

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, September 26, 2017, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 12:45 P. M.

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

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

Others present at the meeting:

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

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

On motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board went into Closed Session to discuss personnel matters regarding specific individuals; the acquisition of real property for public uses or the disposition of publicly held real property where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body; discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the County; consultation with legal counsel pertaining to actual or probable litigation; and consultation with legal counsel regarding specific legal matters requiring legal advice as per Section 2.2-3711 (A) (1), (3), (5), (7) and (8) of the Code of Virginia of 1950, as amended. (Resolution Number 17-09-01)

AYES: Mr. Williamson, Mr. Leffel, Mr. Dodson, 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 Mr. Dodson, and carried by the following recorded vote, the Board returned to regular session from Closed Session and adopted the following resolution by roll-call vote. (Resolution Number 17-09-02)

AYES: Mr. Leffel, Mr. Williamson, Mr. Dodson, 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. Williamson then led the group in reciting the pledge of allegiance.

Mr. Jaime Hurt, Maintenance Manager, then introduced Ms. Rhonda Crouse and Mr. Caleb Keffer to the Board. He noted that both were hired approximately a month ago as full-time custodians. Mr. Hurt noted that the County has been without several full-time custodial

staff for several months and there has been a great improvement in the quality of the County's buildings since Ms. Crouse and Mr. Keffer were hired.

The Board welcomed Ms. Crouse and Mr. Keffer to employment with Botetourt County.

Mr. Steve Vest, Library Director, then introduced Mr. Kaleb Cahoon to the Board. He noted that Mr. Cahoon was recently hired as a full-time Library Assistant at Eagle Rock. Mr. Vest stated that Mr. Cahoon is a graduate of James River High School, has a Bachelor of Arts degree in History from Radford University, and has previously volunteered with the County, the Local Area on Aging group, and with the Department of Social Services.

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

Mr. Cahoon stated that it is great to be back in the County.

The Board then recognized Mrs. Helen Belcher who retired from the County on August 1, 2017, after 39 years as Head Custodian. Mr. Williamson, who was Mrs. Belcher's boss when he was Botetourt County Administrator, stated that she has worked for 6 County Administrator's and 3 or 4 interim County Administrators during her employment with the County, and has ruled all of them with an iron hand.

Mr. Williamson noted that it took Helen almost 20 years to get rid of Mr. Burgess and only 6 years to get rid of himself.

Mr. Williamson noted that Mr. Jerry Burgess, former County Administrator, was also present at today's meeting and asked that he come forward to say a few words.

Mr. Burgess stated that the last thing that Helen needed was a boss as she knew her job and was great at it. He noted that everyone loved Helen and everyone is a sister to Helen. Mr. Burgess stated that she is a great ambassador for the County and it is not going to be the same at the Courthouse now that she has retired.

Mr. Williamson stated that over the years Helen has posted photographs of employees and their children on her office's closet door. He noted that she is a people person and genuinely cares about them. He noted that she lives close to the Courthouse and is welcome to come back often and visit.

Mr. David Moorman, Deputy County Administrator, stated that Helen is an institution at the County offices and is a very positive and friendly face at the County. He noted that the change in the Courthouse since she has not been present cannot be described. Mr. Moorman noted that she will not be forgotten and is welcome to come back and visit at any time.

Mr. Larowe stated that it has been a pleasure working with Mrs. Belcher over the past 18 months and he has enjoyed seeing and talking with her. He noted that she did a fabulous job in cleaning and maintaining the Courthouse offices and her work was appreciated.

Mr. Williamson then presented Mrs. Belcher with a County watch as a small memento of her years of service.

Mrs. Belcher then thanked everyone for their kind words.

Mr. Leffel then read the following proclamation in memory of the Honorable Lacey Putney, former House of Delegates member, who passed away last month:

WHEREAS, the Honorable Lacey E. Putney served as a representative in the Virginia House of Delegates for 52 years; and,

WHEREAS, his district extended from the Alleghany Highlands to Bedford and Franklin Counties, including Botetourt; and,

WHEREAS, during Delegate Putney's tenure, he acted as the voice for his constituents and his leadership and actions were consistently felt across the Commonwealth of Virginia; and,

WHEREAS, Delegate Putney's dedicated service to the citizens of his district and the Commonwealth of Virginia will have a lasting impact on and be remembered far into the future; and,

WHEREAS, Delegate Putney passed away on August 26, 2017;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors hereby recognizes the innumerable contributions of the Honorable Lacey E. Putney to Botetourt County and the Commonwealth of Virginia and extend the gratitude of the County's citizens for his 52 years of service in the Virginia General Assembly.

BE IT FURTHER RESOLVED, that the Board of Supervisors extends its sincere condolences to the family of the Honorable Lacey Putney on behalf of the citizens of Botetourt County.

Mr. Leffel noted that, when he first ran as a member of the Board of Supervisors, Delegate Putney endorsed him for the position. Mr. Leffel noted that Delegate Putney informed him that he (Mr. Leffel) was the first local politician that he had formally endorsed.

He noted that a copy of this proclamation will be provided to Delegate Putney's family.

During the public comment period, Mr. Jerry Jacobsen of Hardbarger Road invited the Board members to the Daleville VFW Post's luncheon for first responders on October 20 from 11AM to 1:30 PM at their facility on Roanoke Road. He noted that their organization holds this luncheon every year and feel that this is something that they should do for the County's first responders.

Mr. Hardbarger stated that the VFW's Congressional mandate says that they are to look after veterans, widows, and orphans. He noted that first responders are important and they put their lives on the line for the citizens every day.

The Board members thanked Mr. Hardbarger for the invitation.

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

(Resolution Number 17-09-03)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Approval of minutes of the regular meeting held on August 22, 2017;

Approval of the following Transfers and Additional Appropriations:

Transfer \$583.42 to Central Purchasing – Store Supplies, 100-4012530-12530-6021, from various departments as follows for store supplies usage:

\$ 19.72	Comm. of Rev. – Office Supplies, 100-4012310-12310-6001-000
\$ 42.21	Purchasing – Office Supplies, 100-4012530-12530-6001-000
\$ 8.54	Finance – Office Supplies, 100-4012430-12430-6001-000
\$301.00	Maintenance –Other Oper. Supp., 100-4043000-43000-6014-000
\$211.95	Sports Comp.–Rep. & Maint. Bldgs., 100-4071300-71300-3313-000

Additional appropriation in the amount of \$142 to Library – Books and Subscriptions, 100-4073100-73100-6012. These are donations received from several individuals.

Additional appropriation in the amount of \$3,398.59 to the following Correction and Detention accounts: \$3,263.59 to Medical and Lab Supplies, 100-4033100-33100-6004; and \$135 to Uniforms, 100-4033100-33100-6011. The former is for medical co-pays received and the latter is for the receipt of uniform contract payments.

Additional appropriation in the amount of \$250 to Animal Control - Convention and Education, 100-4035100-35100-5540. This is a refund received for a NACA conference.

Additional appropriation in the amount of \$1,432.62 to the following Sheriff's Department accounts: \$1,080 to Forest Patrol Salaries, 100-4031200-31200-1900; \$82.62 to FICA, 100-4031200-31200-2100; and \$270.00 to Vehicle & Power Equipment - Fuel, 100-4031200-31200-6008. These are reimbursed funds received for Forest Patrol overtime expenses.

Additional appropriation in the amount of \$578.90 to the following Sheriff's Department accounts: \$288.90 to Vehicle & Power Equipment Supplies, 100-4031200-31200-6009; \$180 to Wages – Overtime, 100-4031200-31200-1200; and \$110 to Uniforms, 100-4031200-31200-6011. These are funds received for extradition, restitution, and uniform contract payments, respectively;

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

Approval of resolution honoring the service of Delegate Lacey Putney;

Approval of proclamation declaring the week of October 22 – 28, 2017, as “Red Ribbon Week”; and,

Approval of proclamation declaring October 2017 as “Domestic Violence Awareness Month.”

Consideration was then held on the award of Class 1 trash collection franchises. Mr. David Moorman, Deputy County Administrator, stated that the County has a franchise service for curbside trash collection. He noted that the current franchises expire on December 31, 2017. Mr. Moorman stated that the County advertised and issued Requests for Proposals (RFPs) for these five franchise areas and received proposals from seven companies.

Mr. Moorman stated that a proposal review committee as required in the County's Solid Waste Ordinance, consisting of Mr. Leffel, Mr. Williamson, along with Mr. Larrowe and other County staff, evaluated the proposals and interviewed all seven companies. He noted that the committee evaluated each proposal and a summary chart of these firms and their selection criteria rankings was included in the Board's agenda packets.

Mr. Moorman noted that the committee is recommending award of the following franchises:

Service Area 1	Community Sanitation
Service Area 2	Kessler's Garbage Service
Service Area 3	Kelley's Garbage Collection Service
Service Area 4	C & S Disposal
Service Area 5	County Waste

After discussion, Mr. Moorman stated that the committee is also recommending that the maximum monthly trash collection service fee be increased from \$21.00 to \$22.00 for the franchise term. He noted that this increase is based on information provided by the companies and was discussed during the haulers' interviews with the committee.

Mr. Moorman stated that these new franchise terms will be effective as of January 1, 2018. He noted that the contracts will be for a five year period with the option of renewal by the County for two additional one-year terms.

Mr. Williamson stated that this was a pleasurable task and all of the proposers gave professional presentations during their interviews. He noted that there have been very few customer complaints received about the County's trash collection services. Mr. Williamson further noted that the committee recommends award of the contracts to the service area haulers as previously mentioned and that the maximum monthly fee be increased from \$21 to \$22.

Mrs. Rebecca Kelley of Kelley's Garbage Collection Service stated that they appreciate all of the hard work by the Board members, County Administrator, and staff. She noted that they are a great team and they appreciate being able to work with them. Mrs. Kelley thanked the Board for considering her company for a trash collection franchise in the County and they look forward to serving the citizens during their next term.

The Board thanked Mrs. Kelley for her comments.

On motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board awarded five year Class 1 solid waste and recycling collection franchises, with the option for two additional one-year renewals, effective January 1, 2018, as follows: Service Area 1--Community Sanitation; Service Area 2--Kessler's Garbage Service; Service Area 3--Kelley's Garbage Collection Service; Service Area 4--C & S Disposal; Service Area 5--County Waste; and authorized an increase of the maximum trash collection service fee from \$21.00 to \$22.00 per month. (Resolution Number 17-09-04)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Consideration was then held on a request to advertise for a public hearing on proposed amendments to Chapter 6 Buildings and Building Regulations of the Botetourt County Code regarding unsafe structures. Mr. Jeff Scott, Building Official, stated that he appreciated the concerns raised by Mr. Williamson and Mr. Leffel when these amendments were discussed at the June Supervisors meeting. He noted that their concerns ensured that the County has the appropriate "checks and balances" in place in determining what is an unsafe building.

Mr. Scott also thanked Mr. Lockaby for his assistance in drafting these ordinance revisions.

After discussion, Mr. Scott stated that Mr. Leffel's and Mr. Williamson's concerns were regarding historical and farm structures being impacted by these proposed regulations. Mr. Scott stated that he and Mr. Lockaby researched this issue and added language from the Code of Virginia which defines "certified historic structure" and "farm building or structure."

He noted that language was also added to clarify the process and procedures to handle unsafe building complaints received by the County. He noted that, if a landowner fails to comply with the County's request to repair/remove/secure an unsafe structure, approval from the County Administrator will be obtained before any action is taken by staff to rectify the unsafe building situation. Mr. Scott further stated that farm buildings/structures and certified historic structures are exempt from the proposed ordinance's demolition provisions, except that he, as Building Official, may order the unsafe structure to be made secure for public safety reasons.

Mr. Lockaby, County Attorney, thanked Mr. Reid McMurry for his comments and input on portions of these proposed amendments.

Mr. Williamson stated that he previously had concerns about older agricultural buildings and barns being negatively impacted by these proposed amendments but believes that those concerns have been addressed with these revised amendments.

Mr. Leffel concurred with Mr. Williamson's comments and stated that he appreciated the staff's efforts in amending this ordinance.

Mr. Dodson stated that he thinks that the proposed amendments address the concerns regarding farm and historical structures very well.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board directed staff to advertise for a public hearing at the October regular meeting on proposed amendments to Chapter 6 Buildings and Building Regulations of the Botetourt County Code regarding unsafe structures. (Resolution Number 17-09-05)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Mr. Kevin Hamm, Maintenance Operations Manager, and Mr. Brian Blevins, Assistant Resident Engineer, with the Virginia Department of Transportation, were then present to speak to the Board.

Mr. Hamm stated that the new roundabout at Exit 150 was opened to traffic this past Saturday evening. He noted that traffic through the roundabout seems to be flowing smoothly but they have made a couple of "tweaks" to the area to improve traffic flow. Mr. Hamm noted that, even though the roundabout is open and the project is moving from Phase 2 to Phase 3, this is still a construction zone and motorists need to use caution.

Dr. Scothorn then expressed concerns that semi-trailers are driving on the edge of the curbs while traversing through the roundabout.

Mr. Hamm noted that there is adequate room for tractor trailers in both lanes of the roundabout but that does not mean that these large vehicles will not run up on the curbing. He noted that the traffic lanes may also appear smaller at this time due to the numerous traffic safety barrels in the area delineating traffic lanes and blocking access to certain areas.

After questioning by Mr. Dodson, Sheriff Ronnie Sprinkle stated that he did not have any comments about the new roundabout but it appears to be working adequately with the traffic flow.

After questioning by Mr. Dodson, Mr. Hamm stated that he thinks that the Exit 150 project will be completed by the end of this winter with a few minor projects completed in the spring of 2018.

Mr. Hamm then reviewed the monthly report. He stated that the Route 220 bridge painting project over the James River and CSX Railroad in northern Botetourt County has been completed; nighttime work on the I-81 bridge project over the James River at Buchanan is continuing; culvert replacement projects began last week on Route 1537 (Oaklawn Drive) in Blue Ridge with Stop signs controlling traffic flow; and a bridge deck replacement project will necessitate the closure of a portion of Mount Joy Road (Route 625) from October 16 – 19.

After questioning by Mr. Williamson, Mr. Hamm stated that VDoT's bridge inspectors discovered the need to replace this bridge's decking in order to maintain a suitable vehicle weight limit during a recent inspection.

Regarding various paving projects, Mr. Hamm stated that all of the Secondary System paving projects scheduled for this year have been completed and the paving of Route 11 near Buchanan and Route 220 southbound between Greenfield Street and Tinker Mountain Road should be completed within the next few weeks. He noted that VDoT is still working with the Department of Motor Vehicles to pave I-81 northbound near the truck weighing scales. Mr. Hamm noted that the project is taking longer than anticipated as there is a large concrete slab in the travel lane that will need to be removed. He noted that this would necessitate a crane being brought in and it is estimated that it would take 16 hours to complete this project.

Mr. Hamm noted that there were three land development project reviews and 14 land use permits issued last month. He further noted that a lot of work has been completed by their Area Headquarters staff and, weather permitting, additional asphalt patching work on various roadways will continue until November/December. Regarding the Lithia Road flood project, Mr. Hamm stated that the pre-construction meeting was held yesterday and this project is scheduled for October 9 through December 1, 2017. He noted that signs will be installed to notify area property owners/drivers of the construction project.

Regarding the British Woods Rural Addition project, Mr. Hamm stated that work to install new pipes for this project should begin in the next few days. He noted that the project should be completed before winter.

Dr. Scothorn and Mr. Dodson stated that they had received residents' comments that they are pleased that this work is proceeding before winter weather arrives.

Mr. Hamm noted that work on the McFall's Road Rural Rustic Road project will not begin until spring 2018.

Mr. Williamson noted that the Route 11/Beckner Branch bridge project is proceeding very well and the traffic control measures are working well.

After questioning by Mr. Williamson regarding pavement patching work on various roads, Mr. Hamm stated that the work on Brugh's Mill is scheduled for paving in 2018; however, Farmers Road and Blue Ridge Turnpike are not scheduled for paving in the near future.

After questioning by Mr. Williamson regarding the sight distance issue at the Springwood/Copps Hill Road intersection, Mr. Hamm stated that VDoT has identified funding for the project. He noted that construction would probably entail the removal of 1/3 of the rock wall and a telephone pole will need to be relocated. He noted that VDoT staff have also talked to the Health Department about the existing well/septic tank located in the proposed project area. Mr. Hamm further noted that VDoT also needs to contact the affected landowner to ascertain whether he is willing to provide additional right-of-way for this project before the project can begin.

After questioning by Mr. Williamson regarding a request for a through truck restriction on Long Run Road (Route 772), Mr. Hamm stated that he is waiting to obtain current traffic count information on this roadway.

Mr. Dodson noted that there has been a lot of road work in the County this year and VDoT has done a good job and he appreciates the work that Mr. Hamm is doing for the County.

Dr. Scothorn stated that Mr. Hamm's dedication and hard work is appreciated.

Mr. Leffel stated that Mr. Hamm is a hard worker and is very accessible to the Board, staff, and citizens with their questions and concerns.

Mr. Leffel then questioned if any further research had been completed on the drainage pipe/alleyway issue in Eagle Rock. Mr. Hamm stated that a couple of references have been found to this area in VDoT's old files; however, he has not had an opportunity to discuss this matter with Mr. Brian Blevins and his staff to interpret the information.

After questioning by Mr. Williamson, Mr. Hamm stated that he has talked to Ms. Mikki Patrick regarding a sight distance issue at the Country Club/Route 220 intersection. He noted that there are trees/brush on the dirt bank located to the north of this intersection which limits the visibility of drivers on Country Club Road to see traffic coming southbound on Route 220. Mr. Hamm noted that clearing and cutting some trees on the bank may help the sight distance issue.

The Board thanked Mr. Hamm for his report.

A presentation was then given by Mr. Michael Agee with Mattern & Craig on the Route 220/779 intersection improvement concepts study. Mrs. Nicole Pendleton, Planning Manager, stated that the Planning Commission held a work session earlier this month on upcoming Comprehensive Plan-related projects including transportation issues. She noted that at that time Mr. Agee presented a report on a study that the County had commissioned earlier this year to provide a minimum of 3 conceptual layouts for potential improvements at the Route 220/Catawba Road (Route 779) intersection regardless of any future-planned development projects in that area.

She noted that these layouts address the major traffic issues at the intersection, including concepts that address fewer traffic issues and impact fewer properties, and the study served to address known traffic operations deficiencies. Mrs. Pendleton stated that Mr. Agee is present today to give this same presentation to the Board of Supervisors.

Mr. Agee stated that the County contracted with his firm to review the 220/779 intersection and develop suggestions and cost concepts to improve the traffic flow in this area. He noted that some of the concepts are simple and will help improve these traffic issues.

Mr. Agee stated that there is a large amount of traffic on Route 220 and a lot of turning movements at the Catawba Road intersection. He noted that VDoT has made some signalization improvements at this intersection and this study "builds on" those enhancements.

He then reviewed the various options. Mr. Agee noted that Option A adds a designated right-turn lane on Catawba Road onto Route 220 southbound which will provide an additional turning movement option. He noted that this project could probably be constructed within the existing VDoT right-of-way or would only necessitate the acquisition of a small amount of new right-of-way. Mr. Agee stated that this option would reduce the amount of time needed to move traffic off of Catawba Road and onto Route 220 and also allow an entrance into the developable property on the south side of Catawba Road.

Mr. Agee noted that Option A1 moves the entrance onto the developable property further west on Catawba Road to lengthen the two lanes (left turn and right turn) onto Route 220 in order to have more vehicle stacking space.

He noted that Option B includes the Option A concept of a designated right-hand turn lane onto Route 220 south and lengthens the left-turn lane for Route 220 northbound traffic turning onto Catawba Road. Mr. Agee stated that the existing short left-hand turn lane causes a

traffic safety issue as left-hand turn traffic backs up into the Route 220 through-traffic lane. He noted that there may be additional construction necessitated due to the elevation change between the northbound and southbound lanes on Route 220 in this immediate area.

Regarding Option C, Mr. Agee stated that this proposal would include an additional lane on Catawba Road westbound from Route 220 for through traffic. He noted that with this additional lane westbound vehicles wanting to turn left into the developable property would not block through-traffic on Catawba Road. Mr. Agee stated that additional right-of-way would likely be needed for this project and the existing Catawba Road entrance to the commercial property (Catawba Corner) would have to be closed. He further stated that this is an old entrance and does not meet VDoT's current standards.

After questioning by Mr. Dodson, Mr. Agee confirmed that the entrance off of Catawba Road to the Papa John's, Subway, etc., businesses would have to be closed under Option C.

Mr. Agee stated that Option D would reconstruct the crossover at the Valley Road/Route 220 intersection which is a major safety problem when Route 220 northbound traffic turning left onto Catawba Road backs up through this crossover/intersection. He noted that the median in this area is narrow and vehicles from Valley Road turning left onto Route 220 southbound either have their front or rear portions sticking out into the roadway. Mr. Agee stated that the proposed design would include a directional median which would allow northbound and southbound left turns only; no left turns from Valley Road or the Mama D's convenience store would be allowed.

He noted that this design would result in increased U-turns in the area's intersections which would be resolved by incorporating a larger radius at the 220/Catawba Road intersection.

Mr. Agee stated that Options A – D address these traffic issues "one step at a time." He stated that Option E solves all of the traffic problems at the Catawba/220 and the 220/Valley Road intersections by realigning Valley Road with the Catawba Road intersection. He further stated that this option would close the Valley Road intersection and crossover. Mr. Agee noted that this proposal is the "ultimate step" to solve the numerous traffic issues at these two intersections.

After discussion, Mr. Agee stated that this report provides several items for the Board to consider going forward regarding planning/zoning and traffic issues in this area.

After questioning by Mr. Williamson regarding the structures impacted with Option E, Mr. Agee stated that this option would result in "disruption in all four quadrants" of this new 4-way intersection due to the width, relocation, and vertical aspects of this project.

After questioning by Mr. Dodson, Mr. Agee stated that he believes that Option A is the most cost-effective and addresses most of the intersection's problems.

After questioning by Dr. Scothorn, Mr. Agee stated that Option A will improve traffic safety and flow through this intersection for the next few years until the Board has time to consider their next step. Dr. Scothorn noted that the Valley Road intersection would still be a problem with the improvements suggested by Option A.

Mr. Agee stated that VDoT's current access standards do not allow crossovers as close together as the two in this immediate area.

After questioning by Mr. Williamson as to whether Option A could be completed with VDoT safety monies if the project stays within existing rights-of-way or with donated rights-of-way, Mr. Brian Blevins, VDoT's Assistant Resident Engineer, stated that VDoT has previously considered extending the left-hand turn lane from Route 220 onto Catawba Road but the

expense and the elevation difference between the northbound and southbound lanes made the project too difficult.

After further questioning by Mr. Williamson, Mr. Blevins stated that he would hope that Option A could be constructed locally without “going to Richmond” for funding.

Mr. Williamson thanked the Planning staff for making this information available to the Board and thanked Mr. Agee for his presentation.

After questioning by Dr. Scothorn regarding the Valley Road intersection improvements, Mr. Agee stated the proposed redesign of this intersection would be similar to the Route 419 intersection into the Roanoke County governmental complex. He noted that a concrete median limiting turns would help in the traffic safety situation at the Valley Road/220 intersection.

The Board thanked Mr. Agee for his presentation.

A public hearing was then held on a proposed lease agreement with Orchard Hills Church for an access off of EastPark Drive. Mr. David Moorman, Deputy County Administrator, stated that the Orchard Hills Church’s membership has grown and they are now operating a day school at their facility on Alternate 220 adjacent to EastPark Commerce Center. He noted that the additional weekday traffic accessing the Church property off of Alternate 220 has raised traffic safety issues during the morning and evening rush hours.

Mr. Moorman stated that the Church discussed the situation with the County and Read Mountain Fire Station personnel to determine what options are available. He noted that several discussions and meetings were held with Dr. Scothorn, County, Fire Department, VDoT, and Church representatives and an agreement has been reached to develop a secondary access to the Church through the Read Mountain Fire Station property, which is owned by the County. He noted that this would allow eastbound drivers on Alternate 220 who wish to access the Church to make a left-hand turn at the stoplight onto EastPark Drive and then turn left onto the new access road to reach the Church’s parking lot. He noted that this option would eliminate the necessity of making a U-turn on Alternate 220 at the stoplight.

Mr. Moorman noted that a draft lease agreement has been prepared and included in the Board’s information packets for their review. He noted that the lease’s parameters include a term of 10 years with an option for an additional 10 year extension; the church would be responsible for the construction, cost, and maintenance of the access improvements on the Fire Station’s property, including stormwater management improvements to mitigate flooding potential; access through the Fire Station property would be subject to periodic, temporary closure by the Fire Station for scheduled and organized on-site Fire/EMS training requiring use of the easement area; and the County could terminate the lease upon 12 months’ notice.

Dr. Scothorn stated that discussion regarding access via EastPark Drive began when a voting precinct was located at Orchard Hills Church which caused traffic safety issues when voters had to make a U-turn at the stoplight at the Alternate 220 intersection to access the precinct. Dr. Scothorn stated that he discussed these issues with the Church and provided assistance with the language contained in the draft lease agreement.

Dr. Scothorn stated that the Church has also agreed to install a set of steps from their parking lot for Fire/EMS staff to access the fire station. He further stated that the Church has a large meeting area that they have offered for the Fire Station’s use, if needed.

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.

On motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved a lease agreement with Orchard Hills Church for an access off of EastPark Drive through the Read Mountain Fire Station property in substantial conformance with the key terms outlined in today's presentation or as modified by the Board and authorized the County Administrator to execute necessary instruments and documents to affect the same upon the review and approval of the County Attorney. (Resolution Number 17-09-06)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Consideration was then held on a Memorandum of Understanding (MoU) between the Southwest Virginia All Hazards Incident Management Team and Botetourt County. Fire Chief Matt Britt stated that this MoU is a collaboration between the County and several area jurisdictions to deploy an Incident Management Team consisting of Fire/EMS staff/equipment for regional medical/large response incidents such as hurricanes. He noted that the terms of the MoU state that the County would provide certain designated personnel to deploy with this team for the first 24 hours of a large incident occurrence. Chief Britt stated that costs related to the second 24 hours of response would be reimbursed by the State agency requesting the response.

Chief Britt stated that County personnel who are deployed to these events would bring back experience to the County and, in turn, the Incident Management Team would assist the County during an emergency event.

After questioning by Mr. Williamson as to whether these deployments would be inside or outside of the State, Chief Britt stated that it would be the County's decision as to whether we would deploy our personnel assets to any incident response request.

After questioning by Mr. Dodson, Chief Britt stated that one County Fire/EMS staff member would be designated for this response team at this time and, eventually, he would like to designate two additional staff members.

After questioning by Dr. Scothorn regarding equipment allocations to these incident responses, Chief Britt stated that most of the equipment needs would be covered by the State of Virginia.

Chief Britt stated that this is a managerial team and the County would only need to provide transportation to and from the incident location.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board authorized the County Administrator to enter into a Memorandum of Understanding with the Southwest Virginia All Hazards Incident Management Team. (Resolution Number 17-09-07)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Consideration was then held on proposed amendments to Chapter 8 Demonstrations and Parades of the Botetourt County Code. Mr. Michael Lockaby, County Attorney, stated that as part of a standard review of ordinances, his staff examined the County's Demonstrations and Parades Ordinance. He noted that this ordinance has not been revised in many years and

needs to be brought up-to-date with current State Code provisions and actions resulting from various court decisions.

Mr. Lockaby stated that he discussed these proposed amendments, which were included in the Board's agenda packet, with the Sheriff, Commonwealth's Attorney, and VDoT. He requested that the Board authorize staff to advertise these proposed amendments for a public hearing at the October or November Supervisors' meeting.

After questioning by Mr. Dodson, Mr. Lockaby stated that the hearing could be held in either the October or November based on the Board's preference.

On motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board authorized the advertisement of a public hearing on proposed amendments to Chapter 8. Demonstrations and Parades of the Botetourt County Code at the October regular meeting. (Resolution Number 17-09-08)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Regarding Committee Reports, Mr. Williamson stated that the General Fund Budget Subcommittee met last week. He noted that discussion was held at the Board's July meeting regarding the rollover/reappropriation listing of funds into the FY 18 budget for projects begun in FY 17 that were not completed by June 30, 2017. Mr. Williamson stated that the Board usually considers several resolutions to approve these types of rollovers as the County is required by the Code of Virginia to advertise and conduct a public hearing on any funding reappropriations greater than 1% of the gross County budget amount.

Mr. Williamson stated that the Budget Subcommittee has decided to bring these requests before the entire Board as a single resolution this year and, if these requests exceed 1% of the gross budget, then the matter would be advertised for a public hearing.

Mr. Tony Zerrilla, Director of Finance, then provided the Board with a summary of the proposed reappropriation requests from the FY 17 to the FY 18 budget. It was noted that these requests total \$1.128 million.

Mr. Williamson then requested that the Board authorize the advertisement of a public hearing on the proposed rollover/reappropriation resolution at the October meeting.

On motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board authorized the advertisement of a public hearing at the October regular meeting on the proposed reappropriation requests from the FY 17 to the FY 18 County budget. (Resolution Number 17-09-09)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

Mr. Williamson then stated that he and Mr. Leffel were appointed to the County's Solid Waste Committee at a previous Board meeting. He noted that the County has been informed by the Virginia Department of Environmental Quality of several options regarding closure or continuation of the existing landfill cell disposal areas.

Mr. Williamson stated that additional Committee meetings will be held over the next few months to discuss these options and recommendations will be brought to the full Board for con-

sideration in the future. Mr. Williamson stated that, if he were to speculate on the direction the committee may recommend, he would guess that the County's best financial option would be to reopen the landfill cells for disposal of trash for the next several years.

Consideration was then held on various appointments.

On motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board appointed Mr. Michael Parish to fill the vacancy of a County representative on the Blue Ridge Behavioral Healthcare Board of Directors for a term to expire on December 31, 2017, and directed staff to send a thank you letter to Mrs. Mary Lynn Leffel thanking her for her previous service on the Board of Directors. (Resolution Number 17-09-10)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

On motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board reappointed Mrs. Linda Steger as the Buchanan District representative on the Library Board of Trustees for a four year term to expire on December 31, 2021. (Resolution Number 17-09-11)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

On motion by Mr. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board reappointed Mrs. Joyce Kessinger to the Economic Development Authority for a four year term to expire on November 1, 2021. (Resolution Number 17-09-12)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

The Chairman then recessed the meeting at 3:29 P. M. until 6:00 P. M.

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

A public hearing was then held on a request in the Amsterdam Magisterial District from Janet K. and Del E. Montgomery to rezone 1.8 acres of a 2.274-acre lot from the Agricultural (A-1) Use District to the Rural Residential (RR) Use District, with possible proffered conditions, to maintain an existing single-family dwelling at 4519 Catawba Road, Troutville, on 1.801 acres, then combine and convey the remaining 0.473 acres to the adjoining property. This site is located approximately 0.18 miles south of the intersection of Catawba Road (Route 779) and Blacksburg Road (Route 630), identified on the Real Property Identification Maps of Botetourt County as Section 86(1), Parcel 9E.

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

Mr. Drew Pearson, Planner, stated that this parcel was originally created and conveyed as a 3.09 acre family subdivision lot in 2004 and a boundary adjustment plat was recorded in October 2005 that conveyed 0.819 acres of this parcel back to the parent tract. He noted that the current 2.274 acre lot is located near the Catawba/Blacksburg Road intersection and there is a mix of zoning districts (A-1, M-3, B-2 and AR) in this area.

Mr. Pearson stated that today's request is to rezone 1.8 acres of this 2.274 acre parcel to RR and then combine and convey the remaining 0.473 acres, zoned A-1, to the adjoining property. He noted that the site, which contains a single family dwelling and a detached residential garage, is served by a private well and septic system. Mr. Pearson stated that all of the lot's setbacks are in conformance with the proposed RR zoning designation.

He further noted that the RR zoning district's provisions are similar to the Zoning Ordinance's previous Agricultural-Rural Residential AR Use District.

Mr. Pearson stated that VDoT did not have any comments regarding this request and the Planning Office received one telephone call about this proposal prior to the Planning Commission meeting from a citizen who wanted general information about the request but did not have any particular concerns about this proposal. Mr. Pearson stated that there was one speaker at the Commission meeting who was concerned about this request setting the wrong precedent based on the Comprehensive Plan's land use designation for this area.

Mr. Pearson stated that no proffered conditions have been submitted for this request. He noted that the applicant is present at the meeting to answer any questions.

Mr. Williamson stated that this rezoning requirement is causing "a lot of trouble" to convey 0.4 acre because of the A-1 district's lot size requirements.

After questioning by Mr. Williamson, Mr. Pearson stated that this request will facilitate the farming operations on the adjacent property which will receive the 0.4 acre parcel.

After questioning by Mr. Leffel, Mr. Montgomery, applicant, stated that Mr. Pearson explained the request very well and he had nothing further to provide for this presentation.

After questioning by the Chairman, 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. Dodson, 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 17-09-13)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

JANET K. AND DEL E. MONTGOMERY

In the Amsterdam Magisterial District to rezone 1.8 acres of a 2.274-acre lot from the Agricultural (A-1) Use District to the Rural Residential (RR) Use District to maintain an existing single-family dwelling at 4519 Catawba Road, Troutville, on 1.801 acres, then combine and convey the remaining 0.473 acres to adjoining property. This site is located approximately 0.18 miles south of the intersection of Catawba Road (Route 779) and Blacksburg Road (Route 630), and is identified on the Real Property Identification Maps of Botetourt County as Section 86(1), Parcel 9E.

A public hearing was then held on a request in the Fincastle Magisterial District from Gala Farm, LLC, (Boxley Materials Company, lessee) to rezone 20 acres of a 152.691-acre tract from the Agricultural (A-1) Use District to the Industrial (M-3) Use District, with possible proffered conditions, for an asphalt plant in accordance with Section 25-362(4) Permitted uses; and a Special Exception Permit, with possible conditions, for individual well and septic systems

in accordance with Section 25-363(11) Uses permitted by special exception of the Botetourt County Zoning Ordinance. This site is located off of Thompson Drive, approximately 1.6 miles north of the intersection of Narrow Passage Road (Route 43) and Botetourt Road (U. S. Route 220) and is identified on the Real Property Identification Maps of Botetourt County as Section 18, part of Parcel 4.

It was noted that the Planning Commission had recommended denial of the rezoning and Special Exception Permit requests.

Mr. Jerod Myers, Long-Range Planner, stated that VDoT has recently awarded a bid for safety improvements on U. S. Route 220 in northern Botetourt County. He noted that Boxley will be providing asphalt for Phase 2 of this project which extends from Route 43 to Route 622 (Gala Loop Road). He noted that the Gala Farm property is at the mid-way point on this project and Boxley is requesting to rezone 20 acres to an M-3 Use District to locate/operate an asphalt plant during the paving project. Mr. Myers stated that the road construction project will begin in the spring of 2018 and be complete in the summer of 2021.

Mr. Myers stated that most of the properties in this area are zoned for Agricultural A-1, Forest Conservation FC, and a small amount of Industrial M-1 uses. He further stated that, if approved, the 20 acres will remain zoned for M-3 use until another rezoning application is received by the Planning Office.

He noted that the proposed site will contain a variety of structures including a bag house, asphalt recycler, drum mixer, hopper, asphalt tank, silo, and a 25' X 12' building. He noted that the property is not served by public water or sewer which necessitates the SEP request.

Mr. Myers further noted that there will be 4 employees located at the asphalt plant which will operate from 7AM to 7PM; there will be no outdoor lighting except, if necessary, those needed for security measures; there will be no sales from the property as the plant will exclusively support the Route 220 safety improvement project; and landscaping/screening will be in compliance with the Zoning Ordinance's provisions.

Mr. Myers stated that the majority of this site, along with the proposed structures, is located in the 100 year floodplain. He noted that the applicants are proposing to construct a 2' berm around the perimeter of site which is an engineered method of flood proofing.

After discussion, Mr. Myers stated that the Planning Commission had some concerns about the temporary nature of the asphalt plant and its location in the floodplain of the James River. He noted that some citizens also had concerns about air quality and property value impacts.

Mr. Myers then read the following proffered conditions which were submitted by the applicant after the Planning Commission meeting: "The rezoning of M-3 will be granted for the use of an asphalt plant only, to the exclusion of all other uses. The asphalt plant will be used exclusively to support the VDOT Route 220 Safety Improvement Project, 0220-011-786; Within 90 days of the VDOT Final Acceptance of the VDOT Route 220 Safety Improvement Project, the Asphalt plant will be removed from the site and the site will be reclaimed; Within 120 days of the VDOT Final Acceptance of the VDOT Route 220 Safety Improvement Project, the property owner will submit an application to rezone the property back to A-1. The owner understands this will require a public hearing process; The flood protection berm will be constructed to at least two feet in height above base flood elevation."

Mr. Myers noted that the applicant and the lessee were present at the meeting to answer any questions.

After questioning by Mr. Williamson, Mr. Myers noted that the applicants stated at the Planning Commission meeting that they were willing to offer conditions but none were submitted at that time. He noted that the conditions as read to the Board were submitted to the Planning/Zoning staff late last week.

Mr. Williamson then questioned whether the Board of Supervisors, on its own accord, could apply/initiate the rezoning process to return this M-3 property to A-1 use, if the owners do not do so after three years. Mr. Myers stated that the Board could initiate this rezoning process.

Mr. Jeb Burton, Vice-President of Boxley Materials, then gave a PowerPoint presentation on their proposal. Mr. Burton stated that Boxley's vision statement is that they value quality on every project backed by their commitment to safety, service, and reliability. Mr. Burton stated that the company is committed to safety and constantly provide training to their staff. He noted that this year their employees have driven over 800,000 miles without a reportable accident.

Mr. Burton stated that this rezoning/SEP request is to better serve the needs of the Route 220 safety improvement project. He estimated that the company would provide 75,000 tons of asphalt plant mix to this project between 2018 and 2021. Mr. Burton noted that scheduling and coordination of asphalt deliveries will be the key to expediting this job and having an asphalt plant on the site will ensure that they are more responsive to VDOT's needs. Mr. Burton stated that this plant is another piece of equipment to complete this road improvement project.

Mr. Ken Arthur, Asphalt Plant Operations Manager, then reviewed the revised site plan as presented to the Board today. He noted that they are now proposing to place the asphalt plant further north on the property so that the buildings will be located outside of the 100 year floodplain. He noted that a 2' earthen flood protection berm would still be constructed around the site as added protection.

Mr. Arthur stated that this asphalt plant is portable. He noted that the earthen berm will be constructed to a height of 2' above the flood plan elevation. Mr. Arthur further noted that it is 1¼ mile from the edge of the property line to the James River and 0.7 mile from any wetlands area. He stated that the site's entrance will be paved and less than ½ of the 20 acre site requested to be rezoned will be used for this asphalt plant.

After discussion, Mr. Arthur stated that secondary containments will be constructed for the fuel storage area including a concrete enclosure to keep any spilled fuel from spreading beyond the site.

Mr. Arthur stated that concerns were raised at the Planning Commission meeting about liquid asphalt spills contaminating the area. He noted that liquid asphalt hardens very quickly in outside temperatures and does not penetrate the soil. Mr. Arthur stated that Boxley has never had a liquid asphalt spill at any of their sites; however, they do have spill response plans prepared if such an incident occurs. He noted that the Virginia Department of Environmental Quality (DEQ) requires that they have an emergency response plan in place for such incidents, which includes an oil discharge contingency plan, spill prevention control and countermeasures, and a third-party contractor on call to conduct remediation, if necessary. Mr. Arthur stated that they have contracted with WEL Environmental Services, Inc., which has an office in Roanoke for these third-party remediation services and noted that a company representative is present at today's meeting.

Mr. Arthur stated that DEQ permitting requirements include daily visual inspections of the site by staff and their stormwater management area is inspected twice a year.

After discussion, Mr. Arthur stated that there are several environmental benefits to having this plant located adjacent to the job site including a reduction in their carbon footprint as they will use natural gas to heat the asphalt and a reduction in truck trips on Route 220. Mr. Arthur estimated that there would be 3,500 fewer truck trips to the site if the asphalt plant is approved for this location. He noted that there would only be 3 or 4 dump trucks on the site which would be used to haul approximately 30,000 tons of recycled pavement to the plant. He noted that approximately 20,000 tons of this recycled pavement will be used in the new pavement's asphalt mix.

Mr. Arthur stated that there were also questions at the Planning Commission meeting regarding emissions from the asphalt plant. He noted that the Environmental Protection Agency's data shows that the emissions from an asphalt plant that makes 200,000 tons of material per year equals the emissions from 13 residential fireplaces. He further noted that the asphalt plant's stack generates clean emissions.

Mr. Arthur noted that, regarding noise, the ambient decibel level from the site's stockpile would be 65 decibels. He noted that there would be only daytime operations at the plant and estimated that there would only be 50 days of asphalt production per year.

After discussion, Mr. Arthur stated that they request the Board's permission to provide asphalt services to the Route 220 project from the Gala Farm site. He noted that their proposal would protect the James River, produce asphalt in a clean manner, and reduce truck traffic on Route 220.

Mr. Williamson then questioned the County Attorney whether his being Chairman of Roanoke Gas Company, which would provide natural gas to this plant through a subsidiary company, would cause a conflict of interest in him voting on this proposal.

Mr. Lockaby stated that he does not think that Mr. Williamson would have a conflict of interest in this situation. He noted that the Conflict of Interest Act has an exemption for purchase from a business utility and he believes that Roanoke Gas has too attenuated of an interest in this project to be considered a conflict. Mr. Lockaby further stated that, if Mr. Williamson believes that he can judge this matter fairly and impartially, he should declare what the transaction is that he that he may be involved with, what sort of conflict this would entail, and his belief that he can or cannot judge the matter impartially.

Mr. Williamson stated that he is Chairman of Roanoke Gas Company and does not have any concerns about voting impartially on this issue.

Mr. Leffel stated that tonight's presentation on this request is a different scenario than what the Planning Commission considered in that four proffered conditions have been submitted that were not presented to the Commission.

After questioning by Mr. Leffel regarding the earthen berm that must be constructed at least 2' above base flood elevation, Mr. Bobby Wampler with Engineering Concepts, Inc., stated that there are typical commercial flood proofing guidelines that are set by the industry. He noted that for a residential structure the first floor has to be 1' above the floodplain level while for commercial entities it is 2' above the 100 year floodplain elevation.

Mr. Leffel stated that this area is at the same elevation as during the flood of 1985 and, during that flood event, the water rose so quickly that school buses were not able to travel Route 220 to reach the elementary school. Mr. Leffel stated that he is concerned that, should similar flooding occur again, Boxley staff will not be able to reach the asphalt plant to secure the facility.

Mr. Wampler stated that the drainage area for the James River is 1,600 square miles and it is not susceptible to flash flooding events. He noted that there would be approximately a day's worth of "lag time" before a flooding event would move down river and impact the Gala Farm property. He noted that that day would give Boxley's staff time to move equipment and materials.

Mr. Wampler further stated that the CSX Railroad tracks, which are elevated on an earthen berm, are approximately 22' above the river's water level. He noted that most of the flooding events in the Gala Farm area are due to backwater from downstream.

Mr. Williamson asked for confirmation that, if Boxley is operating the asphalt plant when flooding occurs, they will have personnel available either on-site or brought in who would shut down and secure the site. Mr. Arthur noted that this statement was correct and stated that they have discussed the previous flood elevations that occurred in this area with the landowner, Mr. Richard Thompson.

After questioning by Mr. Dodson regarding spill protocols and response procedures, Mr. Arthur stated that they are required to notify DEQ if more than 10 gallons of material/liquid is spilled. He noted that they keep a certain amount of absorbent materials on site at all times and conduct a monthly inspection to confirm that this inventory is on-site. Mr. Arthur stated that the tank will hold approximately 120 tons of liquid asphalt and, if all of this material spilled, the site could be cleaned up in approximately one-half of a day.

After further questioning by Mr. Dodson, Mr. Arthur stated that Boxley is required to conduct a monthly inspection on any site that they are not working at constantly. He noted that they "would probably put eyes on" this site every week when the plant is not in operation. Mr. Arthur noted that the asphalt tank will only be approximately 1/3 full when Boxley personnel are not on the site for any lengthy period of time.

Mr. Dodson stated that an asphalt spill would not be a large problem as the material cools and hardens quickly and does not absorb into the soil; however, any diesel fuel or other liquids on site could penetrate the ground.

Mr. Arthur stated that they would keep 275 gallons of diesel fuel on site.

After questioning by Mr. Dodson regarding waste oil, Mr. Arthur stated that this would be used to fuel the asphalt plant's heating system.

After questioning by Dr. Scothorn, Mr. Arthur stated that they have not had any recent asphalt spills at other sites but they have had incidents of truck drivers spilling diesel fuel. After further questioning by Dr. Scothorn, Mr. Arthur stated that it would take approximately three weeks to remove the entire asphalt plant from this property.

Dr. Scothorn stated that he appreciated the proffered conditions submitted with this request.

Mr. Richard Thompson, property owner/applicant, then read a letter from Mr. John Mays, owner of Twin River Outfitters in Buchanan, regarding this request. He noted that the letter stated that the proposed asphalt plant location is "well out of line of site (sic) from the James River" and "several hundred feet from the railroad tracks making visibly (sic) of any part of the asphalt plant near impossible from the river." Mr. Thompson further read that "we (Twin River Outfitters) don't foresee it (asphalt plant) impacting in any way the scenic river designation."

Mr. Thompson stated that they have gone to great lengths to ensure that this plant will not be detrimental to the community and the James River. Mr. Thompson stated that he and his

wife operate a campground on the river, a vacation rental house, and live close to the proposed site and they would not consider doing anything to cause problems with guests or their family.

Mr. Thompson stated that Boxley has addressed all of their concerns and they feel comfortable going forward with this project, if approved. He noted that they feel confident that Boxley will carry out this project without incident and the area will be reclaimed to agricultural use when the Route 220 project is completed. Mr. Thompson noted that he is aware of the neighbors' concerns about this proposal and he respects their opinions; however, he feels that the safety of fewer trucks on Route 220, adequate environmental and safety measures put in place on site, and the temporary nature of this plant warrant the rezoning being approved.

After questioning by Mr. Williamson, Mr. Thompson stated that from his recollection the 1985 flood waters did not reach the new proposed location of the asphalt plant.

Mr. Steve Vaughn of Bessemer Lane stated that he does not believe that this is the appropriate site for an asphalt plant because of its close location to the scenic James River. Mr. Vaughn stated that the plant may not be visible from the river but it will be able to be smelled.

Mr. Vaughn stated that the Upper James River Water Trail was developed and marketed by the County and it has been an economic boom for the area. He noted that there will also be air pollution generated by the plant. He further noted that it is also in conflict with the Comprehensive Plan's provisions as this section of the County is not designated for this type of heavy industrial use.

Mr. Vaughn then questioned that, if this proposal is such a great idea, why doesn't the plant remain on this site for the remaining phases of the Route 220 improvement project. He noted that, if the zoning reversion request is submitted to the Planning Commission/Board of Supervisors in 3 – 4 years and none of the current Commission or Board members is serving at that time, then the history of this request could be lost. After discussion, Mr. Vaughn stated that "there is something going on that they cannot see" and "this is a lot of work to put in a plant for a small road project."

After questioning by Mr. Williamson, Mrs. Nicole Pendleton, Planning Manager, stated that 20 acres is the minimum lot size for the M-3 Use District.

Mr. Dodson then questioned if there was a better way to handle short-term zoning requests under the Zoning Ordinance which would give the Board some leverage for a specific use.

Mr. Lockaby, County Attorney, stated that, with a text amendment, the Board could issue a Special Exceptions Permit for this use; however, within the current bounds of the Zoning Ordinance this (rezoning/SEP) is the best way for the County to handle this type of short-term request. He further noted that in the future the Board could consider a text amendment to make certain uses allowable in the A-1 District via SEP but it is harder to put a time limit on the end of a SEP use.

Mr. Dodson stated that the County needs to explore this matter further to give the Board leeway in dealing with these specific issues instead of these types of short-term requests having to go through the entire rezoning application, advertisement, and public hearing processes.

Mr. Leffel stated that he agreed with Mr. Dodson that the Board and staff need to further look into these types of unique situations.

Ms. Julie Yamaki of Craig Creek Road then thanked the applicants for their presentation on this request. She noted that one of her concerns about this proposal was mentioned by Mr. Vaughn. She noted that the County has done a great job in setting a vision for the County and

promoting eco-tourism. Ms. Yamaki stated that, as this will be a temporary project, the smells generated by the asphalt plant will be for a short duration; however, canoers using the river in this area could make internet on-line comments about the smell which others would read. She noted that comments made on-line remain forever.

After discussion, Ms. Yamaki stated that there have been many good press articles about the river and she would not want this asphalt plant to impact the river's benefits to the County. She noted that "asphalt is not a water soluble material" and questioned what types of solvents would be kept on the plant site.

Mr. Arthur stated that they do not keep solvents on hand as asphalt hardens quickly in open air. He noted that the only solvents that would be on the site would be hand cleaner. He also stated that they will not have a laboratory on this site.

After questioning by Ms. Yamaki regarding whether aromatic oils are added to the asphalt, Mr. Arthur stated that all additives to the asphalt material would be added at the terminal; not at this site. After further questioning by Ms. Yamaki as to who would be responsible for any environmental liability once the asphalt plant is closed, Mr. Arthur stated that this would be the landowner's responsibility; however, Boxley is responsible for cleaning and testing the site after the plant is removed.

Ms. Yamaki stated that she has a bias for this project as she worked in the asphalt industry at one time. Ms. Yamaki stated that she has concerns that the landowner will not be able to deal with any environmental remediation after this plant has been removed from the property. She asked that the Board require a condition that future environmental liability on this site be handled.

Mr. John Goss of Lee Lane thanked the Boxley representatives for their presentation. He noted that there are only 3 issues regarding this request—Boxley wants to make more money, environmental concerns as the plant will be close to a large wetland area and the James River, and the future decommissioning of the plant.

Mr. Goss stated that the entire length of the James River in Botetourt County is now designated as "scenic" by the State of Virginia. He noted that this facility has the potential to create spill hazards and the plant could be damaged by storms resulting in property/waterway contamination. Mr. Goss noted that there was a 1,000 year rainstorm event in White Sulphur Springs, West Virginia, last summer and these types of storms could occur in Eagle Rock as well. Mr. Goss stated that the Board should ensure that Boxley has adequate protections in place for this proposed plant during flooding and heavy rain events. He also questioned whether the berm around the plant should be higher.

After discussion, Mr. Goss stated that the plant is proposed to be in operation for 3 years and questioned how will the plant be decommissioned and who will clean up the asphalt. Mr. Goss stated that the Board has to make a wise decision on the environmental aspects of this project "versus Boxley making money."

Mr. Dwayne Womble of WEL, Inc., stated that his company has a contract with Boxley for spill remediation response services. Mr. Womble stated that in order for spilled material to reach the downstream wetlands area, a spill volume of 800,000 gallons would have to occur.

Mr. Womble stated that, before Boxley can remove the asphalt plant, they will be required to conduct testing on the property. He noted that the analyticals from these tests will be submitted to the County. Mr. Womble stated that there is also a significant distance between the asphalt plant and the earthen berm to contain any spill. He further noted that diesel fuel

spills are minor on these types of construction-related sites. He stated that they are also required to conduct testing/analyticals on those types of incidents according to DEQ and EPA regulations.

After questioning by Mr. Leffel, Mr. Womble stated that WEL has an office in Roanoke. Mr. Leffel further questioned how WEL personnel would access the Boxley site when flooding from the James River blocks Route 220.

Mr. Womble stated that WEL's staff would make every last ditch effort to respond to a spill. He noted that they also work with CSX and NorfolkSouthern railroads and their response crews are on 24-hour standby.

Mr. Colby Trammel of Botetourt Road then requested a definition of "substantial compliance" in regard to this request's site plan.

Mrs. Pendleton stated that "substantial compliance" means that minimal changes or minor site details are allowed to be made to the applicant's submitted site plan.

Mr. Trammel stated that, if the site plan is not actively put into place, the safety issues and concerns that have been expressed this evening are magnified. Mr. Trammel noted that he came into this meeting believing that this request should not be approved and he is still not convinced that it should be.

Mr. Trammel stated that it will be up to the Board to ensure that this proposal will prevent damage to the river and protect the water and the environment.

After questioning by Mr. Dodson as to which part of the site plan he was concerned with, Mr. Trammel stated that he was told that the plant was going to be located in the floodplain but he sees that this has changed; however, it is not a guarantee.

Mr. Williamson stated that "substantial compliance" with the submitted site plan is a standard on most rezoning requests.

After questioning by Mr. Williamson, Mrs. Pendleton stated that the Board is considering two motions on this request—rezoning of the property and the SEP.

Mr. Williamson questioned whether the applicant would consider adding a proffered condition that construction will be done in substantial compliance with the revised site plan.

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. Thompson then stated that the Route 220 improvement project has been divided into three construction sections by VDoT. He noted that the entire project will span from Eagle Rock to Iron Gate.

He noted that the question was raised as to who would be responsible for the site after the company removes the asphalt plant. Mr. Thompson stated that in the final lease agreement he will require that Boxley be responsible for clean-up of the site until the environmental testing results certify that the site is clean. He noted that Boxley is agreeable to this provision. Mr. Thompson stated that there are no plans to retain the M-3 zoning of this property after the Route 220 project is finished.

After questioning by Mr. Williamson, Mr. Lockaby requested a recess to work with staff and the applicants on drafting a proffered condition regarding the project being in substantial compliance with the revised site plan.

The Chairman then called for a 5 minute break.

The Chairman called the meeting back to order at 7:25 P. M.

Mr. Williamson stated that there has been discussion at this hearing and previously about this rezoning request not being in compliance with the Comprehensive Plan. He noted that, if this plant were being placed on this site permanently, it would be a debatable item but the Route 220 corridor improvements are a part of the Plan. Mr. Williamson stated that in his opinion a temporary asphalt plant is ancillary to the Route 220 improvements and a function of the peculiarities of the Zoning Ordinance.

He stated that an automatic reversion of this property's proposed M-3 zoning back to A-1 is not allowed under the Code of Virginia and, in the future, if the landowner does not submit a request to do so, the Board of Supervisors can. Mr. Williamson stated that he is loath to overturn a recommendation of the Planning Commission but they did not have access to the proffers or the revised site plan which addresses a number of the Commission members' concerns. Mr. Williamson stated that he will vote for this request based on enhanced/improved knowledge about this proposal.

Dr. Scothorn stated that he agrees with Mr. Williamson's comments. He noted that the Board is considering the safety of individuals on Route 220 by the placement of this asphalt plant adjacent to the construction site. He noted that this is a temporary plant site and the property will be rezoned back to A-1 after the road construction project is complete. Dr. Scothorn stated that the plant will only be operating 50 – 60 days per year which is minimal use of the liquid asphalt plant.

After discussion, Dr. Scothorn stated that he believes that the lessee has done everything possible to draft proffered conditions to alleviate the County's and citizens' concerns about this proposal.

Mr. Dodson stated that this project goes against the Board of Supervisors vision to keep the northern part of the County pristine; however, what changes this is the restrictions/proffers submitted by the applicant. Mr. Dodson stated that this rezoning is for a specific project—safety improvements along the Route 220 corridor. He noted that the proposal will take large trucks off of Route 220 as there is a difference between supplying the site directly and large trucks delivering hot asphalt to the site from Roanoke before the material hardens.

Mr. Dodson stated that the rezoning limits the use of this property to the asphalt plant only for the duration of the three-year Route 220 safety improvement project. Mr. Dodson stated that he believes that the applicants have done a good job in addressing the issues and concerns raised regarding this request.

Mr. Leffel stated that this request has been a very hard thing for him to contemplate as he has revered the James River all of his life, has lived on it for 35 years, and was involved in the original scenic river designation application for the section from Eagle Rock to Springwood.

Mr. Leffel stated that, immediately after the Planning Commission meeting, he would have voted against this request; however, most of his questions have been answered at this meeting. Mr. Leffel stated that he was concerned that the site be returned to its original condition and he believes that this will happen based on the comments made at this hearing.

After discussion, Mr. Leffel stated that he is satisfied that the agricultural portion of the Comprehensive Plan will be complied with as this site will be returned to agricultural use after the asphalt plant is removed. He also stated that he believes that there will be minimum impact on the scenic James River from this proposal.

Mr. Leffel stated that there remains a risk of flooding on the site and he is still worried about Route 220 being blocked by water which would hinder access to this property. Mr. Leffel

stated that he thinks that Boxley is committed and will do what they say regarding this request and he will vote to approve this rezoning/SEP request.

He encouraged the Planning Department staff to research options for amending the Zoning Ordinance so that short-term/temporary rezoning requests such as this proposal do not require the full application/public hearing process to be implemented for approval.

After questioning by Mr. Leffel, Mr. Lockaby then read the proposed new proffered condition for this rezoning request as signed and submitted by Mr. Richard Thompson on behalf of Gala Farm, LLC: "The project will be constructed in substantial conformance with the concept plan prepared by Engineering Concepts, Inc., and dated September 25, 2017, entitled "Rezoning Plat Boxley Asphalt Plant Fincastle Magisterial District Botetourt County, Virginia."

Mr. Lockaby noted that each of these proffered conditions becomes a part of the Zoning Ordinance and the Zoning Administrator has the authority to take Gala Farm/Boxley Materials Company to court to force them to comply with these provisions.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this rezoning request with the following conditions. Therefore, be it ordained by the Botetourt County Board of Supervisors that the Botetourt County Zoning Ordinance and the Botetourt County Real Property Identification Maps be amended in the following respect and no other: (Resolution Number 17-09-14)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

GALA FARM, LLC
(Boxley Materials Company, lessee)

In the Fincastle Magisterial District to rezone 20 acres of a 152.691-acre tract from the Agricultural (A-1) Use District to the Industrial (M-3) Use District for an asphalt plant in accordance with Section 25-362(4) Permitted uses on a site located off of Thompson Drive, approximately 1.6 miles north of the intersection of Narrow Passage Road (Route 43) and Botetourt Road (U. S. Route 220) and is identified on the Real Property Identification Maps of Botetourt County as Section 18, part of Parcel 4.

1. The rezoning of M-3 will be granted for the use of an asphalt plant only, to the exclusion of all other uses. The asphalt plant will be used exclusively to support the VDOT Route 220 Safety Improvement Project, 0220-011-786.
2. Within 90 days of the VDOT Final Acceptance of the VDOT Route 220 Safety Improvement Project, the Asphalt plant will be removed from the site and the site will be reclaimed.
3. Within 120 days of the VDOT Final Acceptance of the VDOT Route 220 Safety Improvement Project, the property owner will submit an application to rezone the property back to A-1. The applicant understands this will require a public hearing process.
4. The flood protection berm will be constructed to at least two feet in height above base flood elevation.
5. The project will be constructed in substantial conformance with the concept plan prepared by Engineering Concepts, Inc., and dated September 25, 2017, entitled "Rezoning Plat Boxley Asphalt Plant Fincastle Magisterial District Botetourt County, Virginia.

On motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved a request in the Fincastle Magisterial District from Gala Farm, LLC, (Boxley Materials Company, lessee) for a Special Exception Permit for individual well and septic systems in accordance with Section 25-363(11) Uses permitted by special exception of the Botetourt County Zoning Ordinance on a site located off of Thompson Drive, approximately 1.6 miles north of the intersection of Narrow Passage Road (Route 43) and Botetourt Road (U. S. Route 220) and is identified on the Real Property Identification Maps of Botetourt County as Section 18, part of Parcel 4, as submitted. (Resolution Number 17-09-15)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

A public hearing was then held on a request in the Amsterdam Magisterial District from Altec Industries, Inc., to rezone a total of 49.99 acres at 325 South Center Drive, Daleville from the Industrial (M-2) Use District to the Research and Advanced Manufacturing (RAM) Use District, with possible proffered conditions, for manufacturing in accordance with Section 25-392. Permitted uses, and a Special Exception Permit, with possible conditions, for outdoor testing in accordance with Section 25-397. Use limitations of the Botetourt County Zoning Ordinance on a site located approximately 0.32 miles southwest of the intersection of South Center Drive (Route 843) and International Parkway (Route 839), identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcels 20C and 20-C1.

It was noted that the Planning Commission had recommended approval of the rezoning and Special Exception Permit requests.

Mrs. Nicole Pendleton, Planning Manager, stated that Altec purchased their first 36 acre parcel in Botetourt Center at Greenfield in 2000, purchased an additional 10 acre parcel in 2006, and purchased 30 additional acres in 2015, with the first site plan approved in 2001. She stated that in June 2014 a majority of the Greenfield property, except for the Education and Training Center and the Altec sites, was rezoned from a Planned Office Park (POP) to a Research and Advanced Manufacturing (RAM) Use District to allow greater flexibility in the types of uses allowed in the park.

Mrs. Pendleton further stated that Altec has requested this rezoning as they believe that the RAM zoning district will be more compatible with the company's long-term goals. She stated that this request also includes a SEP for new outdoor testing pads to be located on the property. She noted that the company has conducted outdoor testing of their products since the facility opened.

After discussion, Mrs. Pendleton stated that no proposed site improvements are shown on the submitted site plan and no proffered conditions were submitted with these requests. She noted that this property is subject to Greenfield's Protective Covenants and Restrictions which are privately enforced.

Mrs. Pendleton noted that there were no comments received from the public prior to or at the Planning Commission meeting about this request. She noted that Mr. Robert Frydrych of Country Club Road did contact the County Administrator's Office earlier today with concerns regarding adequate screening around the Altec property.

She then noted that Altec representatives are present at the meeting to answer any questions.

Mr. Williamson stated that that the County rezoned a majority of Greenfield to enhance the usability of the property and Altec is now requesting that their three parcels be rezoned for consistency of use with the remaining park. Mrs. Pendleton confirmed Mr. Williamson's comment.

After questioning by Mr. Dodson, Mrs. Pendleton stated that there were no conditions placed by the Planning Commission on the number of test pads allowed under the SEP. After further questioning by Mr. Dodson, Mrs. Pendleton stated that Altec would have to obtain site plan approval for these testing pad locations from the Planning/Zoning Office.

Mr. Brian Price, Maintenance Manager with Altec Industries, stated that the company wants their properties to have consistent zoning across their property lines. He noted that the testing pads are allowed in the RAM zoning designations with a Special Exceptions Permit.

After questioning by Mr. Williamson, Mr. Price stated that their outdoor testing areas are to ensure that the completed aerial trucks are running correctly and that the lifts are in working order.

After questioning, 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. Dodson, seconded by Mr. Williamson, 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 17-09-15)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

ALTEC INDUSTRIES, INC.

In the Amsterdam Magisterial District to rezone a total of 49.99 acres at 325 South Center Drive, Daleville, from the Industrial (M-2) Use District to the Research and Advanced Manufacturing (RAM) Use District for manufacturing in accordance with Section 25-392. Permitted uses of the Botetourt County Zoning Ordinance on a site located approximately 0.32 miles southwest of the intersection of South Center Drive (Route 843) and International Parkway (Route 839), identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcels 20C and 20-C1.

On motion by Mr. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request in the Amsterdam Magisterial District from Altec Industries, Inc., for a Special Exception Permit for outdoor testing in accordance with Section 25-397. Use limitations of the Botetourt County Zoning Ordinance on a site located approximately 0.32 miles southwest of the intersection of South Center Drive (Route 843) and International Parkway (Route 839), identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcels 20C and 20-C1. (Resolution Number 17-09-16)

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

NAYS: None

ABSENT: Mr. Martin

ABSTAINING: None

There being no further discussion, the meeting was adjourned at 7:50 P. M.