

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, November 22, 2016, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 12:45 P. M.

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

ABSENT: Members: None

Others present at the meeting:

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

The Chairman called the meeting to order at 12:49 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; and consultation with legal counsel regarding specific legal matters as per Section 2.2-3711A (1), (3), (5), and (7) of the Code of Virginia of 1950, as amended. (Resolution Number 16-11-01)

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

NAYS: None

ABSENT: None

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 16-11-02)

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

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

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

Mr. Steve Vest, Library Director, then introduced Ms. Jamie DuVal as the new Eagle Rock Branch Librarian. He noted that Ms. DuVal is a native of New York, received a BA degree from Radford University, and a Master's degree from the University of North Texas. Mr. Vest stated that she previously worked for 8 years at the Radford Public Library and has worked for the last two years as the manager of the Tap House restaurant in Daleville.

Mr. Vest stated that he looks forward to further building the Library programs at Eagle Rock with Ms. DuVal's employment.

Ms. DuVal stated that she looks forward to many years of working with the County. The Board welcomed her to employment with Botetourt County.

Mr. Jim Farmer, Director of Parks and Recreation, then asked Mr. Danny Petty to come forward.

Mr. Farmer stated that Mr. Petty began work for the County's Maintenance Department on July 12, 1993 and is retiring in early December after 23+ years. Mr. Farmer thanked Mr. Petty for his service to the County and that he wishes Mr. Petty the very best in his retirement. He then presented Mr. Petty with a County watch.

Mr. Farmer stated that he has been gathering information on the County buildings' maintenance operations over the past few weeks and recently visited every County emergency communications cell tower site which included a long trip to the top of Purgatory Mountain.

Mr. Petty stated that, when he began work for the County, the Greenfield property was still a working farm. He stated that everything in the County has grown and he has been glad to have been a part of it.

The Board thanked Mr. Petty for his years of service to the County.

Mr. Leffel stated that the County's recent dry weather has necessitated an open burning ban being implemented. He appreciates the efforts of all citizens to not start wildfires and the efforts of the County's fire and emergency services personnel to keep citizens and their property safe.

During the public comment portion of the meeting, Ms. Lisa O'Neill, Director of Harmony Farm Sanctuary and Angels of Assisi, stated that these two entities work with the Botetourt County Animal Control Office on animal-related rescues. Ms. O'Neill stated that recently an "animal court" was created in the County where all animal-related cases are heard on one day by the District Court Judge.

She stated that Harmony Farm is non-profit and is located on 88 acres on Blue Ridge Turnpike in Fincastle and they work "to help people keep their animals." Ms. O'Neill stated that she previously forwarded this request to the Board members but is present today to request that their property be considered for tax exempt status.

Ms. O'Neill stated that the County's Animal Control Officers are outstanding and her organizations have a very close relationship with the department and appreciate their help.

After questioning by Mr. Williamson, Ms. O'Neill stated that this property is located at 1151 Blue Ridge Turnpike in Fincastle.

After further questioning by Mr. Williamson, Mr. Tony Zerrilla, Director of Finance, stated that, when there are capacity issues at the Roanoke Center for Animal Control and Protection, the County has an agreement with Angels of Assisi to take in animals confiscated by the County's Animal Control Officers. He noted that this has been a good, collaborative effort on everyone's part.

The Board thanked Ms. O'Neill for her comments.

There being no discussion, on motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the following consent agenda items: (Resolution Number 16-11-03)

Approval of minutes of the regular meeting held on October 25, 2016;

Approval of the following additional appropriations:

Additional appropriation in the amount of \$436.50 to Parks & Recreation – Repairs & Maintenance – Buildings, 100-4071100-71100-3313. These are funds received from the Troutville Booster Club for repairs to a storage building.

Additional appropriation in the amount of \$627.23 to the following Correction & Detention Department accounts: \$527.23 to Medical & Lab Supplies, 100-4033100-33100-6004; and \$100.00 to Uniforms, 100-4033100-33100-6011. These funds are for the receipt of expenditure reimbursements.

Additional appropriation in the amount of \$1,192.91 to the following Sheriff's Department accounts: \$992.50 to Vehicle Supplies – Fuel, 100-4031200-31200-6008; and \$200.41 to Subsistence & Lodging, 100-4031200-31200-5530. This is for funds received regarding extradition expenses.

Additional appropriation in the amount of \$1,215.29 to the following Sheriff's Department accounts: \$1,128.92 to Wages – Overtime, 100-4031200-31200-1200; and \$86.37 to FICA, 100-4031200-31200-2100. These are funds received for providing police escort and security services.

Additional appropriation in the amount of \$229.74 to the following Sheriff's Department accounts: \$120.36 to Firing Range Expenses, 100-4031200-31200-6015; and \$109.38 to Uniforms, 100-4031200-31200-6011. The former is for the sale of brass casings and the latter is a reimbursement.

And, approval of the Accounts Payable and ratification of the Short Accounts Payable List as submitted.

Consideration was then held on an amendment to a Performance Agreement and authorization of a Purchase Agreement for the sale of real estate to Dynax America Corporation. Mr. David Moorman, Deputy County Administrator, stated that in July 2016, the Board held a public hearing on the vacation of EastPark Court in EastPark Commerce Center and approved and authorized the conveyance of EastPark Court and approximately 3 acres of land to Dynax America Corporation.

He noted that EastPark Court will now be used as a private access for Dynax and possibly Tread Corporation. Mr. Moorman stated that negotiations on the details of the sale were only recently concluded and Dynax has now formally agreed to a purchase price of \$81,400, which is the property's assessed value.

Mr. Moorman then stated that an amendment to the County's January 2015 performance agreement with Dynax regarding the company's most recent/on-going expansion project has been included in the Board's information packet. He noted that this amended agreement would allow Dynax to pay this purchase price to the County as a reduction in the \$225,000 in performance grant monies to be paid by the County to Dynax over the next few years.

Mr. Moorman stated that, once the \$81,400 amount is reached, the 2015 performance agreement's terms would then continue. He stated that staff is recommending that the Board approve this agreement amendment and authorize the County Administrator to execute all necessary documents, subject to review and approval by the County Attorney.

After questioning by Mr. Williamson, Mr. Moorman stated that \$81,400 is the same amount discussed with the Board in July.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the First Amendment to a Performance Agreement with Dynax America Corporation, authorized the County Administrator to execute a final agreement in substantial conformance with the document presented, upon the review and approval of the County Attorney, and authorized the County Administrator to execute any other necessary documents for the sale of EastPark Court and approximately three acres of real property to Dynax America Corporation as previously approved by the Board, subject to review and approval by the County Attorney. (Resolution Number 16-11-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on ratification of the Director of Emergency Management's declaration to ban open burning in the County. Fire Chief Tommy Fuqua stated that due to the ongoing dry weather, the County Administrator, who is also the Director of Emergency Management, declared a burn ban on November 16.

He stated that this was a proactive decision to protect the County's citizens and property. Chief Fuqua stated that according to State Code Section 44-146.21, the Board of Supervisors is required to ratify this declaration within 14 days of its issuance. He noted that a resolution to this affect was included in the Board's information packets for their consideration.

After discussion, Chief Fuqua stated that he does not see the burn ban being lifted anytime soon as there is no significant rainfall forecast during the next one to two weeks. He noted that staff recommends approval of this resolution.

On motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the following resolution ratifying the Director of Emergency Management's declaration to ban open burning in the County effective November 16, 2016.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 16-11-05

**WHEREAS**, the Board of Supervisors of the County of Botetourt, Virginia, does hereby find as follows:

1. That due to the recent, long-term lack of precipitation and the potential for wildfires in Botetourt County, the County of Botetourt faced a condition of extreme peril to the lives, safety, and property of the residents of and visitors to Botetourt County;
2. That the Director of Disaster and Emergency Management deemed that a state of emergency existed at 11:34 A. M. on November 16, 2016;
3. That as a result of this extreme peril, the proclamation of the existence of an emergency was necessary to permit the full powers of government to deal effectively with this condition of peril;
4. That a State of Emergency was subsequently declared in accordance with Code of Virginia Section 44-146.21;
5. That a Board of Supervisors ratification of the declaration is required;

**NOW, THEREFORE, BE IT HEREBY PROCLAIMED** by the Board of Supervisors of the County of Botetourt, Virginia, that a local emergency exists throughout the County of Botetourt, and

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of this emergency, the powers, functions, and duties of the Director of Disaster and Emergency Management and the Emergency Services organization and functions of the County of Botetourt were/are those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of the County of Botetourt were implemented in order to mitigate the effects of said emergency, and,

That the County Administrator undertake all possible efforts required in an attempt to recover any emergency-related local expenditures from the Commonwealth of Virginia, the Federal Emergency Management Agency (FEMA), or any available, non-local source.

Consideration was then held on a resolution requesting that the General Assembly amend the Code of Virginia to allow all counties to levy a tax on cigarettes. Mr. Gary Larrowe stated that the County was made aware of this resolution at the Virginia Association of Counties annual meeting two weeks ago.

He noted that Wythe County recently adopted a resolution to this effect as counties have been required to fund shortfalls in State and federal funding over the past few years and a cigarette tax is a means to lessen this financial burden. Mr. Larrowe stated that currently only cities and towns and the counties of Fairfax and Arlington are permitted to implement a tax on the sale or use of cigarettes.

After questioning by Mr. Martin, Mr. Larrowe stated that, if approved by the General Assembly, these revenues would be paid directly to the County.

After questioning by Mr. Williamson, Mr. Larrowe stated that, as no counties of similar size to Botetourt currently have this tax, it is difficult to determine the amount of revenues that would be generated. It was noted that this tax cannot exceed 5¢ per pack of cigarettes.

Mr. Williamson questioned whether the County should also request authorization to implement liquor and wine taxes as well.

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 requesting the Virginia General Assembly to amend the Code of Virginia to allow all counties to levy a tax on cigarettes and directed staff to forward this resolution to the County's General Assembly representatives and the Virginia Association of Counties.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 16-11-06

**WHEREAS**, the County of Botetourt, Virginia, requests that all counties in Virginia have equal rights; and,

**WHEREAS**, the County of Botetourt, respectively requests that the Code of Virginia be amended to provide equal rights; and,

**WHEREAS**, the County of Botetourt has been required to fund shortfalls in State and federal funding; and,

**WHEREAS**, the County of Botetourt has identified a means to lessen the burden on property taxes by implementing a cigarette tax that has previously been approved for certain counties, and all cities and towns by State legislative action; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Botetourt County Board of Supervisors requests that Section 58.1-3831 of the Code of Virginia be amended as follows to allow all Virginia Counties to have the power to levy tax upon the sale or use of cigarettes:

*“Section 58.1-3831. ~~Fairfax and Arlington Counties~~ All counties in Virginia shall have the power to levy tax upon the sale or use of cigarettes. Such tax shall be in such amount and on such terms as the governing body may by ordinances prescribe, not to exceed five cents per pack or the amount levied under state law, whichever is greater. The provisions of §58.1-3830 shall apply to such counties, mutatis mutandis.”*

Mr. Cody Sexton, Management Assistant, then updated the Board on the recent Greenfield Historic Preservation Advisory Commission meeting. Mr. Sexton stated that the group met for the second time on November 15 and toured the Greenfield preservation area.

After questioning by Mr. Williamson, Mr. Sexton stated that the Commission’s members include Danny Kyle, Angela Coon, David Marcum, Rupert Cutler, Ann Layman, Donna Henderson, and the newest member appointed by the Board last month—Cheryl Sullivan Willis.

Mr. Sexton stated that the Commission discussed the need to hire a consultant to help meet their duties as designated by the Board of Supervisors regarding development of a conceptual master plan; creation of a summary of the artifacts, structures, etc., to be available for public display; development of target visitor populations; park design plan; draft action plan/timeline; etc. He noted that the group’s consensus was to proceed with the work and develop a request for proposals, select two or three finalists for County staff to review, and make a decision on hiring a consultant early in 2017.

Mr. Sexton stated that the consultant’s work will be conducted in late winter/early spring of 2017 including receipt of public/community comments, and the Commission will prepare the final report for the Board’s consideration next summer/fall.

After questioning by Mr. Dodson, Mr. Sexton stated that the group discussed the six items included in the scope of work and agreed to retain those six items in the RFP at this time and expand upon the consultant’s work items later, if necessary.

After questioning by Mr. Williamson, Mr. Sexton stated that the County will be hiring the consultant and would have the final say on the scope of work and the negotiated contract’s parameters. Mr. Sexton stated that the Commission will be responsible for choosing the two finalists for interview by a team consisting of County staff and one or two Commission members.

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

Consideration was then held on various appointments.

On motion by Mr. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board reappointed Mr. Hiawatha Nicely as the Amsterdam District representative on the Planning Commission for a four year term to expire on January 1, 2021, and ratified the appointment of Colonel Bobby Russell as an at-large member of the Blue Ridge Behavioral Healthcare Board of Directors for a term to expire on December 31, 2018. (Resolution Number 16-11-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Kevin Hamm, Maintenance Operations Manager with the Virginia Department of Transportation, was then present to speak to the Board.

He then reviewed the VDoT monthly report. Mr. Hamm stated that the project to replace two narrow bridges on Route 220 north of Eagle Rock is proceeding. He noted that this project has a fixed completion date of June 2018.

After questioning by Mr. Williamson regarding the wetlands area between Route 220 and the James River in this area, Mr. Hamm stated the wetlands are flagged and the contractor is aware of their location. Mr. Hamm noted that he is not aware of how much of the wetland area will be impacted by the bridge replacement project; however, if any of the wetlands are damaged/removed then the contractor will have to obtain the necessary impact "credit" elsewhere.

Mr. Williamson stated that he would like to receive some specifics on this wetland area. Mr. Hamm stated that he would forward this request to the appropriate VDoT personnel.

Regarding the Exit 150 project, Mr. Hamm stated that all of the base paving is completed on Gateway Crossing and work on the road's new intersection with Alternate 220 is proceeding. Mr. Hamm stated that they do not know when traffic will be transferred onto Gateway Crossing.

After questioning by Mr. Williamson, Mr. Hamm stated that he believes that there will be no left hand turns allowed into the Pilot station from Route 11 southbound when this project is completed.

Mr. Dodson stated that he believes that there will only be right in/right out turns from the Pilot station onto Gateway Crossing.

After questioning by Dr. Scothorn, Mr. Hamm stated that the news media and the public will be notified when Route 11 is closed and Gateway Crossing is opened to traffic.

Mr. Hamm stated that work is finishing up on the Catawba/Etzler Road bridge/intersection improvement project. He noted that Adams Paving will be completing the finish paving work; however, the pavement temperature needs to be a minimum of 40° for pavement to be placed.

Mr. Hamm then stated that there are three land development projects under review and VDoT issued five land use permits over the past month. He further stated that their area headquarters are still continuing with asphalt patching and they are trying to patch the worst areas before cold weather conditions arrive. Mr. Hamm noted that Mountain Pass Road should be completed in the next week or two as there was a delay to allow some ditch work to be completed last week. He further stated that VDoT and its subcontractors have the necessary snow removal equipment/supplies prepared for winter. Mr. Hamm stated that VDoT has more snow removal contractors available this year than last year.

After discussion, Mr. Hamm noted that the turn lane extension for Valley Road has been delayed until spring due to other paving work on Routes 220, 11, and 654 that will be done over the next 2 – 3 weeks.

After questioning by Mr. Leffel, Mr. Hamm stated that the road's surface temperature has to be a minimum of 40° before pavement can be put down.

Mr. Hamm further noted that VDoT is still waiting for funding to conduct the comprehensive traffic engineering study on the Route 220, Alternate 220, and Route 11 corridors.

After questioning by Mr. Dodson regarding funding for this study, Mr. Brian Blevins, VDoT's Area Land Use Engineer, stated that he has talked to Michael Gray, VDoT's District Planning Manager, about this project and they are waiting until after January 1 to see if any funding will be available for this study.

Mr. Martin stated that he had received calls from several citizens with various issues over the past few weeks: Mr. Spickard on Webster Road regarding flooding, Mr. Powell on Stratford Drive regarding road maintenance and potholes; Mr. Shubert on Longwood Lane

regarding road maintenance, and several residents of Heatherstone Subdivision regarding the placement of tar and gravel on their roadways instead of asphalt. Mr. Martin stated that he would provide Mr. Hamm with the contact details for these citizens.

Mr. Hamm stated that VDoT has received a lot of citizen complaints this summer regarding the surface treatment work. He noted that in some areas the contractor had to sweep the road because too much gravel was put down and didn't adhere to the tar. He noted that VDoT usually sees issues with this situation on hills and cul-de-sacs that do not have much traffic.

After questioning by Mr. Martin, Mr. Hamm stated that, on roadways with curb and gutter, VDoT installs a slurry seal not asphalt pavement. He noted that plant mix (asphalt) is placed on secondary roadways with high traffic volumes as it is not financially feasible to apply asphalt to every secondary roadway.

Mr. Williamson stated that VDoT did a great job in paving the crumbling shoulder areas on Brugh's Mill Road and Blue Ridge Turnpike; however, one spot remains on Brugh's Mill Road that needs further work.

Mr. Hamm stated that, if this is the area near the black fencing, there are drainage issues which will necessitate digging up and rebuilding the roadway's base. Mr. Hamm noted that he will check to see if this work will be done before winter.

Mr. Dodson stated that he also appreciated the pavement patching work completed in his district. Mr. Dodson then requested that lane markings be painted on the entire length of Commons Parkway. He noted that the lane markings currently end at the Kingston Drive intersection and, with the soon to be completed nursing home located beyond Kroger, there will be more traffic on this roadway.

Dr. Scothorn noted that he had previously mentioned issues with the pavement settling on Drake Trail in Hunter's Green Subdivision. He noted that there are several dips in the roadway where the road's base has settled over the years.

Mr. Hamm stated that there are compaction issues on this roadbed. He noted that this issue is on VDoT's list for repairs and surface treatment sometime in the next two years.

Dr. Scothorn stated that he appreciated Mr. Hamm's detailed knowledge of the County's roadways. He further noted that there remain issues with loose gravel in Highland Manor Subdivision.

Mr. Hamm stated that VDoT's road sweeper has had mechanical breakdowns over the past several months; however, he received a message earlier today that it has now been repaired and will be scheduled for work in the Botetourt area again.

After questioning by Dr. Scothorn regarding rough pavement in the right-hand lane of I-81 northbound between mile markers 147 and 148, Mr. Hamm stated that he has discussed these issues with VDoT's Interstate Superintendent. He noted that repairs to this area are "in the works." He noted that VDoT is trying to patch these areas; however, there are problems with the base pavement that will have to be fixed as well.

The Board thanked Mr. Hamm for his report.

Mr. Roy Loope of Loope Lane in Buchanan then stated that there are 12 homes with 41 registered vehicles on this 0.8 mile gravel road. He noted that there are also newspaper, mail, trash, UPS/FedEx, and at least one tractor trailer that use this roadway. Mr. Loope stated that the roadway is in need of work. Mr. Loope stated that the road is very dusty, there are water runoff issues after heavy rains, and something needs to be done to improve this situation.

Mr. Hamm stated that this road has a lot of drainage problems and VDoT has made repairs when necessary including trimming trees and cleaning out/repairing ditchlines.



After discussion, it was noted that VDOT's traffic count for this road is 52 vehicles per day.

The Board thanked Mr. Loope for his comments.

Mr. Williamson suggested that this road be included on the Board's gravel road sight visit list for viewing on December 20.

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

Consideration was then held on a resolution of support for an application by the Town of Fincastle for VDOT Revenue Sharing Program funds for a sidewalk improvement project. Mr. David Tickner, Fincastle Town Manager, stated that the Town previously received \$708,000 in grant funds for a sidewalk improvement project. He noted that there were funds remaining at the end of this project and the Town would like to submit an application for up to \$60,000 in VDOT Revenue Sharing Program funds for sidewalk improvements along Main Street from Monroe (Route T-1209) to Hancock (Route T-630) Streets.

He noted that this is a 50/50 matching grant; however, the Town is not requesting any monies from the County for this project—only a resolution of support. Mr. Tickner thanked Mr. Cody Sexton for his assistance in this application process.

There being no discussion, on motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the following resolution of support for the Town of Fincastle's application for VDOT Revenue Sharing Program funds for a sidewalk improvement project.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 16-11-08

**WHEREAS**, the Town Council of the Town of Fincastle has identified the Town's system of sidewalks as a major element of the Town's infrastructure, a significant pedestrian asset, economic development tool, and overall component of quality of life; and,

**WHEREAS**, the Town Council of the Town of Fincastle has worked to maintain and improve the sidewalk system in the Town through volunteer work, grant projects, and paid contractors; and,

**WHEREAS**, the Town of Fincastle, which is located within Botetourt County, desires to submit an application for an allocation of funds in the amount of up to \$60,000 to be matched through the Virginia Department of Transportation Fiscal Year 2018 Revenue Sharing Program for these improvements;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Botetourt County hereby supports the application by the Town of Fincastle for an allocation of funds up to \$60,000 to be matched through the Virginia Department of Transportation Revenue Sharing Program for a sidewalk improvement project in the Town of Fincastle.

The Chairman then called for a 5 minute break.

The Chairman called the meeting back to order at 3:06 P. M.

Mrs. Traci Clark, Director of Elections and General Registrar, then updated the Board on the November 2016 election. She noted that included in the Board's information packet was a report detailing the November 8 General and Special Election.

Mrs. Clark stated that, since she became Registrar in July 2015, the office has dealt with four elections. She noted that the November 2015 election involved several uncontested races for constitutional offices which resulted in a low voter turnout - 5,838 voters (25% of the County's registered voters). Mrs. Clark stated that this was also the first election held since the election precincts were consolidated which reduced the number of polling places to two per district and new voting machines were purchased. Mrs. Clark stated that she also had challenges in finding election officers to manage the polling places during this election.

Mrs. Clark stated that her office then had to prepare for a Presidential Primary in March 2016 which resulted in similar challenges to those at the November 2015 election. She noted that the biggest complaint was that voters had to state which Primary (Democratic or Republican) they wanted to participate in. Mrs. Clark stated that 7,732 votes or 33% of the registered voters participated in that election.

She stated that the Board of Supervisors approved changes to the Troutville/Cloverdale precinct boundaries earlier this year and designated a new polling location in the Valley District. Mrs. Clark noted that her office notified approximately 4,200 voters that they would be impacted by these boundary/polling place changes.

Mrs. Clark stated that a Republican Primary for the Sixth Congressional District was held in June 2016 which had a low voter turnout (6%). Mrs. Clark further stated that in June, she and Electoral Board member William Heartwell attended State Board of Elections training in Richmond and she hired a new part-time employee for the Registrar's Office. In July, she stated that a change of address mailing was sent by the Board of Elections' database to the County's registered voters which resulted in her staff having to update addresses for between 500 – 600 voters.

Mrs. Clark stated that between August and November 48 new election officers were hired and trained. She noted that the youngest precinct election officer (PEO) was 19 and the oldest was 85. She also expressed appreciation to the members of the local press in "getting the word out" about the election and the two proposed State Constitutional amendments on the November ballot.

After discussion, Mrs. Clark stated that there was also a high volume of in-person absentee voters for the Presidential Election (1,028) compared to the 2012 election (803) and the 2008 election (663). She noted that absentee voting began on September 23 after an initial mailing to over 220 voters who had submitted applications for absentee ballots along with 54 ballots that were mailed to military/overseas voters. Mrs. Clark stated that 1,833 absentee applications were processed this year.

She noted that her office was also open on Saturday, October 29 and November 5 to accommodate in-person absentee voting and the office handled 103 in-person absentee voters on Friday, November 4. Mrs. Clark further noted that, in the last 5 years, the Registrar's Office only issued 1 emergency absentee ballot; however, this year, they approved 7 emergency absentee ballots on Election Day. She noted that the national media hype and tone of the presidential campaigns increased the interest and volume of voters.

Mrs. Clark stated that the State's on-line voter registration website crashed on October 16 which caused the registration deadline to be extended to October 21. She noted that the website was receiving 1,500 visits per second when it crashed. Mrs. Clark noted that her staff processed almost 3,500 voting applications between September 1 and November 7 with 558 applications being cancelled due to death, the applicant transferring to another locality, or the

applicant having committed a felony. She noted that two part-time staff members worked an additional 200 hours from May to August.

After discussion, Mrs. Clark stated that there were 24,276 registered voters in the County as of Election Day and 18,798 (77.4%) participated in the election, which was the highest number of participating voters in any County election. She noted that approximately 65% of the registered voters had not voted in an election since 2012 so they had to learn to operate the new voting machines and locate their new polling place. She noted that the November ballot included the presidential race, two State constitutional amendments, the Sixth District Congressional race, and various town council elections.

Mrs. Clark stated that the success of this election process was a reflection on her staff, the Sheriff's deputies who were present at the polling places, the school administrative and custodial staff who worked extra hours, and the Parks and Recreation Department staff who rescheduled several recreation league basketball games so that the voting machines could be set up in school gymnasiums on Monday evening, November 7. She noted that only three complaints were received from voters and she was pleased with the way the election process turned out.

After questioning by Mr. Martin, Mrs. Clark stated that there are almost 25,000 registered voters in the County at this time and this is high compared to other area localities.

After further questioning by Mr. Martin, Mrs. Clark stated that the old WinVote machines were decertified by the State two years ago and the County purchased optical scanner machines which have paper ballots. She noted that these paper ballot machines will be used for future elections.

Mr. Martin noted that he received a number of positive comments about the elections officers' assistance in providing curbside voting for handicapped citizens. After questioning, Mrs. Clark stated that there was no occurrence of voter fraud that she is aware of in the County. She noted that the State's photo identification requirements deter voter fraud from occurring.

Mr. Martin stated that the election appeared to go smoothly and he thanked Mrs. Clark and her staff for their hard work.

Mr. Dodson stated that he visited every polling place on Election Day and the lines of citizens waiting to vote were not long. He noted that this was a very well run election and the Registrar's Office did a great job.

Dr. Scothorn noted that he called Mrs. Clark early on Election Day to offer his support.

Mrs. Clark thanked Dr. Scothorn for his call and the Board for their support.

The Board thanked Mrs. Clark for this report.

Mr. John Busher, Superintendent of Schools, was then present to speak regarding School System energy efficiency and performance contracting opportunities.

Mr. Busher noted that representatives from the school system met earlier this year with the Voter Registrar to discuss the November election process and Mrs. Clark conducted site visits to each school used as a precinct to determine if any changes or assistance was needed. She noted that Mrs. Clark was "wonderful" to work with during this process.

Mr. Busher also thanked the Board members for their attendance at Mrs. Kathy Sullivan's, School Board member, memorial service on Saturday.

Mr. Busher then introduced Mr. Ben Irvine, School Transportation Maintenance Manager, and Mr. Jimmy Lyon, Budget and Finance Director, to the Supervisors. Mr. Busher noted that they are present at today's meeting to update the Board on a School Board proposal to

enter into an energy performance-based contract to significantly reduce energy costs through conservation or operational efficiency measures.

Mr. Busher stated that over the past few months school staff have been reviewing their facilities and energy costs to ascertain whether savings are possible. Mr. Busher stated that the various school facilities have deferred maintenance projects due to a lack of funding and many of these projects involve energy.

Mr. Lyon stated that an energy performance contract is not a new program—it has been in existence through the Virginia Department of Mines, Minerals, and Energy (DMME) since 2001. He noted that this program allows schools/localities to contract with an energy services company to provide energy upgrades and improvements which reduce utility costs by a guaranteed amount. Mr. Lyon noted that the company would review every school facility to determine possible energy savings and these savings are used through a “capital lease” process to pay the debt incurred to make infrastructure improvements.

Mr. Lyon stated that this capital lease would be for a 15 year term, is cost-neutral to the budget, and is 100% guaranteed and bonded. He noted that the only issue is the timeline to participate in this program. Mr. Lyon stated that the program expires on March 1, 2017, and for a locality to be eligible to participate, an investment grade audit by the energy services company has to be completed by that date.

Mr. Lyon stated that the School Board approved a Memorandum of Understanding with Johnson Controls for this project at their November meeting and the company will complete the audit by mid-February.

Mr. Lyon noted that the only assistance from the County on this project will be from the Director of Finance in helping them to obtain financing. He stated that there are no up-front costs for this audit program as the Johnson Controls staff will review each school building and develop energy saving projects that are guaranteed to save money. Mr. Lyon noted that this project is budget neutral and will have no impact on the County’s taxpayers.

After discussion, Mr. Lyon stated that, after the term of the contract, any energy savings that are generated are retained by the County.

Mr. Irvine stated that this program is an “awesome vehicle to get some much-needed work done” on the schools’ facilities and make them more energy efficient.

After questioning by Mr. Williamson, Mr. Irvine stated that savings are anticipated through upgrades to the HVAC systems, boilers, lighting, control systems, roofing systems, and windows. He further noted that the school system will have a “line item choice” after the audit is completed to designate the items to be upgraded based on priorities, needs, and return on investment.

After questioning by Mr. Leffel, Mr. Lyon confirmed that this audit program contract is guaranteed and bonded.

After questioning by Mr. Martin, Mr. Lyon confirmed that there is no cost to the taxpayer to participate in this program. It will be funded within the existing school budget allocation.

After questioning by Mr. Williamson, Mr. Tony Zerrilla, Director of Finance, stated that this program is administered through a capitalized lease similar to the lease for the new County office telephone system. He further stated that this will not be considered as “bonded debt service” but will be included as a debt service item in the annual audit report.

There being no further discussion, the Board thanked the School System for this presentation.

Ms. Annette Patterson, President of The Advancement Foundation, was then present to speak to the Board. Ms. Patterson stated that this non-profit foundation was created in 2007 and focuses on comprehensive community and economic growth by creating opportunities for asset development, education, and self-reliance for the area's small businesses. She noted that they leverage existing community resources to focus on community development and work with approximately 200 non-profits across central and southwest Virginia.

She noted that the Foundation opened a business incubation center in Vinton a few years ago and the program has been very successful in helping develop small businesses through shared resources. She further noted that they help people make linkages and create a pool of resources with other governmental and business leaders to help assist the new business's development. Ms. Patterson stated that the Foundation began with 200 business leaders who agreed to serve, assist, and offer advice and expertise.

Ms. Patterson noted that they work with 16 partner agencies in Botetourt and Roanoke counties including chambers of commerce, economic development departments, and tourism agencies to create a machine that would work toward new business development. She noted that applications are taken from individuals that want to start small businesses and these applications are reviewed and considered for a portion of \$200,000 in funding awards.

She noted that the Foundation's future goals include scheduling three strategy meetings to plan how to use their resources, connect on-line resources, and increase their "skills bank" to 300 individuals.

After discussion, Ms. Patterson stated that she has also discussed this program with representatives of the County's three towns and obtained information about their business space availability options for potential new businesses. She noted that the Foundation wants to engage youth, celebrate the area's assets, develop infrastructure, knowledge, resources, attract and facilitate small businesses, and offer them support and coaching. She noted that this is done through a 12 week program which will run from February through April 2017 with an awards ceremony scheduled for May 11, 2017.

After questioning by Mr. Martin, Ms. Patterson stated that the Foundation's aim is to help small communities, including incorporated towns, by attracting small businesses.

After questioning by Mr. Williamson, Ms. Patterson stated that the Foundation will receive \$70,000 in State funding through the end of June 2017. After further questioning by Mr. Williamson, Ms. Patterson stated that the Foundation is interfaced with the Regional Chamber of Commerce's Business Development Center.

After questioning by Mr. Martin, Ms. Patterson stated that the Foundation will advertise and have a marketing campaign for this 12 week program and they expect potential small business owners to "come out of the woodwork" to participate. She noted that the program also accepts people who want to grow and expand their existing small businesses.

Ms. Patterson stated that they talk to different community representatives to ascertain the types of businesses needed in the community.

After questioning by Dr. Scothorn, Ms. Patterson stated that ideal spots for businesses in the County based on the Exit 150 Study include a large camping venue, a grocery store in Buchanan, and leveraging the trails and greenways in Troutville and the County to attract new businesses, and a brewery/whisky bar in the Fincastle area.

Ms. Patterson stated that she hopes to create a sense of connectivity across Botetourt and Roanoke counties through this program.

After further discussion, the Board thanked Ms. Patterson for her presentation.

A public hearing was then held to amend the 2010 Comprehensive Plan to incorporate the Gateway Crossing Area Plan, update the Future Land Use Maps to incorporate new future land use designations in the Gateway Crossing (Interstate 81, Exit 150) study area, and to designate Urban Development Areas (UDAs) in accordance with Section 15.2-2223.1 of the Code of Virginia. Mrs. Nicole Pendleton, Planning Manager, stated that in March 2016 the staff received approval from the Board of Supervisors to apply for State grant funds to be used to obtain consultant assistance in incorporating Urban Development Areas (UDAs) into the Comprehensive Plan. She noted that the purpose of UDAs is to encourage compact, mixed-use development in appropriate areas of the County.

Mrs. Pendleton stated that in June a long-range planning session was held with the Planning Commission, staff, and the consultant (Renaissance Planning) on these Comp Plan amendments. She noted that in August a stakeholder committee kickoff meeting was held and in September another stakeholder meeting was held along with a community meeting to obtain public input on the UDA proposals at which over 100 County citizens attended. Mrs. Pendleton stated that these comments were used by Renaissance Planning to draft the Comp Plan amendment which was presented to the Planning Commission at their October regular meeting. She noted that the Commission authorized a public hearing of the Gateway Crossing Area Plan amendment at the November Commission and Board of Supervisors meetings.

Mrs. Pendleton stated that VDOT did issue an approval letter that the Area Plan was consistent with their regulations. She then listed the members of the Stakeholder Committee, which included two Supervisors members, two Planning Commission members, a member of the Economic Development Authority, four area property owners, County staff, and the Regional Director of the Appalachian Trail Conservancy. Mrs. Pendleton thanked the Committee members for their assistance and participation in this project.

After discussion, Mrs. Pendleton stated that Chapter 2 Trends of the Comprehensive Plan was also updated to show that the County's population is aging, the younger population is decreasing, the population is diversifying, and the housing stock is more uniform than the staff would prefer as a range of housing options is needed for the County's emerging workforce. She further stated that some of the Plan's maps were also updated; however, none of the updates involved policy changes.

Mrs. Pendleton stated that Renaissance Planning will continue to do a "high-level" review of the Zoning Ordinance to determine what the County's next steps should be and staff anticipates requesting a Request for Proposals in the near future to amend the commercial and residential sections of the Zoning Ordinance. She noted that in the future staff would like to do quarterly updates to the Comp Plan.

After questioning by Mr. Williamson, Mr. Ken McFadyen, Economic Development Director, noted that the Board of Supervisors will receive a presentation on the preliminary housing study on the morning of December 10 during their strategic planning session.

After further questioning by Mr. Williamson, Mrs. Pendleton stated that staff will receive a "high-level" analysis report from the consultant on proposed amendments to the Zoning Ordinance to correspond with the UDA amendments to the Comp Plan. She noted that staff will then prioritize the report's options for presentation to the Planning Commission and Board of Supervisors.

Mr. Mike Callahan with Renaissance Planning then stated that he has been working with the County for approximately six months on this Comp Plan amendment. He noted that this has been a fantastic experience and he believes that they have developed a good Plan amendment.

Mr. Callahan noted that this amendment was funded through the State's UDA program which encourages localities to designate Urban Development Areas. He noted that the staff has proposed that Daleville Town Center (DTC) and the Exit 150 area be so designated in the County. Mr. Callahan stated that this area plan translates the Gateway Crossing land use concept into a policy framework.

He noted that, during the review of these areas, they considered the County's anticipated growth and the population increase versus the space needs for this increased residential use. Mr. Callahan stated that, depending on the housing types, approximately 350 acres would be needed for residential use by the anticipated increase in population. Mr. Callahan stated that the DTC urban development area consists of approximately 185 acres and the Gateway Crossing UDA contains approximately 741 acres. He stated that there is a large amount of redevelopment potential in the Exit 150/Gateway Crossing area.

After discussion, Mr. Callahan stated that the benefits of an area plan include certainty, alignment of vision with market, encouraging urban development, enabling traditional neighborhood design, etc. He noted that Gateway Crossing could contain 308,000 square feet of retail space including 4 – 8 restaurants, 1 - 2 new hotels, and residential uses (townhomes).

Mr. Callahan stated that comments received during the October community meeting concerned the Appalachian Trail, a regional greenway system, new jobs (potentially 500+ including Eldor and Ballast Point) and a desire to see these new employees live in the County, a different mix of housing including high-density housing, and access management along Route 220. He noted that six goals for Gateway Crossing's future development were developed: create a mixed-use center which is an attractive gateway to the County; create a walkable district, revitalize Gateway Crossing as an economic hub for the County; update the County's policies and codes to support the Crossing's vision; unlock new development opportunities by providing street access from Routes 220 and 11; and build a stronger connection to the Appalachian Trail to leverage this unique asset.

Mr. Callahan stated that Chapter 4 of his report pertains to a policy direction for the Exit 150/Gateway Crossing area. He noted that these updated maps show future land uses, a highly connected street grid, a mix of land uses, improved safety for the Appalachian Trail crossing, a greenway/trail along Tinker Creek, etc. Mr. Callahan further noted that the proposal for an access point for Tinker Mountain Road off of Route 220 has been revised since the October community meeting. He stated that it is suggested that a traffic signal be placed on Route 220 north of its intersection with Tinker Mountain Road and the I-81 southbound on-ramp. Mr. Callahan stated that this would also open up development potential between Route 220 and I-81.

After discussion, Mr. Callahan stated that the report includes a suggestion that a new roadway from the Gateway Crossing/Alternate 220 intersection south toward Olde Route 220 or Simmons Drive be developed. He then reviewed photographs of proposed design areas including residential, community, and commercial.

After further discussion, Mr. Leffel thanked Mr. Callahan for the work that he and Renaissance Planning conducted on this report.

After questioning by the Chairman, 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 Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board amended the 2010 Comprehensive Plan to incorporate the Gateway Crossing Area Plan including updates to the Future Land Use Maps to incorporate new future land use designations in the Gateway Crossing (Interstate 81 Exit 150) study area. (Resolution Number 16-11-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board amended the 2010 Comprehensive Plan to designate Daleville Town Center and the Gateway Crossing Area Plan as Urban Development Areas (UDAs) in accordance with Section 15.2-2223.1 of the Code of Virginia of 1950, as amended. (Resolution Number 16-11-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Martin then thanked County staff members Tony Zerrilla, Kevin Shearer, Ken McFadyen, Jim Farmer, Nicole Pendleton, Cody Sexton, and David Moorman for their assistance in responding to citizen requests over the past few weeks. He noted that it is great to have staff available to contact on a moment's notice with citizen's questions and concerns.

Mr. Williamson then stated that it has been two years since the Board held their strategic planning meetings and the two motions approving the Comp Plan amendment and designating two UDAs in the County, has been a significant milestone. He noted that the key issues at the strategic planning meetings were to take a "hard look" at the Exit 150 area and the staff and Board have come a long way on this proposal.

He further noted that in the past two years the County has joined the Western Virginia Water Authority, reinvigorated Greenfield with the location announcements of Eldor, Ballast Point, and the construction of a new shell building, increased funding for the Roanoke Valley Convention and Visitors Bureau, designated the entire length of the James River as "scenic," joined the Roanoke Valley Greenway Commission and began to expand trails/greenways in the County, and are working to increase housing densities south of Trinity Road. He noted that it has been an active and successful two years.

Mr. Williamson also mentioned the staff's capacity and ability to execute their duties and noted that four new management team members have been hired in the County in the past two years. He noted that the County has "built a wonderful team."

Mr. Dodson noted that the County has also converted the Industrial Development Authority to an Economic Development Authority, increased the hotel/motel tax, and held more frequent meetings with the Planning Commission and School Board.

There being no further discussion, the meeting was then adjourned at 4:35 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 Timberbrook Associates LLC, Timberbrook Associates X LLC, and GW Botetourt Commons LLC, for a Change of Proffers in the Shopping Center (SC) Use District to modify existing proffers which restricted the type, color, size, and font of signage, to develop a signage plan for the Botetourt Commons development located from 125 to 137 Commons Parkway (Route 1044); 20 to 56 Kingston Drive; and 100 to 124 Kingston Drive, Daleville, which are located 0.12 miles west of the Commons Parkway/ Kingston Drive intersection and 0.09 miles north of the Commons Parkway/Kingston Drive intersection, identified on the Real Property Identification Maps of Botetourt County as Section 101(13), Parcels 2, and 5, and Section 101 (14), Parcel 7.

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

Mr. Drew Pearson, County Planner, stated that this property was originally rezoned in November 1994 which included establishing sign standards and regulations for the shopping center. He noted that these standards were not comprehensive in nature and did not include standards for the measurement of sign area, maximum sign area allowed, etc., as mentioned in Section 25-462 of the Zoning Ordinance; therefore, staff did not have clear and concise standards to consider during review/approval of sign permit applications.

Mr. Pearson noted that the proffered conditions for the Shopping Center property were amended in April 1995 and Mr. Steve Strauss, developer, is requesting further amendments to these conditions for three parcels—Tax Map 101(13), Parcels 2 and 5; and Tax Map 101(14), Parcel 7.

Mr. Pearson stated that currently wall signs in the Botetourt Commons shopping center are limited to an 18" letter height for a leasable area of 5,000 square feet or less, including provisions for the distance that the business is located off of Route 220. Mr. Pearson stated that there is no maximum square footage requirement on how large the signs can be in the proffered conditions. He noted that the proposed amendments do increase the sign letter height on the smaller stores to 38", as well as some level of increase for the larger stores' signs. He further noted that the applicant is designating a maximum square footage on how large the signs could be which is not included in the existing proffered conditions.

Mr. Pearson stated that the maximum square footage on the smaller-sized stores would be 80 sf with a maximum of 95 sf for the larger stores. He noted that the amended conditions also require that the raceway containing the lettering would be painted to match the wall color. Mr. Pearson noted that there are also no restrictions on the font and color of the signs so the impacted businesses could put up any logo/symbol in any letter style or color instead of the all black letters that are currently permitted.

Mr. Pearson stated that at this time there is a requirement for the different types of signs to be located within the Shopping Center—channel letter-type signs, pole signs, monument signs—and the applicant is proposing to delete the allowance for pole signs. He further stated that monument signs are now prohibited from being back- or up-lit and the applicant is proposing to amend this to allow face-lit or back-lit monument signs. Mr. Pearson noted that Mr. Strauss is also proposing a condition that the provisions of the County Zoning Ordinance would apply if a proposed standard is not addressed in the proffered conditions which would be helpful for the staff in their review/approval of sign permit requests.

Mr. Pearson stated that the applicant requested staff input on the proposed proffered condition changes and, at the Planning Commission meeting, the applicant further agreed to clarify that the maximum square footage was for individual tenant's wall signage. He noted that a revised list of proffered conditions had been provided to the Board members earlier in the

meeting for their review. Mr. Pearson reminded the Board that these conditions would only apply to the three parcels previously identified; however, the staff has expressed a desire for one set of design standards for the entire Shopping Center. He noted that the applicant has agreed to work with the other property owners to develop a comprehensive set of sign guidelines.

Mr. Pearson noted that only one response was received from an adjacent property owner about this request. He noted that this business owner did not indicate any concerns about this request and thought the revised proffers would better meet the tenants' needs. Mr. Pearson stated that the Planning Commission recommended approval of this request and noted that Mr. Steve Strauss, applicant, was present at the meeting to answer any questions.

After questioning by Mr. Williamson on the comparison of the signage square footage with the current Zoning Ordinance provisions, Mr. Pearson stated that wall signs are allowed to be 2 square feet (sf) of sign area for each linear foot of building width but wall and freestanding signs cannot exceed 120 sf, and that the proposed changes would be "fairly well in line" with the Zoning Ordinance's provisions.

After questioning by Mr. Dodson, Mr. Pearson stated that the staff is satisfied with the revised proffered conditions as presented today by Mr. Strauss.

Mr. Strauss, Manager, of the Timberbrook property, stated that he inherited everything in this development from the previous landowner, James Hancock. Mr. Strauss stated that this issue began when Verizon wanted to install a different type of sign above their store entrance than what was allowed in the proffered conditions/signage plan. He noted that over time the signage has strayed from the County's permitting process guidelines and these proffered condition amendments will help resolve this situation so that it is more compliant with the Zoning Ordinance.

After questioning by Mr. Dodson, Mr. Strauss stated that all of the affected tenants understand and are agreeable with his proposal.

Mr. Benton Bolton of Roanoke Road stated that he is the Treasurer and a member of the Board of Directors of the Daleville Cemetery which is immediately north of this shopping center. Mr. Bolton stated that he is present today to speak on behalf of the families of those interred in the cemetery.

He noted that this cemetery is the final resting place for many of the founders of Botetourt County and Daleville and the property/area needs to be maintained in a reasonable manner. Mr. Bolton asked that the Board take this into account and take no action that would adversely impact the cemetery. Mr. Bolton stated that he hopes that there will not be a "proliferation" of signs that would adversely impact the cemetery.

The Board thanked Mr. Bolton for his comments.

After further 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. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a request in the Amsterdam Magisterial District from Timberbrook Associates LLC, Timberbrook Associates X LLC, and GW Botetourt Commons LLC, for a Change of Proffers in the Shopping Center (SC) Use District to modify existing proffers which restricted the type, color, size, and font of signage, to develop a signage plan for the Botetourt Commons development located from 125 to 137 Commons Parkway (Route 1044); 20 to 56 Kingston Drive; and 100 to 124 Kingston Drive, Daleville, which are located 0.12 miles west of the Commons Parkway/Kingston Drive intersection and 0.09 miles north of the Commons Park-

way/Kingston Drive intersection, identified on the Real Property Identification Maps of Botetourt County as Section 101(13), Parcels 2, and 5, and Section 101 (14), Parcel 7 as revised as follows: (Resolution Number 16-11-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

**Whereas:** The above named Parcels were rezoned with proffered conditions by the Botetourt County Board of Supervisions at their November 18, 1994, regular meeting, with the following conditions:

1. The Timberbrook commercial and residential development shall be developed/constructed in conformance with the guidelines established in the supplemental information for rezoning as described in the booklets dated October 5, 1994, November 8, 1994 (*and as amended through the approval of the Board of Supervisors on April 18, 1995*).
2. The residential areas designated R-1, R-2, and R-3 are for construction of single family dwellings, multi-family dwellings, and townhouses. Duplexes, rooming houses, boardinghouses, and tourist houses are excluded from all areas.
3. Public water and public sewer will be approved and provided for both commercial and residential lots prior to approval of building construction.
4. Should the project construction pollute or cause failure to any of the adjacent property owner's existing wells, a water line shall be extended to their property at no cost to the adjacent property owner.
5. Each phase of the project will comply with all Virginia Department of Transportation (VDOT) design standards. The Food Lion Shopping Center developer will install a VDOT approved traffic light at the proposed intersection of the commercial entrance and State Route 653 at their expense. These improvements will be completed prior to the opening of any commercial business.
6. An integrated storm water detention plan will be developed for the entire commercial tract and residential tract prior to approval of construction of the first building.
7. Outside light poles will not exceed 25' in height and will be directed inward toward each business using light reflections to shield the light from residential areas. No more than 0.3 foot-candles will be allowed to cross property lines.
8. Leyland Cypress trees will be purchased and installed 15' on center along the southern property line of the Daleville Cemetery, Rachel Hancock, and Jerry Byer properties.
9. No residential or commercial buildings shall be constructed west of the Norfolk Southern railroad tracks in the R-1, R-2, R-3, and B-1 Use Districts until a (VDOT) approved road and bridge structure are constructed to provide access from this area to U.S. Route 220 via the proposed four lane boulevard serving the Shopping Center SC Use District.
10. Parking lots shall be setback ten (10) feet from the U.S. 220 right-of-way line. Along U.S. 220, a planting berm will be placed to visually mitigate view of vehicles parked in lots facing U.S. 200. The berm will be planted with trees and shrubs from the required plant palette, composing part of the required parking lot planting scheme. Cars or other items placed "for sale" by individuals will not be allowed adjacent to U.S. 220 or Timber Brook Parkway.
11. All marquees shall be made of shingles, stained with Cabot's semi-transparent dark gray stain #0347, and shall have individual, white back-lit letters "Times" or similar type face composing the sign. Anchor stores, (larger than 5,000 SF gross leasable area) shall have letters a minimum of 18" tall, which beginning at 100' back, may increase one foot in height for every 100 feet the building is setback from U.S. 20 right-of-way up to 48" tall. All minor stores (G.L.A. less than 5,000 SF) shall have 18" letters.
12. The builder shall round the tops and bottoms of all slopes to present a natural appearance. No slopes greater than 2:1 will be allowed to remain after finish grading. The top and bottom slope rounding shall be accomplished by the following formula:

<u>Area</u>	<u>Slope Ratio</u>	<u>Grade Differential</u>
Top	4:1	5% of graded height
Transition	3:1	10%
Middle of Slope	2:1	70%
Transition	3:1	10%
Bottom	4:1	5%

Using this formula, an applicant requesting to grade a 20' tall bank would need to meet these slope criteria:

<u>Area</u>	<u>Criterion</u>	<u>Vertical Distance</u>	<u>Horizontal Distance</u>
Top	4:1	1'	4'
Transition	3:1	2'	6'
Middle of Slope	2:1	14'	28'
Transition	3:1	2'	6'
Bottom	4:1	1'	4'

**Therefore: I, Steven S Strauss, Agent and Manager for Timberbrook Associates LC, hereby proffer, for the above named parcels, the following conditions as a part of the above referenced request:**

- A. 1. Under the amended proffer language approved by the Board of Supervisors on April 18, 1995, the section beginning and ending as follows **“All Marques shall be made of ... shall have 18” letters”**, also being #11 listed above, said language shall be replaced in its entirety with the following:

“All marquee/wall signage shall have individual, back-lit letters. Anchor stores, (larger than 5,000 SF gross leasable area) shall have a maximum letter height of 46". Logos or identification symbols shall have a maximum height of 68". All minor stores (G.L.A. less than 5,000 SF) shall have letters with a maximum height 38". Logos or identification symbols shall be limited to a height of 58”.

2. Wall signage for each tenant in a multi-tenant building shall not exceed 80 SF for minor stores and 95 SF for anchor stores. Square Footage (SF) measurements shall be in accordance with the 2016 Zoning Ordinance sign standards.

3. If storefront letters are raceway mounted, the raceway shall match the façade color it is attached to.

4. When regulations for certain types of signage are not addressed in the proffers for the named parcels, the regulations of the Zoning Ordinance will apply.

- B. Within the booklet dated November 8, 1994, Page SC-3,

1. The following language shall be **deleted in its entirety**: “Pole Signs. The poles shall be made of dark metal. One pole sign is allotted per commercial parcel. A male is allotted one pole sign.”

2. Monument signs may be face-lit or back-lit

A public hearing was then held on a request in the Amsterdam Magisterial District from Ashley Investments, LLC, for a Commission Permit in accord with §15.2-2232 of the Code of Virginia for the construction of a public road, in addition to a request for rezoning from an Agricultural (A-1) Use District to a Residential (R-1) Use District, with possible proffered conditions, on 32.081 acres of a 35.154-acre parcel for residential use at 2763 Trinity Road, Troutville. The development is proposed to be accessed via Scarlet Drive (Route 1129). This parcel is located approximately 0.45 miles south of the Roanoke Road (U.S. Route 220)/Trinity Road (State Route 670) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 82F.

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

Mrs. Nicole Pendleton, Planning Manager, stated that this 32 acre parcel currently contains one dwelling and a barn. She noted that there is a recorded 50' right-of-way from Scarlet Drive to the property line which is located between lots 38 and 39 as shown on the recorded plat of Ashley Plantation, Section 4.

Mrs. Pendleton stated that the Comprehensive Plan shows this property as a medium density residential area with the density to be based on the availability of utilities. She noted that revisions have been made to the proposal since the Planning Commission's November 14

meeting. She noted that the proposal as presented to the Commission included a much-higher density project.

Mrs. Pendleton noted that the Commission members discussed the new economic development projects to be located on the Greenfield property which is located across Route 220 from Ashley Plantation and discussed the housing study which is currently underway and the lack of affordable housing for these new companies' employees. Mrs. Pendleton stated that the Commission also discussed the lack of connectivity for this new development onto Trinity Road (Route 670) which is required by VDoT.

Mrs. Pendleton noted that the applicant submitted the following proffered conditions with this request: "This property will be developed in substantial conformance, titled "Proposed Concept Plan," included with this application, prepared by McMurry Surveyors, Inc., dated August 18, 2016, and revised October 21, 2016"; and, "Prior to subdivision approval, a declaration of covenants, conditions and restrictions will be recorded in the Office of the Circuit Court Clerk of Botetourt County. These covenants, conditions and restrictions will be identical to those recorded via Instrument # 0309463 in the office of the Circuit Court Clerk of Botetourt County on October 9, 2003 for Ashley Plantation Section IV, Articles I and II."

Mrs. Pendleton stated that approximately 15 residents spoke at the Planning Commission meeting in opposition to this request with concerns regarding the increase in traffic, lack of a second access road connection, potential flooding issues, construction traffic, adverse property values, etc. She noted that the Commission recommended denial of both the Commission Permit and the rezoning request by a 4 to 1 vote with one member absent.

Mrs. Pendleton stated that an updated concept plan which reduces the number of lots to 28 was submitted late yesterday (Monday) afternoon. She noted that staff has had limited time to review and provide feedback on this new plan. Mrs. Pendleton then reminded the Board that, should they defer action on this request, the applicant would have to agree to a delay in consideration of approval of the Commission Permit. She noted that Mr. Chris McMurry, surveyor, and Mr. Sam Camp and Mr. Norman Mason, representing Ashley Investments, LLC, were present at this meeting.

After questioning by Mr. Williamson regarding the proposed 40' right-of-way through the new development, Mrs. Pendleton stated that even though VDoT usually requires a 50' right-of-way, VDoT has indicated that 40' is satisfactory in this instance.

After further questioning by Mr. Williamson, Mrs. Pendleton stated that she would have to review the ordinance to determine whether the total length of the new cul-de-sac would be calculated from the created stub out or from the entrance to the subdivision via Scarlet Drive.

Mr. Sam Camp, applicant, stated that VDoT allows a road's right-of-way to be 40' when curb and gutter is provided. He noted that the curb and gutter is proposed to be located within the 40' right-of-way.

Mr. McMurry stated that, under the A-1 zoning district requirements, this cul-de-sac would not comply with the cul-de-sac length requirements; however, he is not sure how this would be determined under the proposed higher density R-1 zoning.

Mr. Camp stated that the original rezoning proposal submitted in April 2016 included 170 residences (quadplexes) on this property. He noted that the proposal was then reduced to 100 lots (patio homes) under a R-3 zoning designation. Mr. Camp stated that, in working with the community, the proposal was again revised to a R-1 Use District with 51 lots; however, with the concerns discussed at the Planning Commission, he is now proposing to reduce the devel-

opment to 28 lots with each lot averaging 1 acre in size. Mr. Camp stated that he believes that he can make this proposal financially viable.

Mr. Williamson noted that Mr. Camp had previously submitted two proffered conditions with this request and questioned if he would be willing to proffer curb and gutter along the 40' right-of-way. Mr. Camp stated that he and his partner do not have any problem with installing curb and gutter along this roadway.

Mrs. Amy Wilson, Vice-President of the Ashley Plantation Homeowners Association (HOA), stated that she lives on Scarlet Drive. Mrs. Wilson stated that this proposed rezoning was discussed at an Association meeting last night. She noted that the property owners still have concerns about this request including the last minute changes submitted yesterday by the applicant. Mrs. Wilson stated that they question why the right-of-way from this property onto Trinity Road was retained if it is not going to be used, they prefer that construction trucks use Trinity Road to access the development, and have concerns about sight distance issues, stormwater management issues and erosion problems.

Mrs. Wilson stated that there are problems with the stormwater system in the current subdivision because the developer has not maintained these areas. She also noted that there is rock in this area which will need to be removed by blasting for these new homes' foundations and blasting could impact the adjacent homes. Mrs. Wilson stated that the residents are also concerned about school bus access into and out of this development, the proposed proffered conditions, traffic, etc. She further stated that there are no sidewalks and no gutters in Ashley Plantation which means that citizens and children have to walk in the roadway. She stated that the residents also have concerns with the recently announced monthly water rate increase by Central Water Company and the system's water pressure/quality. Ms. Wilson also questioned if this development would have a HOA and would those residents be responsible for maintaining the stormwater management structures.

Mrs. Wilson then spoke personally about her concerns with this request. Mrs. Wilson stated that her property adjoins the proposed development and she has concerns about the stormwater management on this site. Mrs. Wilson stated that the homeowners will be responsible for maintenance of this infrastructure. She further stated that the original Ashley Plantation developer previously approved any new homes built in the subdivision; however, he is no longer handling this situation. She noted that the property values have decreased and there are no sidewalks or parking on the lots which results in visitor's vehicles have to park on the street. Mrs. Wilson stated that the section of Ashley that she lives in "was not thought out as well as other parts of the development."

Mr. Dan Weber of Stonewall Drive stated that he has lived in Ashley for 9 years. He noted that they had issues with their basement flooding and had to install over 70' of French drain and a sump pump to resolve the issue. Mr. Weber stated that he has not had any flooding problems in his basement in over 6 years but is concerned that it could happen again as the proposed development is at a higher elevation than his lot and "water flows downhill."

After questioning by Mr. Williamson, Mr. Weber stated that he was told that his basement flooding problems were caused by hypostatic pressure which occurs when water comes up under the house and into the basement.

Mr. Harold Klaser of Stonewall Drive stated that his lot adjoins the proposed development. Mr. Klaser stated that he has been concerned about the development of this 32+ acres since May when "one alliteration after another" has been proposed for this property. Mr. Klaser stated that he is also concerned about traffic safety for children walking in the street as there are

no sidewalks and no gutters along the road, increased traffic from this development, water and drainage concerns, etc.

Mr. Klaser further stated that a lot of grading will be necessary on this property and he has heard that this will result in a retaining wall being built adjacent to his property line. Mr. Klaser requested that the Board delay a decision on this request until the various issues of concern have been given additional thought.

Mrs. Mary Barrera of Manassas Circle thanked the Board for allowing her to speak. Mrs. Barrera stated that her property will be impacted by the Scarlet Drive entrance into this new development. She noted that there are lots of children on their street, people use the roadways to walk as there are no sidewalks, and she is concerned about the increased traffic causing safety issues for these individuals.

Mrs. Barrera stated that she is also concerned about the strain that this new development will cause on the various utility resources and on the Sheriff's Department which already has a shortage of officers. She further stated that this development will cause additional traffic through the Route 220/International Parkway intersection. She questioned "how are we going to pay for these additional community and public resources."

Mr. Michael Dixon of Alabama Court stated that the term "substantial conformance" has not been defined by the applicant. Mr. Dixon stated that he thinks that the applicant has given them a business plan and questioned if this is a plan for positive development and investment for the County. Mr. Dixon stated that he is also concerned about the lack of proffered conditions being submitted with this application.

Mr. Dixon stated that the Board should think about whether what has been offered is necessary and sufficient to deal with positive development in the County. He also noted that the proposal's density is a problem. He further noted that there is an existing, large stormwater management problem in this area.

Mr. Dixon stated that the proposal shows a lack of commitment for safety, security, and emergency preparedness. He noted that the proposed design should be carefully reviewed and the developer should articulate what the subdivision's design would be and its impact on the surrounding Ashley properties.

After questioning by Mr. Williamson, Mrs. Pendleton stated that "substantial conformance" is defined as minor modifications to a design plan based on engineering-related issues as long as the minor changes do not increase the number and density of the proposed lots and development.

Mr. Dixon stated that this definition should be taken a step further and say what the "everyday impact will be from this project."

Mr. Williamson stated that the County adopted significantly-enhanced stormwater management regulations approximately 15 – 18 months ago and the developer will have to comply with those regulations in constructing this subdivision.

Ms. Audrey Stone of Stonewall Drive then noted that even though the developer has now said that the rezoning is from A-1 to R-1, the map displayed today still says R-3. She stated that the developer and the area's residents have gone through alliteration after alliteration of this project and the citizens feel that they have absolutely no recourse other than civil court if the project changes significantly from what is proposed.

Ms. Stone stated that she moved to the County from North Carolina two years ago and they chose this area because of the character and that the County is thinking about how it wants to grow in the future. Ms. Stone noted that she worries that her investment is compromised

based on the interest of one investor. She asked that the Board think carefully about what they are saying to the citizens if they approve this rezoning request.

Ms. Barbara Parshall of Stonewall Drive stated that Botetourt County is a large county and, if this development was taking place elsewhere, the residents would be thrilled.

Ms. Parshall stated that they do not trust that what Mr. Camp is trying to build is what he is going to build. She noted that the land is currently zoned A-1 and is used as a sound barrier for the Route 220 traffic noise. Ms. Parshall stated that, when this barrier is removed, the noise and impacts to wildlife will increase. She requested that the Board deny this request so that the area residents can continue to enjoy the County's beauty.

Mr. Sean Wilson of Scarlet Drive stated that he has been "taken aback" by this request; however, he appreciates what the developer has done to decrease this project's density.

Mr. Wilson noted that he retired to the County from the U. S. Navy and considered several homes in Roanoke before choosing Botetourt County to live. Mr. Wilson stated that he moved to this area from Washington, DC, "where people live on top of each other."

Mr. Wilson stated that there are beautiful resources in the County and he would like to see this land remain as farmland. He noted that when the County grows, "we need to do it carefully," "vet the property before a decision is made," and have an "earnest discussion" on the development of our community.

Mr. Randy Long of Scarlet Drive stated that he lives on the corner of the new proposed entrance. Mr. Long stated that he has lived in this area for 23 years and every County resident has seen progress in that time. Mr. Long noted that his concern is that there are other existing residential developments in the County that are having problems selling homes. He questioned that, if this project proceeds and only a few homes are built and do not sell, what happens with security and crime in this area. Mr. Long stated that there are a lot of homes in Ashley that are currently for sale and a few empty lots.

Mr. Long stated that he also receives a lot of stormwater runoff in his yard as there are no gutters on the roadways. He noted that, with the proposed development, stormwater is proposed to go uphill to the new stormwater management area, which is not feasible, and there is also no way to release this water from the retention pond.

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. Martin stated that he has heard many citizen comments about this proposed request at both the Planning Commission's and today's Supervisors meetings and he thinks it would be a good idea to let the Board consider the comments made and the revised site plan and bring this matter back for a decision at a later date. Mr. Martin stated that he appreciates Mr. Camp's efforts through his redesigns to correct some of the citizens' concerns; however, he still has concerns about having only one access road into this development.

Mr. Williamson stated that the strategic plan includes provisions for the development of "starter" housing and increased residential density in areas served by public water/sewer/natural gas. Mr. Williamson stated that he thinks that this proposal falls "broadly" into that definition and believes that this property will be developed eventually.

Mr. Williamson stated that Mr. Camp has been responsive to citizens' concerns with his development proposal by decreasing the number of units from 170 to 20+ lots. Mr. Williamson further stated that he is concerned that the proffered conditions are not complete and would request that this request be tabled until after December to allow staff time to review issues regarding the 40' right-of-way, cul-de-sac length, etc. Mr. Williamson stated that he is not



opposed to the design plan as presented today but there are still a number of questions that need to be clarified including answers from the staff on stormwater issues.

Dr. Scothorn stated that he agrees with Mr. Williamson's and Mr. Martin's comments and hopefully some of Mrs. Wilson's questions will be answered. He stated that this request should be tabled to allow staff to further review the proposal with the developer.

Mr. Leffel stated that the citizens who spoke today had some very good comments about this proposal and he appreciated the courtesy that they gave to the entire room.

Mr. Dodson stated that he also appreciated the comments made during today's public hearing. He noted that there are several issues regarding this proposed development as well as matters of concern that go beyond the boundaries of this development in the greater Ashley Plantation Subdivision. Mr. Dodson stated that there is no rush to get this finalized and he believes that the proffered conditions and stormwater management issues need to be reviewed.

Mr. Dodson then made a motion, which was seconded by Mr. Leffel, to table the request in the Amsterdam Magisterial District from Ashley Investments, LLC, for a Commission Permit in accord with §15.2-2232 of the Code of Virginia for the construction of a public road, in addition to a request for rezoning from an Agricultural (A-1) Use District to a Residential (R-1) Use District, with possible proffered conditions, on 32.081 acres of a 35.154-acre parcel for residential use at 2763 Trinity Road, Troutville. The development is proposed to be accessed via Scarlet Drive (Route 1129). This parcel is located approximately 0.45 miles south of the Roanoke Road (U.S. Route 220)/Trinity Road (State Route 670) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 82F, until the January 24, 2017, Board of Supervisors meeting, to allow further staff review of the stormwater management, construction entrance, right-of-way, etc., issues.

After discussion by Mr. Lockaby, County Attorney, Mr. Leffel questioned whether Mr. Sam Camp was agreeable to a delay beyond the 60 day appeal period in the Board's consideration of approval of his Commission Permit for the construction of State-maintained roads until the January 24, 2017, Supervisors meeting.

Mr. Camp agreed with the delay of consideration of his Commission Permit until the January 2017 Supervisors meeting.

There being no further discussion, Mr. Dodson's motion was approved by the following recorded vote: (Resolution Number 16-11-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Dodson then requested that a meeting between the County Administrator and Ms. Amy Wilson be scheduled to discuss issues mentioned earlier today regarding maintenance of Ashley Plantation's stormwater detention infrastructure, etc.

After discussion, Mr. Chris McMurry stated that there are five stormwater detention ponds in Ashley, plus one "T" box.

Mr. Williamson noted that, historically, the developer is responsible for maintenance of these facilities until the development reaches a certain density.

The Board was reminded that the December regular meeting would be held on Thursday, December 22, 2016, beginning with a closed session at 12:45 P. M.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the meeting was continued at 7:15 P. M. until 8:30 A. M. on December 10, 2016, in Room 229 of the Greenfield Education and Training Center for a strategic planning session. (Resolution Number 16-11-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None