this is not an activity that people take lightly. He noted that the Botetourt Beekeepers Association conducts new beekeeper classes that are 4 months long to cover the many aspects of beekeeping.

After discussion, Mr. Lewis stated that there are feral bees in the wild but not as many as there used to be.

Mr. Leffel stated that part of him acknowledges that the education of having and raising these types of farm animals is invaluable and he recognizes that there is only a small percentage of 4-Hers that live on a 100 acre farm today. He stated that any opportunity that exposes children to agriculture is a good thing in his mind; however, based on the comments today, something has to "give" if these amendments are to be approved. Mr. Leffel noted that staff has already conducted a significant amount of research on these home agriculture uses.

After questioning by Mr. Leffel, Mr. Myers stated that according to the Animal Control Officers in Roanoke County, Roanoke City, and Salem, they do not receive many citizen complaints regarding chickens, bees, rabbits, etc., in those jurisdictions.

Mr. Leffel stated that he has to decide whether the "good possibly outweighs the bad" in this matter. Mr. Leffel stated that to him the opportunity to educate children about and expose them to agriculture is important.

After questioning by Mr. Leffel, Ms. Lawrence stated that the County does not have any commercial chicken farms. After further questioning by Mr. Leffel, Ms. Lawrence stated that 4-H members use their basements and backyards to raise the animals exhibited in the County fair.

Ms. Lawrence stated that the Board has an opportunity to "plant the seed" of farming in children with these proposed amendments.

Dr. Scothorn stated that he had this same opportunity while growing up in Montana.

Ms. Lawrence stated that she has previously talked to the County's leaders about how residents can get into agriculture without buying a large agriculture property. Ms. Lawrence noted that she does not think that everyone should be punished by the actions of "one bad apple."

Mr. Leffel then made a motion, seconded by Mr. Sloan, to approve the proposed amendments to Chapter 25 Zoning, Article II District Regulations Generally, Article IV Supplemental Regulations, and Article VI Definitions of the Botetourt County Code for the purpose of adding, modifying, and adopting regulations related to home agriculture uses.

Mr. Clinton stated that the draft motion language provided in the staff's background report states that, "this recommendation is made on the basis that the requirements of ... the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare, and is good zoning practice." Mr. Clinton stated that he does not feel comfortable with these proposed amendments for many reasons.

Mr. Sloan then questioned if the County needed to further consider additional square footage and setback limits for these uses.

Mr. Clinton stated that in his opinion 12,000 sf is a small lot for these types of uses.

After questioning by Mr. Sloan, Mr. Myers stated that the staff reviewed the home agriculture-related ordinance provisions from all surrounding localities in making their recommendations to the Planning Commission and Board of Supervisors. Mr. Myers stated that the 15,000 sf minimum lot size for poultry and rabbits is based on the minimum lot size of 15,000 sf for a single family, detached dwelling in the R-3 use district.

Dr. Scothorn requested that these amendments be tabled to allow further discussion with the staff.

After questioning by Mr. Leffel regarding the motion currently on the floor, Mr. Lockaby, County Attorney, stated that Mr. Leffel's motion could be withdrawn, with the acquiescence of the member who seconded the motion (Mr. Sloan).

Mr. Sloan agreed to allow the motion on the floor to be withdrawn; therefore, Mr. Leffel withdrew his motion to approve these amendments.

On motion by Dr. Scothorn, seconded by Mr. Clinton, and carried by the following recorded vote, the Board deferred consideration of proposed amendments to Chapter 25 Zoning, Article II District Regulations Generally, Article IV Supplemental Regulations, and Article VI Definitions of the Botetourt County Code for the purpose of adding, modifying, and adopting regulations related to home agriculture uses to allow further discussion between the Board members and staff on concerns regarding proposed minimum lot square footage, setbacks, etc. (Resolution Number 18-09-11)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Consideration was then held on approval of a contract and an additional appropriation to conduct an archaeological dig on the Greenfield terraced gardens area. Mr. Cody Sexton, Assistant to the County Administrator, stated that the terraced gardens area of the Greenfield property has not been thoroughly investigated as to its archaeological potential.

He noted that the Board authorized the issuance of a request for proposals in July to conduct a limited investigation of the terraced gardens to answer questions about the garden, its age, and general layout. He noted that this would include small shovel tests, boring in the gardens area, and screening of the excavated soil for artifact recovery.

Mr. Sexton stated that six proposals were received in August from both in-state and out-of-state firms. He noted that a staff team reviewed the proposals and is recommending that

Hurt and Proffitt of Lynchburg be awarded the contract for this work, upon review and approval of the contract by the County Attorney. He noted that the firm's cost estimate to conduct this work is \$9,880 and staff is also requesting approval of an additional appropriation of this amount from the Greenfield Preservation Fund to fund this project.

Mr. Clinton then made a motion, seconded by Dr. Scothorn, upon review and approval by the County Attorney, to award the contract for archaeological investigations in the terraced gardens area of Botetourt Center at Greenfield to Hurt & Proffitt, to authorize staff to execute the County's standard contract in conformance with RFP #18-22729, and to approve an additional appropriation in the amount of \$9,880 to the Greenfield Preservation Fund, 240-5002020-00000-0000-000, to cover the contract's costs.

After questioning by Dr. Scothorn, Mr. Sexton stated that all fieldwork would be completed within 45 days of the Notice to Proceed being issued. He stated that the entire project (excavation, fieldwork, artifact analysis, and draft final report) is to be completed within six months after issuance of the Notice to Proceed.

Mr. Sexton further stated that work would begin within 14 days of the Notice being issued, excavation would take 10 days, and all fieldwork would be completed within 45 days with the remainder of the contract period being used for laboratory processing of the results.

After further questioning by Dr. Scothorn, Mr. Sexton stated that another dig on this site in the future is not anticipated to be necessary; however, follow-up excavations could be requested for consideration by the Board.

Mr. Sexton noted that the final project report would be provided to the County in the spring of 2019.

Mr. Clinton stated that the Greenfield terraced gardens are anticipated to be of an historical nature; however, this has not been confirmed. He noted that the gardens could be ante-bellum or even date back to the early 1800s. Mr. Clinton stated that this proposal is to conduct a preliminary investigation of this area. After discussion, Mr. Clinton stated that these gardens could be the only ones of their kind in this part of Virginia and may necessitate further excavation in the future.

After questioning by Dr. Scothorn, Mr. Clinton stated that this RFP is to conduct shovel tests and boring in the terraced gardens area only. He noted that this area should not be allowed to fall into disarray.

After discussion by Dr. Scothorn on potential industrial development on this site, Mr. Sexton stated that the County's Economic Development Director is continuing to update the Greenfield Master Plan.

Mr. David Moorman, Deputy County Administrator, stated that the conceptual master plan designates between 2 and 4 additional industrial sites in the general area of the terraced gardens.

After questioning by Delegate Terry Austin, Mr. Sexton stated that there was no limit on the number of archaeologists allowed on the site during the 10-day excavation period included in the RFP.

After discussion, Mr. Sexton noted that the next closest competitive bid for this work was approximately \$30,000.

There being no further discussion, Mr. Clinton's earlier motion was approved by the following recorded vote. (Resolution Number 18-09-12)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Consideration was then held on a resolution creating the Botetourt County Sestercentennial Committee. Mr. Cody Sexton, Assistant to the County Administrator, stated that the County's 250th anniversary of its creation will be in 2020. He noted that, to celebrate this occasion, it is being proposed that a full year of events to recognize the County's history be conducted in order to celebrate the County's accomplishments over the past 250 years.

Mr. Sexton stated that staff is recommending that a resolution be adopted to create a committee to plan and oversee various activities and events and coordinate with community groups and outside organizations during this celebration. Mr. Sexton stated that staff is also recommending that the Board consider the names of two citizens to lead the committee for appointment at the October Supervisors meeting.

On motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board adopted the following resolution creating the Botetourt County Sestercentennial Committee.

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Resolution Number 18-09-13

WHEREAS, the County of Botetourt was created by the Virginia House of Burgesses as of January 31, 1770; and

WHEREAS, the County has become a place not only rich in history but also of celebrated natural beauty, of economic diversity and vitality, and of over 33,000 residents by birth or by choice who continue to build communities, create opportunities, and exercise faithful stewardship of the communities, environment, institutions, and values that define Botetourt; and,

WHEREAS, the year 2020 marks the 250th, or Sestercentennial, Anniversary of the County's creation; and,

WHEREAS, it is appropriate and fitting that the people, businesses, places of worship, communities, organizations, schools, and institutions of Botetourt County recognize, honor, and celebrate its Sestercentennial; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Botetourt does, hereby, recognize the year 2020 as the 250th, or Sestercentennial, Anniversary of the creation of the County; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby authorizes and commissions a Botetourt County Sestercentennial Committee to encourage and promote anniversary recognitions, celebrations, and events throughout the County from January 1 through December 31, 2020; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors calls upon all people, businesses, places of worship, communities, organizations, schools, and institutions of the County to make 2020 a year of commemoration and celebration and to plan, conduct, and memorialize actions and activities that honor and celebrate Botetourt County and all about it that is valued, cherished, and loved.

Consideration was then held on various appointments.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board appointed Mr. Ben Irvin as the Botetourt County Schools' representative on the Transportation Safety Commission. (Resolution Number 18-09-14)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

On motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board reappointed Mr. John Williamson and Mr. John Alderson to the Economic Development Authority for four year terms to expire on November 1, 2022. (Resolution Number 18-09-15)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Mr. Leffel noted that Mr. John Griffin recently moved out of the Fincastle District and is no longer eligible to represent that district on the Planning Commission.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board appointed Mr. Brandon Nicely of 425 Soldiers Retreat Road, Eagle Rock, Virginia 24085, as the Fincastle District representative on the Botetourt County Planning Commission for a term to expire on January 1, 2022, and directed staff to send a letter of appreciation to Mr. John Griffin for his 14 years of service on the Planning Commission. (Resolution Number 18-09-16)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

There being no further discussion, the meeting was adjourned at 4:53 P. M. until 6:00 P. M.

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

NOTE FROM DEPUTY CLERK: Federal Communications Commission regulations require that requests pertaining to cellular communications towers be typed in verbatim format. Blank underscored areas were unintelligible in the hearing's recording.

Leffel: Good evening everyone. We'll bring our 6 o'clock session to order. Hearing number 18. Buchanan District. Mr. Myers.

Myers: Good morning, this first, good afternoon, good evening. This first request is coming from the Buchanan District, RES Springwood Farm, LLC (Cellco Partnership dba Verizon Wireless, as the lessees), requests a Commission Permit in accordance with Section 15.2-2232 of the Code of Virginia, in addition to a Special Exception Permit, with possible conditions, in the Agricultural (A-1) Use District in accordance with Chapter 25 Zoning, Article II, Division 1. Section 25-73. Uses permissible by special exception of the Botetourt County Code, to construct and maintain a non-illuminated 199-foot telecommunications facility within a 36,422 square foot area, which is the ground lease area and access easement. The tower site is proposed to be accessed from Davis Run which is State Route 629, via a 20-foot non-exclusive access and utility easement. The 163.192-acre parcel is located at 1235 Davis Run, approxi-

mately 0.12 miles south of its intersection with Sleepy Hollow Road (State Route 637), identified on the Real Property Identification Maps of Botetourt County as Section 64, Parcel 15.

So, satellite imagery shows that the majority of the parcel appears to be a mix of pasture and grassland with a forested area located along the property boundary and the northeast corner. The installation of Verizon's proposed facility will not require the removal of any trees within the pasture where it is located. Verizon's proposing to construct a 199' galvanized steel monopole that is capable of supporting multiple carriers. In addition to Verizon, the tower will be engineered and constructed to support the co-location of antennas and supporting equipment of at least three additional wireless service providers. The monopole will be located approximately 500' south of the nearest boundary line which is shared with an adjacent parcel identified as Tax Map 63, Parcel 47. It will also be approximately 1,950' to the southwest of the nearest offsite residential structure which is located at Tax Map 63, Parcel 51. The monopole tower and all base station equipment will be installed within an 80' by 80', which is 6,400 square feet, fenced-in compound area. The facility's access road will largely follow the path of an existing farm road that goes deep into the parcel with the new road then splitting off and ascending for nearly 290' to the north and up a gradual slope. Propagation maps were provided to show existing networks services, improvements in coverage, strength, and capacity for the areas to be served by the proposed tower. The applicant states that this proposed facility will provide expanded in-building coverage and additional capacity for residents, schools, businesses, and other nearby establishments in the Springwood area north of Interstate 81. The site will also provide improvements for services at the street level and in cars for those traveling along Prease Road, State Route 628, Davis Run which is State Route 629, Springwood Road which is State Route 630, and other nearby local roads.

The site is intended to provide infill coverage between Verizon's nearest two existing facilities which is Purgatory Mountain, identified as Exhibit 3 in your packets; it's approximately 4.4 miles to the northeast and Spec, as identified in Exhibit 3, approximately 3.4 miles to the southwest, while also mitigating issues with deficiencies in capacities due to overstressing of the Purgatory Mountain site. As for adjacent surrounding uses and zoning, adjacent properties range from a mix of pastures and wooded areas with residential dwellings and other accessory structures for farming uses.

As for Zoning Ordinance requirements, Sections 25-441 and 25-583 regulate telecommunications towers and special exception permits, respectively. Section 25-576 sets forth the requirements for Commission Permit pursuant to Virginia Code 15.2-2232. The 2010 Comprehensive Plan identifies this general area as agricultural which includes land areas in the rural portions of the County where agricultural and forest uses are dominate. Large lot, single family development may now exist within some of those areas. Future development of these properties at densities higher than allowed by the current agricultural zoning is not encouraged. Staff also pulled several items from the Comprehensive Plan that are worth mentioning. The Comprehensive Plan mentions that the County should seek to enhance, preserve, and protect areas of natural and rural significance in the County. That we should be minimizing the visibility of wireless telecommunications structures through the designation of urban development areas of which this facility is not located within. We should seek to limit infrastructure improvements to explicitly defined growth areas. We should seek to protect critical viewsheds for their environmental, aesthetic, agricultural, and recreational values. We should seek to maintain and enhance the County's highest standard of environmental quality. We sh ... The plan also

stresses to maintain and promote unique aspects and resources in the rural community. We should also seek to maintain a balance between development and preservation objectives throughout the County. When development applications are filed to convert agricultural lands to other uses, the economic and quality of life benefits of agricultural and forested land uses should be considered as significantly as the added receipt of public facilities and services available to serve new development in the area.

The original public hearing was scheduled for August 13; however, due to an issue with the mailing of property owner notifications, the hearing was tabled. The Planning Commission did allow staff, the applicant, and citizens to speak, with the main citizen concern being tower visibility. Due to the rolling topography that surrounds this site, this monopole has varying levels of visibility from all directions.

CityScape Consultants, Inc., the County's independent, third party consultant, reviewed the application. Their report concluded that the applicant justified the need for a new telecommunications structure in the immediate area and appears to have complied with federal guidelines for wireless facility development. Based on the photosimulations provided at the August 13 Planning Commission meeting and the citizen concerns with visibility, the consultants then revised their original report that now suggests that the applicant investigate the possibility in moving the tower location to the existing stand of trees on the parcel. The report states that the topography of the stand of trees varies and will need to be inspected to determine the best location for the tower. The CityScape report states that, if the final ground elevation at the new location were within 20 to 25' of the currently proposed ground elevation of 1,089', the height in coverage change would be insignificant.

This is a photo of the ground compound. This is an elevation of what the monopole would look like. As for staff's suggested conditions, _____ staff consultant would recommend the following conditions—number 1, the proposed project must be constructed in substantial conformance with the concept plan prepared by Dewberry Engineers, Inc., sealed by Derek R. Marshall, Professional Engineer, on July 6, 2018, identified by site address 1235 Davis Run, Buchanan, VA 24066, and with project number 50064061. This special exception permit shall be valid for a period of no longer than 24 months, unless during such 24 month period: a site plan is approved; a building permit is obtained and the erection or alteration of a structure is started and diligently pursued; or an occupancy permit is obtained and a use commenced. Such period of validity may be extended for good cause shown, by application to the Board of Supervisors. At the time of permitting, the applicant shall provide a structural analysis, sealed by a Virginia structural engineer, that the proposed tower can support the applicant's equipment as well as 3 additional future providers of similar equipment. All feed lines shall be installed inside the monopole and all access ports shall be sealed to prevent wildlife intrusion. No advertising shall be installed on the fencing near the ground compound. Should the antenna arrays be lowered in the future to a height that is below a removable section of the monopole, the tower owner shall then remove the upper section that is no longer in use. Noise generated by the development shall not violate provisions of the Botetourt County Noise Ordinance.

The Board of Supervisors may approve or deny the Commission Permit. The Board of Supervisors may approve, approve with conditions, or deny the Special Exceptions Permit for the telecommunications tower. On a vote of five to zero to zero to zero, the Planning Commission denied the request for a Commission Permit. On a vote of five to zero to zero to zero, the Planning Commission denied the Special Exception Permit um recommended denial for the

Special Exception Permit for a telecommunications facility. I'd be happy to answer any questions.

Pendleton: Jerod, can you also mention _____

Myers: Oh, I'm sorry. I thought that that had already been heard. The applicant has also requested to be deferred until the November regular Board meeting.

Leffel: Any questions before I close the public hearing?

Lockaby: Do y'all want to vote on the deferral?

Sloan: You want us to do that first?

Lockaby: No point opening the public hearing if we are going to defer.

Sloan: Mr. Chairman, I move to affirm the Planning Commission's denial of the Commission Permit for a telecommunications ...

Lockaby: Mr. Sloan, you are jumping the gun.

Sloan: Oh.

Lockaby: This is just to decide whether we're gonna go to public hearing or not. Do you want to defer until November or do you want ...

Several members: No

Lockaby: or do you want to open the public hearing and consider making a decision tonight.

Sloan: I do not want to defer. Sorry.

Lockaby: That's fine.

Leffel: I move we open the public hearing.

Scothorn: Second.

Leffel: All in favor signify by saying aye.

Board members present: Aye (AYES: Mr. Leffel, Mr. Sloan, Mr. Clinton, Dr. Scothorn; NAYS: None; ABSENT: Mr. Martin; ABSTAINING: None) (Resolution Number 18-09-17)

Leffel: Motion carries. We will now open the public hearing and I have the first gentleman wishing to speak is Tommy Mundy.

Mundy: Tommy Mundy 1418 Prease Road. The proposed location of this tower is completely visible to multiple residents in this area. I know Verizon has been researching areas outside of this area that would be more favorable in the woods much higher elevation and the tower would not have to be as tall and would be not be visible by very many residents if they would move it to Timber Ridge. They were researching AEP's tower on the mountain which is beyond Timber Ridge but I think they can find another location where they could put it. That's really all I have to say about it. I appreciate you guys letting me talk. Thank you.

Leffel: Thank you, Tommy.

Leffel: I understand the applicant wishes to speak. You may do so now, if you wish.

Schweller: Thank you, Mr. Chairman and members of the Board. I am Lori Schweller with LeClairRyan representing Verizon Wireless. I came here tonight to request that a deferral be acted on to _____ until November and since I am here I thought I'd answer any questions that you might have. The reason why we are requesting the deferral is because a number of issues were raised at the Planning Commission hearings that Verizon would like to take time to investigate and to respond and that's the reason for our request. It was CityScape's suggestion that we look at the wooded area to the west of the proposed site.

Leffel: Thank you.

Schweller: Thank you. I'll, so, I'll be happy to answer questions if anything should arise. Thank you very much.

Leffel: Thank you.

Leffel: Mr. Lockaby, do we handle that now or continue on? We have already started with the public hearings so we _____ with the public hearings, correct?

Lockaby: I think you had already voted on the request of the applicant to defer the item; is that right?

Board member: Correct.

Lockaby: So, now the public hearing is opened. She was one of the speakers. We can continue with further down the list of speakers.

Leffel: Ok. Mr. Richard Pauley.

Pauley: I'm Richard Pauley. We live at my wife and I live at 1554 Prease Road in Buchanan. When we moved there 19 years ago, it was with it wasn't a great time because we had 3 kids in college but the opportunity came up and, to be candid, I was never in love with the house but I was in love with where the house was. And, just about everybody that visits us, or has visited us, or even makes a delivery, comments about the view and, to some degree, the same mountain you look at Mr. Leffel I look at too from a different angle. If this tower is built based on the big balloon test, it's dead center at our front window. When I sit on the sofa there to watch TV, that's what I'm gonna be seeing and that wasn't what I moved there for. And, I said at the Planning Commission meeting, and I'll repeat to you, gentlemen, that might not affect everybody the same. And, we have Verizon Wireless coverage and I've never had a dropped call going up and down Prease Road and I may I'm not saying that other people haven't but, if I had gone there and looked at the house and that tower was already there, I wouldn't have bought the property back in 1999. Now that is just me. I'll go out and sit on my deck sometimes and look at the mountains in the evening as the sun goes down and that is quite a thrill for me and I have told family and friends and they kinda laugh and I wasn't kidding. The next move I plan to make is gonna be either up or down and I'm not gonna be there to vote on it. So, I would appreciate y'all's consideration to save that viewshed. I want it for me and for everybody that lives around there. Thank you kindly.

Leffel: Thank you.

Leffel: Mr. Kenneth Hale.

Hale: Yes, sir. Gentlemen, my name is Kenneth Hale. I reside at 882 Davis Run, Buchanan, Virginia. Before I start, may I lay something on y'all's desk?

Leffel: Sure, of course.

Hale: This is an overview of all the properties that tower impacts and there's the and there's the tower. They are proposing to move it back into that patch of woods which still gonna be an eyesore to us and also here is a in depth study on how it affects real estate values. I've got things underlined _____. I'm not going to say much more. We've got 42 people who have signed a petition opposing this.

Verizon _____ stations that because the overflow from traffic of 81 is putting a lot of pressure on the cell tower on Purgatory Mountain. Well, these people pass through; they don't live here. I'm not concerned about them. I have, to give you an example of the service we have, I have a medical device that is monitored for a 24 hour period that comes up in _____, Kentucky--60 miles north of Tennessee and about 120 miles east of Missouri--and they have never missed a day on monitoring my results. So, I've got good service and my suggestion is that I know the people that want this tower on their property. They don't live there but over there where they live there is drops in calls. Now why can't they put it on their farm? They've got 200

acres over there. I've hunted on it and there is a big ridge. That would be my suggestion. Take it to them. I mean, that or put it over there next to the interstate. Other than that, that is all that I need to say. I appreciate your time. Thank you.

Leffel: Thank you. Anyone else wish to speak? Hearing none, I close the public hearing. Any more discussion?

Sloan: Well, this is one of these things that's in my district. Um, I think the day it came out, I got 4 phone calls and it's been going on ever since. They haven't been mean cause of but still there has been a lot of discussion on this and a lot of factors in reaching my opinion on this cellphone tower. Um, my biggest thing is that we, as Supervisors, have the responsibility to make the decisions on based on what we are presented, how it's presented, and also we as representatives of our district have the responsibility of serving our citizens and sometimes it is for the more the good than less that you have to _____. That's my thinking on this right at the moment. My only other concern is that I hope that one day that, and my wife brought up this point, that you know we don't complain about our power poles but once somebody put up a cellphone tower in your back yard you wake up and move on with it and I'm hoping one day that that cellphone towers and power poles are somewhere about even and we don't have to go with that any more.

Leffel: Anyone else?

Scothorn: I am I am glad that we had an opportunity to conduct the balloon test those other citizens surrounding did not have _____. And, for their complaints, I _____ the situation yet I think that Ray hit it kinda right on the head that we need to listen to our citizens and do what's best for them.

Leffel: Steve.

Clinton: Mr. Chairman, I think, I feel the same way that Mac and Ray feel. Something that this is kind of a bridge too far _____ balloon test to me that indicates _____.

Leffel: Well, I know where this is and I certainly understand the neighbors' viewpoint. I also kind of wonder um Verizon has had a while to make changes or do things and, if I'm not mistaken, I think there were 2 balloon tests and maybe one got postponed but it's now we want to move it to another place and start over and I just I agree with Mr. Sloan, I think it is time to _____.

Sloan: Mr. Chairman, I move to affirm the denial, I'm sorry, I move to affirm the Planning Commission's denial of the Commission Permit for a telecommunications facility on the property of RES Springwood Farm, LLC, Cellco Partnership, dba Verizon Wireless, lessees. Based on the Zoning Ordinance Section 25-576, the following items have not been satisfied: the facility is inconsistent with the Comprehensive Plan because it fails to enhance, preserve, or protect areas of natural or rural significance; the facility is inconsistent with the Comprehensive Plan because it does not minimize the visibility of wireless communication structures; the facility is inconsistent with the Comprehensive Plan because of the underlying principle of designating Urban Development Areas, which of which this facility is not located within, is to limit infrastructure improvements to growth areas; the facility is inconsistent with the Comprehensive Plan because it does not protect a critical viewshed for their environmental, aesthetic, agricultural, and recreational values; the facility is inconsistent with the Comprehensive Plan because it does not maintain and enhance the County's high standard of environmental quality; the facility is inconsistent with the Comprehensive Plan because it does not maintain and promote unique aspects and resources of the rural community; and lastly, the facility is inconsistent with the

Comprehensive Plan because it does not maintain a balance between development and preservation objectives throughout the County. When development applications are filed to convert agricultural lands to other uses, the economic and quality of life benefits of agricultural and forested land uses should be considered as significantly as the adequacy of public facilities and services available to serve new development in the area.

Scothorn: I second that.

Leffel: A motion has been made and seconded for denial. If there is no further discussion, I call for a vote. All in favor of denial signify by saying yes.

Board members present: Yes (AYES: Mr. Leffel, Mr. Sloan, Mr. Clinton, Dr. Scothorn; NAYS: None; ABSENT: Mr. Martin; ABSTAINING: None) (Resolution Number 18-09-18)

Leffel: Motion carries

Scothorn: Mr. Chairman, there is another part to this. A Special Exception permit. I move to deny the Special Exceptions Permit for a telecommunications facility on property of RES Springwood Farm, LLC, Celco Partnership, dba Verizon Wireless, lessees. Based upon the Zoning Ordinance Section 25-441, 25-583, 25-583.1, and 25-583.2, the following items have not been satisfied: the location, height and design of the monopole do not minimize visibility as established and relied upon by the County in siting telecommunications facilities as provided for in Section 25-441(h) of the Zoning Ordinance and the Comprehensive Plan; the proposal fails, number 2, the proposal fails to meet Section 25-441(h)(3) of the Zoning Ordinance because the facility is not adequately sited to minimize its visibility from adjacent parcels; number 3, the proposal fails to meet Section 25-441(h)(2) of the Zoning Ordinance because the facility is of close proximity to residential structures; number 4, the proposal fails to meet Section 25-441(h)(4) of the Zoning Ordinance because the facility does not take into consideration surrounding topography; number 5, the proposal fails to meet Section 25-441(h)(5) of the Zoning Ordinance because the application does not provide particular reference to design characteristics that would have the effect of reducing or eliminating visual obtrusiveness; number 6, the proposal fails to meet Section 25-583.2(6) of the Zoning Ordinance because the project is not compatible with existing uses in the neighborhood; number 7, the facility is inconsistent with the Comprehensive Plan; 8, under FCC regulations, if approved, the monopole would be permitted to increase in height by 20' and install antenna extending up to 20' from the monopole which would further increase the visibility of the facility.

Leffel: _____.

Scothorn: I have none.

Leffel: Do I have a second.

Sloan: Second.

Leffel: The motion has been made and seconded. All in favor of Dr. Scothorn's motion signify by saying Aye.

Board members present: Aye (AYES: Mr. Leffel, Mr. Sloan, Mr. Clinton, Dr. Scothorn; NAYS: None; ABSENT: Mr. Martin; ABSTAINING: None) (Resolution Number 18-09-19)

Leffel: Motion carries. Thank you.

A public hearing was then held on a request in the Blue Ridge Magisterial District from Frank L. & Patricia E. Bramlett for an amendment to the proffered conditions for a vehicle repair business which was previously approved by the Board of Supervisors on June 18, 1990. The request is to amend a proffer related to landscaping, remove a proffer related to an established

paint shop, and to allow for a maximum of forty (40) vehicles under repair to be stored outside, rather than the previously approved fifteen (15), on a 2.17-acre parcel zoned in the Business (B-3) Use District located at 4299, 4297, 4249 and 4247 Blue Ridge Boulevard (U. S. Route 460), approximately one-tenth of a mile southwest of its intersection with Blue Ridge Springs Road (State Route 616), identified on the Real Property Identification Maps of Botetourt County as Section 109, Parcel 4.

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

Mr. Drew Pearson, County Planner, stated that the Planning Commission recommended the following proffered conditions be included with this request: "The area along the right-of-way of U. S. Route 460 will be planted with 6' tall evergreen trees that are tolerant of saline soils and/or salt spray approximately 10' apart; and the number of vehicles kept outside on an overnight basis will be limited to forty (40)."

He stated that this property is located along U. S. Route 460 near its intersection with Blue Ridge Springs Road. Mr. Pearson stated that the Planning Commission's public hearing was held in July 2018 and the Commission requested that the applicant consider tabling this request so that a site plan could be created. He noted that the Commission also had questions about the flood plain which encompasses this entire parcel and specific plans in place by the applicant to move vehicles off of the property in the event that a storm/flood event is forecast.

Mr. Pearson stated that the applicant agreed to table this request in order to obtain the requested information.

Mr. Pearson stated that a parking plan for this site was designed by Engineering Concepts which indicates that as many as 50 vehicles could be parked upon the existing parking lot. He noted that the applicant also has an agreement with the adjacent landscaping business to temporarily relocate vehicles from the vehicle repair business to the landscaping business's property when weather conditions appear to show that there would be flooding on this site. Mr. Pearson further noted that the vehicles were recently relocated during the anticipated flooding caused by Hurricane Florence. Mr. Pearson stated that the business's wrecker/towing staff is on call 24/7 and could be available to move the site's vehicles when necessary in a short amount of time.

After discussion, Mr. Pearson stated that there is also a fenced-in storage lot on this property on which a maximum of 17 vehicles can be parked. He noted that it is the applicant's goal to either park vehicles inside overnight or within the fenced area, which is located to the right of the building.

Mr. Pearson again reviewed the proffered conditions for this request. He noted that the applicant and the property's tenant were present at the meeting to answer any questions.

After questioning by Dr. Scothorn, Mr. Pearson stated that the site is lower than the elevation of U. S. Route 460 which makes screening the site more difficult; however, the proposed evergreen trees will aid in blocking some of the view of this property from passing vehicles.

Mr. Jeff Robertson, owner of the vehicle repair shop, stated that he has leased Mr. Bramlett's property for almost 29 years. He noted that their business has grown during that time and amending these proffered conditions will allow the business to continue.

Mr. Robertson noted that any abandoned vehicles that are towed to this lot could be on the site up to 45 – 50 days in compliance with State regulations. He further noted that his staff

removed all of the vehicles from this site in 3 – 4 hours when Hurricane Florence was forecast to impact this area 1 – 2 weeks ago.

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

Mr. Clinton stated that this site, which was not too bad to begin with, will be improved with this request. He noted that County staff has worked with the owner/tenant on this proposal.

There being no further discussion, on motion by Mr. Sloan, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request in the Blue Ridge Magisterial District from Frank L. & Patricia E. Bramlett for an amendment to the proffered conditions for a vehicle repair business which was previously approved by the Board of Supervisors on June 18, 1990. The request is to amend a proffer related to landscaping, remove a proffer related to an established paint shop, and to allow for a maximum of forty (40) vehicles under repair to be stored outside, rather than the previously approved fifteen (15), on a 2.17-acre parcel zoned in the Business (B-3) Use District located at 4299, 4297, 4249 and 4247 Blue Ridge Boulevard (U. S. Route 460), approximately one-tenth of a mile southwest of its intersection with Blue Ridge Springs Road (State Route 616), identified on the Real Property Identification Maps of Botetourt County as Section 109, Parcel 4, with the following proffered conditions: (Resolution Number 18-09-20)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

1. The area along the right-of-way of U. S. Route 460 will be planted with 6-foot tall evergreen trees that are tolerant of saline soils and/or salt spray approximately ten feet apart.
2. The number of vehicles kept outside on an overnight basis will be limited to forty (40).

A public hearing was then held on a request in the Amsterdam District from Layman Family, LLC (Secure Store, LLC, contractual purchaser), for a text amendment to Chapter 25. Zoning, Article II, District Regulations Generally, Division 12.–Business District B-3, Sec. 25-263. Uses permissible by special exception (4) to remove the maximum gross floor area requirement; a text amendment to remove Sec. 25-267. Use limitations (d) for wholesale and mini-warehouse uses; a rezoning of 6.34 acres of the 10.39-acre parcel, with possible proffered conditions, from the Agriculture A-1 Use District to the Business B-3 Use District, with a Special Exception Permit, with possible conditions, for mini-warehouses in accordance with Sec. 25-263. Uses permissible by special exception; a Special Exception Permit to reduce the minimum district size of the Business B-3 Use District to 6.34 acres, with possible conditions, in accordance with Sec. 25-264(a) District requirements for mini-warehouses; and a rezoning of 4.05 acres of the 10.39-acre parcel from the Agriculture A-1 Use District to the Shopping Center SC Use District, with possible proffered conditions, in accordance with Sec. 25-282. Permitted Uses for possible shopping and service businesses on a 10.39-acre property located on Roanoke Road (U. S. Route 220) between Layman Lane and Market Ridge Lane, approximately 0.31 miles north of its intersection with Valley Road (State Route 779), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 109B.

It was noted that the Planning Commission had recommended approval of the text amendments, recommended approval of the A-1 to B-3 rezoning request, recommended condi-

tional approval of the A-1 to SC rezoning request, and recommended conditional approval of the Special Exceptions Permits at their June meeting. It was also noted that the applicant had requested at the Supervisors' June meeting that this item be tabled for three months to allow additional negotiations with the contractual purchaser.

Mr. Drew Pearson, County Planner, stated that this 10.39 acre parcel is zoned Agricultural A-1, with Shopping Center SC zoning to the north, Business B-2 to the south, Agricultural A-1 to the east, and Residential R-1 zoned lots to the west. He then reviewed the site's concept plan and noted that the proposed mini-warehouses will be constructed on the proposed B-3 portion of the property (6.3 acres). Mr. Pearson stated that the proposed building will be 72,000 square feet (sf) and an additional 23,800 sf mini-warehouse building is planned for the future.

Mr. Pearson stated that there are no specific plans for the proposed shopping center site (4.05 acres) at this time. He further stated that there will be no access to the site from Layman Lane and the Comprehensive Plan does designate this area as commercial.

After discussion, Mr. Pearson stated that five separate actions are being requested for consideration by the Board: Zoning Ordinance text amendments to remove the maximum gross floor area requirement for mini-warehouses; rezone 6.3 acres from A-1 to B-3; Special Exception Permit for mini-warehouses; Special Exception Permit to reduce the minimum district size of the B-3 area to 6.34 acres; and rezone 4.05 acres from A-1 to SC for possible shopping and service businesses.

Mr. Pearson stated that the maximum allowable square footage for mini-warehouses in the current Zoning Ordinance is 6,000 sf and, if these text amendments are approved, this limit would be removed. He further noted that the current minimum lot size in a B-3 district is 7 acres and this proposed lot is 6.3 acres which necessitates a SEP.

Mr. Pearson stated that the Planning Commission recommended a number of conditions on the SEP for mini-warehouses as follows: "The development shall be constructed in substantial conformance with the Concept Plan for Rezoning Secure Store, LLC, dated 5/8/2018, prepared by Engineering Concepts, Inc. and included with the background report prepared by staff; Noise generated by the development shall not violate provisions of the Botetourt County Noise Ordinance; There shall be no outdoor storage allowed; Fencing shall be constructed with six-foot high, black aluminum fence material where highly visible from Market Ridge Lane. Other fencing shall be of six-foot high, black vinyl fence material; and the development shall be constructed in substantial conformance with the building elevations displayed and discussed during the Planning Commission public hearing."

Mr. Pearson stated that the applicant has provided drawings of the building's elevation from each direction which were included in the Board's information packets. He noted that from Market Ridge Lane, the new structure would appear to be a 1 story building; however, from the other directions both stories of the building would be visible.

He noted that Ms. Mary Ann Layman Miller, representing Layman Family, LLC, and a representative from Secure Store were present to answer any questions.

Ms. Layman stated that this facility will serve the area's public need, will have a low impact on infrastructure, and will have a low number of daily vehicle trips to and from the site.

She also noted that Mr. Josh Duncan, President of Secure Store, was present to answer any questions.

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

Mr. Clinton stated that he agrees that this project fulfills a need and the design is consistent with the types of homes in this area. He noted that citizens will need additional storage options and this seems like a good project to him. Mr. Clinton stated that from what he has seen this is a reasonably attractive facility and the developer is experienced in this type of construction.

There being no further discussion, on motion by Mr. Clinton, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the following text amendments to Section 25-263(4) and 25-267(d) of the Botetourt County Zoning Ordinance to remove the maximum gross floor area requirement for mini-warehouse and wholesale uses as per a request from Layman Family, LLC (Secure Store, LLC, contractual purchasers). (Resolution Number 18-09-21)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

BOTETOURT COUNTY CODE

* * *

CHAPTER 25 ZONING

* * *

DIVISION 12. BUSINESS DISTRICT B-3

Section 25-261 through **25-262** (Same)

Section 25-263. Uses permissible by special exception.

(1) through (3) (Same)

(4) Mini warehouses ~~provided that the total gross floor area of storage buildings shall not exceed six thousand (6,000) square feet.~~

(5) through (13) (Same)

Section 25-264 through **25-266** (Same)

Section 25-267. Use limitations

(a) through (c) (Same)

(d) (Delete)

(1) through (3) (Delete)

Sections 25-268 – 25-280 (Same)

There being no further discussion, on motion by Mr. Clinton, seconded by Dr. Scothorn, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this rezoning request as submitted. Therefore, be it ordained by the Botetourt County Board of Supervisors that the Botetourt County Zoning Ordinance and the Botetourt County Real Property Identification Maps be amended in the following respect and no other: (Resolution Number 18-09-22)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

LAYMAN FAMILY, LLC
(Secure Store, LLC, contractual purchaser)

In the Amsterdam District to rezone 6.34 acres from the Agriculture A-1 Use District to the Business B-3 Use District for mini-warehouses on a 10.39-acre prop-

erty located on Roanoke Road (U. S. Route 220) between Layman Lane and Market Ridge Lane, approximately 0.31 miles north of its intersection with Valley Road (State Route 779), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 109B.

On motion by Mr. Clinton, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request in the Amsterdam District from Layman Family LLC (Secure Store LLC, contractual purchaser), for a Special Exception Permit for mini-warehouses in accordance with Sec. 25-263. Uses permissible by special exception of the Botetourt County Zoning Ordinance on 6.34 acres of a 10.39-acre property located on Roanoke Road (U.S. Route 220) between Layman Lane and Market Ridge Lane, approximately 0.31 miles north of its intersection with Valley Road (State Route 779), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 109B, with the following conditions: (Resolution Number 18-09-23)

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

NAYS: None

ABSENT: Mr. Martin ABSTAINING: None

1. The development shall be constructed in substantial conformance with the Concept Plan for Rezoning Secure Store, LLC, dated 5/8/2018, prepared by Engineering Concepts, Inc. and included with the background report prepared by staff.
2. Noise generated by the development shall not violate provisions of the Botetourt County Noise Ordinance.
3. There shall be no outdoor storage allowed.
4. Fencing shall be constructed with six-foot high, black aluminum fence material where highly visible from Market Ridge Lane. Other fencing shall be of six-foot high, black vinyl fence material.
5. The development shall be constructed in substantial conformance with the building elevations displayed and discussed during the Planning Commission public hearing.

On motion by Mr. Clinton, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request in the Amsterdam District from Layman Family LLC (Secure Store LLC, contractual purchaser), for a Special Exception Permit to reduce the minimum district size of the Business B-3 Use District to 6.34 acres in accordance with Section 25-264(a) District Requirements of the Botetourt County Zoning Ordinance for mini-warehouses on 6.34 acres of a 10.39-acre property located on Roanoke Road (U.S. Route 220) between Layman Lane and Market Ridge Lane, approximately 0.31 miles north of its intersection with Valley Road (State Route 779), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 109B, with the following condition: (Resolution Number 18-09-24)

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

NAYS: None

ABSENT: Mr. Martin ABSTAINING: None

1. The permitted use of the property shall be for mini-warehouses to the exclusion of all other uses.

There being no further discussion, on motion by Mr. Clinton, seconded by Dr. Scothorn, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this rezoning request with the following proffered 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 18-09-25)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

LAYMAN FAMILY, LLC
(Secure Store, LLC, contractual purchaser)

In the Amsterdam District to rezone 4.05 acres from the Agriculture A-1 Use District to the Shopping Center (SC) Use District in accordance with Section 25-282 Permitted Uses of the Botetourt County Zoning Ordinance for possible shopping and service businesses on a 10.39-acre property located on Roanoke Road (U. S. Route 220) between Layman Lane and Market Ridge Lane, approximately 0.31 miles north of its intersection with Valley Road (State Route 779), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 109B.

1. The proposed 4.1 acres, being rezoned to (SC) Shopping Center Use District, will be developed in substantial conformance with the associated Prof- fers and the Planning & Design Documents for Old Orchard Marketplace prepared by Balzer and Associates, Inc. dated August 20, 2007, with all revisions through July 15, 2013.

A public hearing was then held on a proposed text amendment to Chapter 25 Zoning, Article II, Division 6. Medium Density Residential District R-3, Section 25-163. Uses Permissible by special exception to add Cabin or cottage resort as a use permitted by special exception and on a request in the Fincastle District from Frederick E. Taylor, Jr., for a Special Exception Permit for a Cabin or Cottage, Resort, with possible conditions, in order to operate short-term vacation rentals in the existing mill house and cabins, in the Agricultural (A-1) Use District in accordance with Section 25-73. Uses permissible by special exception and in the Residential (R-3) Use District in accordance with Section 25-163. Uses permissible by special exception of the Botetourt County Code. The 81.43 acre parcel is located at 73, 103, 125, 187 Dirt Road and 979, 967 Breckinridge Mill Road, Fincastle (State Route 600), approximately 0.30 miles northeast of its intersection with Huff Road (State Route 670), and is identified on the Real Property Identification Maps of Botetourt County as Section 73, Parcel 4.

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

Mr. Jerod Myers, County Planner, stated that this proposed text amendment resulted from a request by Mr. Fred Taylor to provide short term rentals (less than 30 days) in the historic Breckinridge Mill property located west of Fincastle. He noted that there are currently 4 apartment units in the mill that Mr. Taylor would like to rent on a short-term basis along with four small rental cabins on the 81 acre property.

Mr. Myers stated that the proposed amendment would allow cabin or cottage resort as a use permitted by special exception so that in the future these requests would be considered individually by the Commission and Board.

After questioning by Mr. Leffel, Mr. Myers stated that one citizen spoke in support of these requests at the Planning Commission meeting.

Ms. Terri Woodward of Breckinridge Mill Road then stated that she has concerns about the proposal to use the four small cabins as short-term rental units. Ms. Woodward stated that

she is an adjacent property owner and has 335' of fencing between her and Mr. Taylor's property. Ms. Woodward stated that 160' separates her pasture and the yard designated for the cabin at 187 Dirt Road and she is concerned about the impact that short-term renters and their dogs would have on her horses. Ms. Woodward noted that she does not want these renters to interact with her horses through feeding or petting or their dogs chasing her horses.

Ms. Woodward stated that she discussed her concerns with Mr. Taylor on September 19 and he could not tell her that this would not be a problem. Ms. Woodward requested that if this SEP is approved that Mr. Taylor be required to include language in the rental agreement/ instructions that the renters and any dogs with them at the cabin not engage with the horses.

Ms. Woodward stated that she would also like Mr. Taylor to keep the fence line clear of brush and weeds so that the vegetation does not short-out her electric fence. She also requested that the Board be cognizant during future requests of this type of potential dangers to livestock from short-term renters on adjacent properties.

Mr. Leffel stated that he understands Ms. Woodward's concerns.

After questioning by Mr. Leffel, Ms. Woodward stated the distance from the fence to the cabin she mentioned earlier is approximately 50'.

Ms. Woodward noted that she cannot monitor the activities of Mr. Taylor's short-term renters 24 hours a day.

Dr. Scothorn noted that the renters could go under/through the fence to pet/feed the horses which could cause liability and trespassing issues.

After questioning by Dr. Scothorn, Ms. Woodward stated that Mr. Taylor's previous tenants were long-term and she was familiar with them and did not mind if they fed her horses but short-term renters are a different matter.

She requested that Mr. Taylor be required to post signs and include instructions in the short-term rental agreement directing renters to not interact with the horses and that the fence line be kept clear of brush and vines. Mrs. Woodward further stated that, if these solutions do not keep the short-term renters from interacting with her horses, she would request that a privacy fence be installed.

After questioning by Dr. Scothorn, Mr. Myers stated that the Board can impose conditions on SEP requests. Dr. Scothorn stated that he would think that Mr. Taylor would want to be a good neighbor.

After questioning by Mr. Clinton, Ms. Woodward stated that she did not speak at the Planning Commission meeting because she was unsure what Mr. Taylor was proposing with this request.

Mr. Myers stated that there are supplemental regulations in the Zoning Ordinance for short-term rental units and the Board's consideration of an additional condition based on Ms. Woodward's comments might address her concerns.

After questioning by Mr. Leffel, Ms. Woodward stated that Mr. Taylor's long-term renters do feed the horses now; however, she is familiar with those individuals after being neighbors for many years. After further questioning by Mr. Leffel, Ms. Woodward stated that the brush and vegetation on Mr. Taylor's side of the fence is impacting her electric fence.

After questioning, it was noted that Mr. Taylor was not present at this public hearing.

After questioning by Mr. Sloan, Mr. Myers stated that he has not had access to his County e-mail since 2PM today so he is unsure if Mr. Taylor contacted him at the last minute to provide notification that he was unable to attend this hearing.

Mr. Leffel stated that he does not like the idea of tabling any request but it may give Mr. Taylor one more chance to provide some assurance to alleviate Ms. Woodward's concerns.

Mr. Sloan agreed and stated that the applicant may be able to tell the Board and Ms. Woodward what can be done to resolve her concerns.

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

On motion by Mr. Leffel, seconded by Mr. Sloan, and carried by the following recorded vote, the Board tabled consideration of a proposed text amendment to Chapter 25 Zoning, Article II, Division 6. Medium Density Residential District R-3, Section 25-163. Uses Permissible by special exception of the Botetourt County Code to add Cabin or cottage resort as a use permitted by special exception and tabled a request in the Fincastle District from Frederick E. Taylor, Jr., for a Special Exception Permit for a Cabin or Cottage, Resort, with possible conditions, in order to operate short-term vacation rentals in the existing mill house and cabins, in the Agricultural (A-1) Use District in accordance with Section 25-73. Uses permissible by special exception and in the Residential (R-3) Use District in accordance with Section 25-163. Uses permissible by special exception of the Botetourt County Code on an 81.43 acre parcel located at 73, 103, 125, 187 Dirt Road and 979, 967 Breckinridge Mill Road, Fincastle (State Route 600), approximately 0.30 miles northeast of its intersection with Huff Road (State Route 670), and is identified on the Real Property Identification Maps of Botetourt County as Section 73, Parcel 4, to allow the applicant an opportunity to attend the meeting to answer questions. (Resolution Number 18-09-26)

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

NAYS: None

ABSENT: Mr. Martin ABSTAINING: None

The Chairman then called for a 5 minute break.

The Chairman called the meeting back to order at 7:20 P. M.

A public hearing was then held on a request in the Buchanan District from Sean M. Fleming for a Special Exception Permit, with possible conditions, for a commercial kennel to board and train up to twenty dogs in the Agricultural (A-1) Use District in accordance with Section 25-73. Uses permissible by special exception of the Botetourt County Code on a 20.00-acre parcel located at 540 Wagon Wheel Run, approximately 0.34 miles southwest of its intersection with Timber Ridge (Route 635), identified on the Real Property Identification Maps of Botetourt County as Section 62(3), Parcel 3.

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

Mr. Drew Pearson, County Planner, stated that this property, along with the surrounding properties, is zoned Agricultural A-1. He noted that a private road provides access to this property and two other homes. Mr. Pearson stated that Mr. Fleming has been hunting with and field training dogs for 15 years and has decided to open a commercial kennel and dog training business. He noted that Mr. Fleming will not be training more than two dogs at any time.

He then reviewed the site plan which showed 7 outdoor covered runs on concrete with metal roofs, four indoor runs on concrete, and an 80' X 200' outside exercise pen.

Mr. Pearson then read the conditions recommended for this request: "The commercial kennel shall be limited to the boarding and specialized training for up to twenty (20) dogs; no more than two (2 dogs shall be enrolled in training at any given time; noise generated by the dogs shall not violate provisions of the Botetourt County Noise Ordinance."

Mr. Pearson stated that the requested kennel is limited to 20 dogs including the applicants' personal dogs.

After discussion, Mr. Pearson stated that the Planning/Zoning Office only received one telephone call regarding this request. He noted that the call was from a neighbor requesting details about the proposed kennel. Mr. Pearson then noted that the applicants are present to answer any questions.

Mr. Sean Fleming stated that Mr. Pearson did an excellent job of giving an overview of their proposal. Mr. Fleming noted that he has trained field hunting dogs for a long time and has decided to open his own business. He noted that this business will focus on the animals first and the commercial side of the business second.

Mrs. Tammy Fleming stated that people have asked them to train or board their dogs for many years and the dogs' owners are comfortable with having them train their dogs.

After questioning by Mr. Leffel, Mr. Fleming stated that in the past they have mainly trained their own dogs but he has from time to time conducted limited training of other people's dogs. After further questioning by Mr. Leffel, Mr. Fleming stated that their property is approximately 3½ miles off of U. S. Route 220 via Timber Ridge (Route 635).

After further questioning by Mr. Leffel, Mr. Fleming stated that they mainly train English Pointers.

After questioning by Dr. Scothorn, Mr. Fleming stated that he is a member of the National Shoot and Retrieve Association. Mr. and Mrs. Fleming then showed pictures of their dogs to the Board members.

After questioning by Mr. Sloan, Mrs. Fleming stated that they have had no problems from the neighbors regarding this proposed business.

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

There being no further discussion, on motion by Mr. Sloan, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request in the Buchanan District from Sean M. Fleming for a Special Exception Permit for a commercial kennel to board and train up to twenty dogs in the Agricultural (A-1) Use District in accordance with Section 25-73. Uses permissible by special exception of the Botetourt County Code on a 20.00-acre parcel located at 540 Wagon Wheel Run, approximately 0.34 miles southwest of its intersection with Timber Ridge (Route 635), identified on the Real Property Identification Maps of Botetourt County as Section 62(3), Parcel 3, with the following conditions: (Resolution Number 18-09-27)

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

NAYS: None

ABSENT: Mr. Martin ABSTAINING: None

1. The commercial kennel shall be limited to the boarding and specialized training for up to twenty (20) dogs.
2. No more than two (2) dogs shall be enrolled in training at any given time.
3. Noise generated by the dogs shall not violate provisions of the Botetourt County Noise Ordinance.

A public hearing was then held on a request in the Amsterdam District from Wendover Associates, LLC, for a Change of Proffers in the Business (B-2) Use District to modify an existing proffered condition related to exterior building materials on a 1.30-acre portion of a 2.05-acre lot located on Wendover Road, Daleville, at the intersection of Wendover Road (Route 794) and Roanoke Road (U. S. Route 220), identified on the Real Property Identification Maps of Botetourt County as Section 101A (1), Block 1, Parcel 21A.

It was noted that the Planning Commission had recommended denial of this request. It was also noted that the applicant has requested that the Board of Supervisors table this request.

Dr. Scothorn then stated that, due to a potential business-related conflict, he would have to recuse himself from participating in discussions on this public hearing.

Mr. Drew Pearson, County Planner, stated that the applicant is requesting a change in the proffered conditions approved with this request in June 2017 pertaining to the exterior building materials. He noted that the applicant would like to allow exterior architectural metal cladding on the proposed buildings and to replace the two building designs/elevations submitted with the 2017 request with a revised proposed building design to reflect use of this new material.

Mr. Pearson stated that as a result of the 2017 request the four lots on this site were combined into one parcel. He noted that the proffered conditions approved in 2017 were tied to the rear portion of the property on which one of two two-story buildings were proposed to be constructed.

He noted that the condition #7 which is proposed to be modified currently states, "The buildings will be designed in a "corporate" architectural style, one or two stories in height, similar to the style of buildings shown in the attached photographs, Exhibits B and C. Exterior materials may include brick, EIFS, Hardie Board/siding, clad windows and doors, and architectural grade shingles or metal roofing materials. No vinyl siding will be used. Variation in building material, building footprint offsets, and/or variation in rooflines will be used to provide variation and articulation in the building design." He noted that the applicant is requesting to change this condition such that Building B is to be in substantial conformance with a new Exhibit B and that architectural metal cladding would be added as an approved building material.

Mr. Pearson further stated that the applicant contacted the Planning Office on the afternoon of the Planning Commission meeting and indicated that they wanted to introduce an alternate condition #7 that did not use 'substantial conformance' language and that contained a different Exhibit B for the building elevation. He noted that the applicant presented the alternate condition #7 at the Commission's meeting where, after consideration, the Commission recommended denial of the request.

After discussion, Mr. Pearson noted that the applicants are also requesting changes to proffered condition # 2 which currently states, "The development pattern will be in substantial conformance with the concept plan titled "Wendover Concept Plan" prepared by Balzer and Associates, Inc., dated April 3, 2017, and last revised May 2, 2017." He noted that the proposed amendment is to reflect minor changes in the building footprint which has been determined to be in substantial conformance with the existing condition #2 as shown on the concept plan.

He further noted that the location of the proposed building is outside of the floodplain.

Mr. Pearson stated that the renderings submitted with the June 2017 request to change the site's proffered conditions showed two story structures that displayed more brick and EIFS

on the exterior which was more consistent with other office/commercial buildings in this area and the revised renderings presented in the current application show a more modern design consisting of stone, wood and metal cladding.

After questioning by Mr. Clinton, Mr. Pearson stated that the conditions currently in place for this property require the buildings to have more brick and EIFS for the exterior materials than what the applicant is requesting at today's hearing, which includes metal panel systems, wood, and stone materials.

After questioning by Mr. Sloan, Mr. Pearson stated that EIFS is a material similar to dryvit.

After questioning about the Planning Commission's recommendation of denial, Mr. Pearson stated that the Commission appeared to feel uncomfortable with the proposed changes to the building materials, as well as the style of the building. He noted that the Commission preferred the approved building exhibits/designs that showed more brick on the exterior of the building and that were more compatible with the design of the bank located across Route 220. He further noted that the Commission had commented that the proposed changes seemed like a "bait and switch" to them.

After further discussion, Mr. Pearson stated that the elevations/exhibits that were approved in June 2017 are part of the proffered conditions on this site. He then displayed the building exhibits approved in June 2017 and compared them to the revised building design being requested at this hearing.

Mr. Pearson noted that current condition #7 contains language requiring an architectural style similar to that shown in the exhibits and not language requiring substantial conformance; therefore, if this request to revise the proffered conditions is denied, the applicants would only be allowed to incorporate exterior materials on the building that were included in the existing proffered condition.

Mr. Clinton stated that he is troubled because the staff's comments sound like the County is being an "architectural review committee" for this building's exterior appearance. Mr. Clinton stated that he "gets nervous" if the County gets into too much detail on allowable architectural materials.

Mr. Pearson stated that the County does not have regulations in the Zoning Ordinance pertaining to specific building materials or building design and the County's involvement only comes as a result of the applicant's voluntary proffer.

Mr. Clinton stated that the applicant has a good architectural firm working for them and he does not know why we would "constrain" them at this time.

Mrs. Nicole Pendleton, Director of Community Development, stated that there are provisions in the Gateway Crossing Overlay District that provide goals and objectives for building designs in this Urban Development Area.

After questioning by Mr. Clinton, Mrs. Pendleton stated that the design submitted by the applicants in 2017 fitted with the designs of commercial buildings in the Route 220 corridor, tied into existing architectural detail, and had specific correlation with the design of the building which made it consistent with the Gateway Crossing Overlay District's goals.

After questioning by Mr. Clinton, Mrs. Pendleton stated that this building's proposed design was submitted after the Gateway Corridor UDA was approved by the Board.

The Board members then expressed confusion as to what was being requested at this hearing.

Mrs. Pendleton stated that, when the applicant submitted a building design with their building permit application several months ago, it was not in substantial conformance with the exhibits/renderings approved for this site in 2017. She then displayed both the 2017 building exhibit and the 2018 design submitted with the building permit application.

Mrs. Pendleton stated that a design which included an architectural metal cladding exterior was submitted with the building permit application, and this material had not been approved for use in the 2017 request. Mrs. Pendleton stated that she denied the application as this material had not been approved by the Planning Commission/Board of Supervisors in 2017.

Mr. Clinton stated that his understanding of this request is that the brick-clad building renderings were approved in the proffered condition revision request in 2017 and these conditions/exhibits are in place at this time and the applicant is now requesting that an architectural metal cladding material be used on the building's exterior.

Mr. Leffel then questioned how the Board is to proceed on this request.

After being informed that the applicant was not present at this meeting, Mr. Leffel stated that in his opinion, "citizens are first and the Board comes after." Mr. Leffel stated that, if an applicant wishes to make a request, they should attend the hearing to explain their proposal.

After questioning by Mr. Sloan, Mr. Pearson stated that the applicant, in their request that this hearing be tabled, had indicated that they wanted to revisit the building's design and make a presentation at a future meeting of a design that is more in line with the conditions approved in 2017.

After questioning by Mr. Leffel, Mr. Clinton stated that, if this request is tabled, the applicant will come back with another building elevation/design for the Board's consideration.

Mr. Leffel stated that the applicant could come back with a different design; however, "the effort does not speak well" to the applicant's intention.

Mr. Clinton stated that he prefers the design that is being proposed at this public hearing, which is the same rendering as shown on the sign posted on the site. Mr. Clinton stated that he does not believe that a building's design should be limited to brick because the building across the street is brick.

Mr. Leffel stated that, if an applicant submits a building design of what they are proposing to be located on a site, then that design or something very similar, is what they should construct. Mr. Leffel stated that the staff and the Board have spent a lot of time reviewing this request.

After further discussion, on motion by Mr. Clinton, seconded by Mr. Sloan, and carried by the following recorded vote, the Board tabled the request in the Amsterdam District from Wendover Associates, LLC, for a Change of Proffers in the Business (B-2) Use District to modify an existing proffered condition related to exterior building materials on a 1.30-acre portion of a 2.05-acre lot located on Wendover Road, Daleville, at the intersection of Wendover Road (Route 794) and Roanoke Road (U. S. Route 220), identified on the Real Property Identification Maps of Botetourt County as Section 101A (1), Block 1, Parcel 21A, to allow the applicant to consider additional design options for the proposed building and directed staff to readvertise this request for public hearing at the November regular meeting. (Resolution Number 18-09-28)

AYES: Mr. Clinton, Mr. Sloan, Mr. Leffel

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: Dr. Scothorn

There being no further discussion, the meeting was adjourned at 8:03 P. M.