

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, November 24, 2020, at the Greenfield Education and Training Center in Daleville, Virginia, beginning at 2:00 P.M.

PRESENT: Members: Mr. Billy W. Martin, Sr., Chairman  
Dr. Donald M. Scothorn, Vice-Chairman  
Mr. Steve Clinton  
Mr. I. Ray Sloan  
Dr. Richard G. Bailey

ABSENT: Members: None

Others present at the meeting:

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

The Chairman called the meeting to order at 12:44 P.M. with all members participating remotely within the Greenfield Education and Training Center due to the pandemic.

After resolving sound issues, at 12:48 PM, on motion by Mr. Martin, seconded by Mr. Sloan, and carried by the following recorded vote, the Board went into Closed Session pursuant to the Code of Virginia, 1950, as amended, to discuss the following: Section 2.2-3711.A. 3, Discussion of acquisition of real property for economic development purposes where discussion in open session would adversely affect the County's bargaining position or negotiating strategy namely concerning the Amsterdam (Greenfield), Blue Ridge and Buchanan districts; Section 2.2.3711.A. 5 Discussion on prospective businesses or industries where no previous announcement has been made of their interest in locating or expanding facilities in the community in the Amsterdam (Greenfield) and Fincastle districts; and Section 2.2-3711.A. 7 Consultation with legal counsel pertaining to actual or probably litigation, where such consultation or briefing in an open meeting would adversely affect the County's negotiating/litigating posture regarding a rate increase application submitted to the SCC by AquaVirginia. (Resolution Number 20-11-01)

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

NAYS: None

ABSENT: None ABSTAINING: None

The Chairman called the meeting back to order at 2:02 P.M.

On motion by Mr. Martin, the Board returned to regular session from Closed Session and adopted the following recorded resolution by roll-call vote. (Resolution Number 20-11-02)

AYES: Mr. Clinton, Mr. Sloan, Mr. Martin, Dr. Bailey, 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. Martin welcomed those present at the meeting and shared information about the current COVID-19 pandemic and state of emergency. Mr. Martin stated that all Board members were physically present in the building and the meeting would be conducted partially electronically via Zoom to protect members, staff, and citizens. He further stated that all information provided to the Board was available electronically on the County website for citizens to review.

Mr. Martin noted that public comments would be received both in person and over the telephone during public comment periods of the meeting.

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

Mr. Martin then asked for a moment of silence.

Mr. Martin opened the public comment period.

Mr. Linnie Gregory of Daleville reminded the Board and citizens about honoring the past as he requested preservation of, not just civil war memorials, but all war memorials. He noted that other Virginia counties, including Franklin County, voted to keep them. Mr. Gregory said it was his hope and prayer to keep historic monuments in Botetourt and asked to keep the statue in its current location, but if that was not possible, to relocate the Civil War statue to Madine Way in Fincastle.

Mr. Danny Goad of Cloverdale then discussed the recent election. Mr. Goad stated that he wants answers to questions about the type of equipment, the software used, and if any software patches were added on the dates of September 1; October 1; November 1, 2, 3, 4, and 6. He said the people expected the equipment to be accurate, and on November 3<sup>rd</sup>, approximately 80% of Botetourt County had cast their vote for Trump, and by the next morning, the results fell.

Mr. Martin responded that Mrs. Traci Clark, Voter Registrar, would speak later today on these questions.

Mr. Martin then asked Dr. Beth Leffel for the Health Department's report on the current pandemic.

Dr. Leffel stated that she was here on behalf of Dr. Cynthia Morrow, the Alleghany Health District Director.

Dr. Leffel then began her presentation. She noted that the first slide displays a graphic showing that, as of today, Virginia's coronavirus cases exceeded 200,000 with almost 2,000 new cases per day. Dr. Leffel stated there had been almost 3,942 deaths, and about 14,096 total hospitalizations. She further stated the largest recent increases in cases were in Botetourt and Roanoke counties.

Dr. Leffel then presented data from Roanoke City and Alleghany Health District indicating that, of 8,049 total cases, 135 people had died and 74 were currently hospitalized in the district. She noted there were 27 active outbreaks with Botetourt having 689 total cases, and 95 active cases as per data from the Virginia Health Department website. Dr. Leffel stated the goal across the State is to have less than 5% positive cases of coronavirus; however, Botetourt's positivity rate is 10.1%.

She then displayed a slide of data collected since March 15, 2020, showing a spike during the summer, with a significant increase of cases since mid-October. She noted that these increases in cases are a significant concern. In answer to the big question of how to stop the spread, Dr. Leffel suggested wearing a cloth face cover as the Centers for Disease Control and Virginia Tech studies indicated that wearing a face cover offers some protection for both others and the wearer. Dr. Leffel also suggested that citizens stay home when possible.

Dr. Leffel displayed a slide with local testing available on December 2, 2020.

After questioning by Mr. Sloan regarding the numbers for Botetourt, Dr. Leffel responded that out of 74 current cases, Botetourt had 32 hospitalizations and 13 deaths. She also referred anyone with questions to access the Department of Health's website for information.

Mr. Martin then questioned the development of a vaccine.

Regarding the 135 deaths, Mrs. Keri Martell of Fincastle inquired about the number of patients that had no co-morbidity. She also asked about the work that the Health Department would like to do to lower the positivity rate.

Dr. Leffel replied that she was not sure the data had that level at detail, but she would ask and forward the response to the Supervisors. Dr. Leffel said that, as a result of contact tracers, many people know they were exposed to Covid from small level functions, such as a group of approximately ten people they were familiar with, such as family members.

Mr. Eric Claunch of Eagle Rock asked why mask wearing was important if one already had Covid, as he had, and if Covid tests picked up antibodies.

Dr. Leffel stated that it was unknown how long one would be immune. She estimated they would probably be protected only two to three months and would be highly susceptible to getting Covid again. She further stated that Covid tests do not pick up antibodies.

Mr. Christopher McCloud of Cloverdale then mentioned the Virginia Tech study and a Denmark study that said only 2.1% of people would get Coronavirus without wearing masks and guards and only 1.8% of people would get Coronavirus with masks and guards. Mr. McCloud also stated that there have only been five confirmed cases of people getting re-infected in this country. He noted that Senator Rand Paul and his wife, who are both doctors, had Coronavirus and they said masks were useless. Mr. McCloud then asked Dr. Leffel to comment.

Dr. Leffel stated that she could not criticize or defend these studies.

After questioning by Dr. Scothorn as to whether there has been any mutation of coronavirus, Dr. Leffel responded there had been no indications that preliminary information might be causing greater infection. She also said this might not be as lethal as the original virus and people might need to receive an annual shot.

Mr. Eric Claunch of Eagle Rock then commented on the Rocky Forge project. Mr. Claunch said the Federal Wind Energy tax credit ended in December; there were two necessary rights-of-way and the site plan still unresolved; the Federal Aviation Administration (FAA) re-opened the public comment period because they did not first alert all aviation interests; an appeal had been filed with the Department of Environmental Quality; Apex did not provide any site plans as agreed; Apex did not provide the exact type of wind turbines chosen; Apex never publicized the actual wind measurement data from multiple meteorological towers erected on North Mountain; Apex has not provided the County a general schedule outline to pursue.

Mr. Claunch noted Apex's lack of recent County interactions as he asked for relief by the Board to the project's nearby citizens for five years of uncertainty.

Mr. Dave Condon of Eagle Rock then spoke regarding the Rocky Forge project. Mr. Condon said the FAA was still investigating this project after their August 3<sup>rd</sup> determination letter.

He described this proposed wind farm site as a military operational area that would affect Homeland Security and NORAD. Mr. Condon said he requested information through a Freedom of Information Act submittal three months ago saying this issue was unresolved and requested that the August 3<sup>rd</sup> letter be rescinded. Mr. Condon said an aeronautical study and NORAD radar were not done and he has asked for independent investigation of the FAA's investigator.

Mr. Condon further spoke of many unresolved issues with this project and asked why Mr. Charlie Johnson with Apex Clean Energy did not disclose 18 sites as told to the County and questioned “what are they trying to hide.” He further mentioned the wind data requirement under the County’s Wind Energy ordinance which was not disclosed and a Fincastle Herald independent survey showing all negative responses.

Ms. Keri Martell of Fincastle then commented on Governor Ralph Northam’s latest amendment to Executive Order 63 regarding the pandemic specifying if more than 25 people gathered, they would be faced with a year in jail and a \$2,500 fine. She asked the Board to stand up, saying that the Constitution was written for this, it is an illegitimate power grab, and questioned how long this would go on and mentioned “liberty on the local level.”

Mr. Martin stated that Agenda Item 16 will have an update concerning Rocky Forge Wind Farm later in the meeting. He then asked Mr. Michael Lockaby, County Attorney, for his opinion on the previous public comment regarding the Governor’s Executive Order.

Mr. Lockaby stated that we live in a commonwealth, where legal authority flows from the General Assembly. He noted that the Governor, Board of Supervisors, and Constitutional Officers all act under limited grants of power set forth and effectively limited by the pleasure of the General Assembly.

He further stated the Governor has been granted powers by the General Assembly to grant Executive Orders including in the event of a communicable disease, a public health risk, an order to isolate by the State Health Commissioner, which had occurred. He further stated that local governments have not been delegated power to step in and take action contrary to this Executive Order, nor has the locality been delegated the power to tell the Commonwealth’s Attorney or Sheriff what to do. Mr. Lockaby noted that the Commonwealth’s Attorney and Sheriff have the authority to set their own enforcement priorities and he did not believe that they would prioritize enforcement of the mask mandate, but that this was their discretion.

He further stated that the Bedford County Board of Supervisors recently had a similar agenda item to ask their General Assembly representatives to allow the Governor to only exercise this power for 30 days. Mr. Lockaby stated that, if Board wanted to consider similar action, they may, and could advocate this if the Board so chooses.

Mr. Martin then asked Commonwealth’s Attorney John Alexander for his comments.

Mr. Alexander stated that Mr. Lockaby summed up this legal interpretation of Executive Orders very well as both he and the Sheriff are directed by actions/regulations adopted in Richmond. He further stated that Mr. Lockaby was also correct in that they were not eager to enforce the mask mandate. Mr. Alexander also agreed that the way to challenge an Executive Order was through the legislature or the courts.

Mr. Martin asked Sheriff Matt Ward for his comments.

Sheriff Ward stated that, regarding the mask mandate, their focus is on public safety. He noted that there are more egregious events occurring but their focus is on public safety and safety of the citizens. He further noted they were bound by the Commonwealth of Virginia’s legislative body on what laws/regulations they as a Sheriff’s Department have to enforce.

Sheriff Ward stated that this was a contentious time that no one has seen before. Noting there were arguments on both sides of the mask issue, Sheriff Ward asked citizens to act like adults and to be respectful of both sides of the argument.

Ms. Christine Liana of Troutville made her public comments via telephone. She discussed her concerns regarding about library branch closures due to the pandemic and requested reopening using common-sense cleaning measures.

Ms. Liana said the increased positive Covid results were due to increased testing and she believes that face masks were ineffective and caused more problems. She also said that residents rely on libraries and noted that the Division of Motor Vehicle's mobile unit has stopped coming to the County since the pandemic began, which was vital service to the citizens.

She then asked if the County would refund taxes pro rata.

Chief of Fire and EMS Jason Ferguson then stated that Emergency Services were answering calls related to Covid issues on a daily basis. He noted that hospitals contact Emergency Services when Covid tests were positive and their staff have had experiences transporting numerous known and suspected Covid patients. Chief Ferguson further stated that his staff had taken part in many of the processes to care for and attempt to resuscitate some of the 13 known deaths from Covid in the County. He also spoke to the new processes and procedures that have been put in place since March to not only help protect staff but also provide better care to patients.

There being no further public discussion, Mr. Martin ended the public comment period.

On motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded roll call vote, the Board approved the following consent agenda items: (Resolution Number 20-11-03)

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

NAYS: None

ABSENT: None                      ABSTAINING: None

Approval of minutes of the regular meeting held on October 27, 2020.

Consideration was then held on approval of transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated there was one transfer request for payment to Eldor for tax rebates; nine pass-through appropriations and three regular appropriations. He noted that these were for reimbursements, donations, monies for a State-funded bonus for County sworn deputies, CARES Act funds, and miscellaneous receipts. Mr. Zerrilla noted that the regular appropriations were for State and federal grants for Fire/EMS, and a County-funded bonus to the Sheriff's Department sworn deputies whose salaries are not funded by the State Compensation Board.

On motion by Mr. Sloan, seconded by Dr. Bailey, and carried by the following recorded roll call vote, the Board approved the following transfers and additional appropriations. (Resolution Number 20-11-04)

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

NAYS: None

ABSENT: None                      ABSTAINING: None

Transfer \$463,448.28 from General Fund – Fund 100 - Undesignated Fund Balance to Economic Development Authority of Botetourt County. This will provide funding necessary to effect payment to Eldor Corporation for a 2019 tax rebate.

Additional appropriation in the amount of \$2,738.89 to the following Correction & Detention Department accounts: \$1,994.33 to Medical & Lab Supplies, 100-4033100-33100-6004; \$316.66 to Uniforms, 100-4033100-33100-6011; and \$427.90 to Food Services & Supplies, 100-4033100-33100-6002. These funds are for medical co-pays and reimbursements, contract payments, and miscellaneous receipts.

Additional appropriation in the amount of \$4,555.58 to the following Sheriff's Department accounts: \$319.66 to Vehicle Supplies, 100-4031200-31200-6009; and \$4,235.92 to

Subsistence and Lodging, 100-4031200-31200-5530. These are reimbursed extradition costs from the State.

Additional appropriation in the amount of \$70.00 to the following Sheriff's Department accounts: \$50.00 to Firing Range Expenses, 100-4031200-31200-6015; and \$20.00 to Other Operating Supplies, 100-4031200-31200-6014. The former is for the use of the firing range and the latter is for a solicitor's permit.

Additional appropriation in the amount of \$36,062.75 to Sheriff's Department--various accounts. This represents pass-through of State Compensation Board funds for a \$500 bonus payment for Sheriff and sworn deputies whose salaries are funded through the State Compensation Board.

Additional appropriation in the amount of \$250.00 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. This is a contribution provided by Beaver Dam Farms.

Additional appropriation in the amount of \$150.00 to Library – Books & Subscriptions, 100-4073100-73100-6012. These are donated funds received from Blue Ridge Friends.

Additional appropriation in the amount of \$2,201.78 to Waste Management – Salaries and Wages – Regular, 100-4042400-42400-1100. These are funds received from County Waste as a reimbursement of landfill operational support services performed by Botetourt County personnel.

Additional appropriation in the amount of \$504.12 to Community Development – Professional Services, 100-4081200-81200-3100. These are reimbursed funds received for clean-up of overgrown lots on Teresa Lane and Heritage Drive.

Additional appropriation in the amount of \$793,958.00 to School Operating Fund – Fund 200. This appropriation is for the School's receipt, through the State, of CARES Act monies, further identified as Coronavirus Relief Fund. These monies must be spent by December 30, 2020. These funds are classified by the School Division as Federal Self-Sustaining Funds.

Additional appropriation in the amount of \$94,152.00 to CIP – Capital Projects Reimbursed by Grant Funding, 100-4094000-35500-8012-318. This appropriation will cover expenditures relating to the awarding of 2020 State Homeland Security Grants for Fire & EMS: Incident Management Support Unit and Swift Water Rescue Team Deployment Resources. These grant funds will be received on a reimbursement basis.

Additional appropriation in the amount of \$52,894.03 to Fire & EMS – Capital Outlay – Machinery & Equipment, 100-4035500-35500-8001. These are FEMA funds passed through to the State and received by the County in April as a Medicare Stimulus (early CARES Act) initiative.

Additional appropriation in the amount of \$19,377.00 to Sheriff's Department--various accounts. This appropriation is for a \$500 bonus payment for Sheriff and sworn deputies whose salaries are not funded by the State Compensation Board and are funded by the County.

Consideration was then held on a request to re-appropriate and transfer funds to the Fire and EMS Capital Reserve Fund.

Fire and EMS Chief Jason Ferguson stated the Board established this fund in October 2019 from overages in the EMS Cost Recovery revenues and savings from volunteer fire and rescue accounts. He noted that this was the first-year review and he is requesting Board authorization to move the funds forward from the FY 20 budget into the FY 21 budget and that the Board consider re-appropriating the Capital Reserve and cost recovery funds.

He further stated that, even through Covid, EMS was able to achieve an overage beyond the \$1.2 million projected revenues, yielding \$168,200 from FY20 EMS Cost Recovery funds. He also requested that \$129,950 from the sale of old apparatus over the past year be transferred into the Reserve Fund for future fire apparatus purchases and to use for expenditures for items not planned or budgeted.

Chief Ferguson stated that \$75,000 from this Fund is needed for tanker refurbishment for Fincastle and up to \$235,000 is needed to purchase a new tanker at Read Mountain, to be matched by \$100,000 provided by Read Mountain Volunteer Fire and Rescue, Inc. He noted that, if these expenditures are approved, approximately \$205,000 would remain in the Fund for future capital consideration.

After questioning by Dr. Bailey regarding the age of the Fincastle tanker, Chief Ferguson responded that the tanker was manufactured in 1997. He noted, however, that the tanker has a million-mile motor and this refurbishment would take care of maintenance for approximately 10 years. He further responded that, the intent is to use this tanker reasonably on call response, as it is not in need of full replacement.

After questioning from Dr. Bailey, Chief Ferguson noted that a full replacement of this tanker would cost between \$425,000 - \$450,000 as it is a dual-purpose pumper/tanker. He noted that the new Read Mountain tanker is specifically designed to only be a tanker and is smaller in size than Fincastle's.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Clinton, and carried by the following recorded roll call vote, the Board re-appropriated the FY20 Capital Reserve Fund amount of \$217,001.41 to Fund 310; approved a transfer in the amount of \$168,200 from overages received from FY20 EMS Cost Recovery funds into the Capital Reserve Fund, Fund 310; approved a transfer of \$129,950 from revenues received from the sale of fire and EMS apparatus into the Capital Reserve Fund, Fund 310; and authorized the expenditure of up to \$75,000 for refurbishment of a tanker housed at the Fincastle Fire Station and up to \$235,000 to purchase of a new tanker to be housed at the Read Mountain Fire Station. (Resolution Number 20-11-05)

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

NAYS: None

ABSENT: None                      ABSTAINING: None

Consideration was then held on approval of the accounts payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payable totaled \$2,275,805.81, which included approximately \$1,133,000 or 50% in CARES Act expenditures. Mr. Zerrilla noted November's large expenditures included \$40,932 to Sycom Technologies for Technology Services for County phone upgrades; \$35,000 to Virginia Western Community College for the CCAP program, and \$22,794 to Duncan Ford Lincoln Mazda for a Library transit vehicle.

On motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded roll call vote, the Board approved the accounts payable and ratified the Short Accounts Payable List as received. (Resolution Number 20-11-06)

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

NAYS: None

ABSENT: None                      ABSTAINING: None

Mr. Larrowe then discussed the December 2020 Board of Supervisors meeting schedule. Mr. Larrowe stated that, due to receipt of additional CARES Act dollars, the Board would need to conduct a meeting on December 8, 2020 at 6:00 PM at Greenfield, in the same fashion as today's meeting. He further stated that the Board's December regular meeting will be held

on the 22nd at the normal time, and another meeting would be necessary on December 30, 2020 at 6:00 PM to finish any financial end of year discussions.

Mr. Larrowe said he wanted to make sure to expend all of the CARES Act dollars by December 30 and noted that the County auditor had suggested December 8, 2020 (or another suitable date) to conduct a public hearing on an amendment to the FY 21 County budget and a meeting for any necessary CARES Act cleanup actions at the end of year. He explained that, while this is not normal, the intention was to ensure all CARES Act rules and regulations were followed.

Mr. Martin stated that this matter did not require a vote by the Board.

After a brief discussion, Mr. Martin then stated that the Board would progress to the scheduled public hearings and return to the Committee Reports later in the meeting.

A public hearing was held on the disposition of a 0.639-acre section of the County landfill property to Craig-Botetourt Electric Cooperative for the expansion of their electrical substation site to meet setback/offset requirements for equipment to be used for a broadband expansion site.

Mr. Larrowe stated that Craig-Botetourt is now in the broadband business. He further stated that Craig-Botetourt is requesting to purchase this property due to a conflict with their equipment on this substation site and Botetourt County's setback/offset ordinances. Mr. Larrowe noted that CBEC had recently conducted an appraisal of this property

There being no questions from the Board on this matter, Mr. Martin then opened the public hearing.

After questioning, it was noted that there being no one to speak, the public hearing was then closed.

On motion by Dr. Scothorn, seconded by Mr. Clinton, and carried by the following recorded roll call vote, the Board approved the sale of 0.639-acre located on County property identified on the Real Property Identification Maps of Botetourt County as Tax Map 70, Parcel 5B, to Craig-Botetourt Electric Cooperative in the amount of \$1,390 for the expansion of their electrical substation site to meet setback/offset requirements for equipment to be used for a broadband expansion project, and authorized the County Administrator to sign the Deed of Bargain and Sale on the County's behalf. (Resolution Number 20-11-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on the disposition of utility easements on two County-owned properties to Virginia Electric and Power Company/Dominion Energy Virginia and BARC Electric Cooperative for the installation of telecommunications/broadband-related utilities on a parcel located at the Lee Highway/Cedar Bluff Road intersection and on the Buchanan Library property.

Mr. Larrowe stated that the County has been working with BARC and Virginia Electric Power Company on the installation of fiber broadband infrastructure from Buchanan northward toward Rockbridge County. He further stated this utility easement is to allow BARC and Virginia Power to place an equipment cabinet on this County-owned parcel.



Mr. Larrowe said this broadband project would impact 300 homes in this area. He noted that while there was no promise of a completion date, BARC and VEPCo/Dominion Energy Virginia need an easement across Tax Map 42, Parcel 92D for fiber and facilities ingress/egress.

He noted that BARC notified the County late last week that the Buchanan Library easement would not be necessary at this time.

There being no discussion by the Board, Mr. Martin then opened the public hearing.

After questioning, it was noted that there was no one present to speak. Mr. Martin then closed the public hearing.

On motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded roll call vote by roll call, the Board approved the Supplementary Communications Rights Easement Agreement with Virginia Electric and Power Company/Dominion Energy Virginia, and approved the Underground Easement Agreement with BARC Electric Cooperative for the installation of telecommunications/broadband-related utilities on a County owned parcel located at the Lee Highway/Cedar Bluff Road intersection (Tax Map 42, Parcel 92D), and authorized the County staff to execute the same upon review and approval of the County Attorney. (Resolution Number 20-11-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

By consensus, Mr. Martin removed Item 9 (public hearing on the disposition of a 15' wide underground telecommunications utility easement on the Alpine boat ramp property) from the agenda.

A public hearing was then held on amendments to Chapter 25. Taxation of the Botetourt County Code regarding the Meals Tax and Transient Occupancy Tax Ordinances to bring the ordinances into compliance with the Code of Virginia.

Mr. William Arney, Treasurer stated that, while the County's Meals Tax and Transient Occupancy Tax had been in place for many years, few revisions had been made to the ordinances. He noted that the proposed amendments were prompted by a move to a new tax software system. He then identified the areas to be updated and noted that a majority of the amendments were for clarity, to codify enforcement, and to have similar due dates for both taxes.

After questioning by Mr. Martin, Mr. Arney confirmed that the amendments were basically to "clean up the ordinance."

After questioning by Mr. Martin, it was noted that there was no one present to speak regarding these proposed amendments. The public hearing was then closed.

There being no further discussion, on motion by Dr. Bailey, seconded by Dr. Scothorn, and carried by the following recorded roll call vote, the Board approved the attached amendments to the Meals Tax and Transient Occupancy Tax Ordinances contained in Chapter 25. Taxation of the Botetourt County Code. (Resolution Number 20-11-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Ray Varney, Resident Engineer with the Virginia Department of Transportation, was then noted as being present via ZOOM to speak to the Board. He then reviewed the monthly report. Mr. Varney noted that the U. S. Route 220 project is progressing and currently on schedule and the Ball Park Road bridge rehabilitation project had made progress with paving completed yesterday. Mr. Varney stated that last week the contractor and inspection staff developed a punch list with completion scheduled for December 2020. He explained that additional inspections are planned, overhead construction might impact neighborhood traffic.

Mr. Varney noted that VDoT staff is reviewing three to four new site plans for various development projects in the County. He noted that the Murray Drive construction project is still not finalized due to water line-related work on the shoulder that is delayed by a utility pole located in the right-of-way. He noted that the County Attorney had sent a letter to the affected utility company on this matter.

After discussion, Mr. Varney stated that work on the Stone Coal Road Rural Rustic project would possibly begin in January. Mr. Varney stated that the landscaping contract is out to bid on the old truck stop area at Exit 150 and he would follow up on this matter at the Board's December meeting.

Mr. Varney noted that the "No Thru Trucks" signage for Azalea Road was almost ready for installation.

Regarding the Route 460 Arterial Preservation Plan, Mr. Varney stated there were no internal meetings scheduled yet on this project.

Mr. Varney then stated that he visited Fringer Trail after a citizen petition was forwarded to him last month by Mr. Sloan. He noted that, for the type of road and topography of this area, Fringer Trail is in good shape; however, a couple of sections off Mountain Valley Road toward Ellis Run Lane are in need of some maintenance work.

Mr. Sloan stated that these citizens have requested that Fringer Trail be paved for dust control due to the increased traffic because from hikers, tree logging companies and other concerns mentioned in the petition information packet submitted last month.

Mr. Martin stated that he also visited Fringer Trail and had sent Mr. Varney a video of how water covered the road during a rainstorm earlier this year. Mr. Martin noted that he understood the flood concerns caused by downpours and sympathized with the lady complaining about the road's condition. He also noted she is also afraid of sliding off the road with her special needs child in the vehicle during snowy/icy weather. Mr. Martin then asked if there was anything to do about the flooding issues including the possible installation of culverts.

Mr. Varney stated that he had reviewed that option. He commented that there was a level of storm in which VDoT typically maintains Secondary System roadways--a 10-year storm, where there was a 90% possibility of an occurrence every year. Mr. Varney further stated that VDoT does not typically design drainage structures for larger type storms.

After discussion, Mr. Varney noted that, in one location at Ellis Run, there might be some ability to increase the pipe's size, but he did not know that they would be able to increase the pipe to handle a 50-year storm, because of the narrowness of the road's right-of-way. Mr. Varney further noted that smaller culverts restrict water flow and adding larger culverts creates a new dynamic elsewhere in the flow area. Mr. Varney stated that he did not have a good answer as there was not a lot that VDoT could do in this situation.

Mr. Varney further noted that he has also provided some information to the County's Transportation Safety Committee, who might be able to help in this matter. Mr. Varney said that Pave in Place projects do not include acquisition of right-of-way without any change to the align-

ment. Mr. Varney noted that Pave in Place projects basically pave the roadway surface that is already there.

He continued that cutting back the two steep hills that Mrs. Bisese references is extremely difficult and VDOT would need to have additional right-of-way donated to make these improvements. Mr. Varney remarked that donations of rights-of-way by adjacent landowners used to be extremely common when people understood that widening roads resulted in the compensation/benefit of road improvements. He said that VDOT staff could look at that at this location although any improvements to improve the situation would come with a cost including deed work and recordation expenses.

There being no further discussion by the Board, Mr. Martin thanked Mr. Varney for his report.

Mr. Varney then wished everyone a happy Thanksgiving.

Consideration was then held on the request for acceptance of 0.18 mile of Teresa Lane (Route 1167) in the Cottages of SteepleChase Subdivision into the Secondary System of Highways. Mrs. Nicole Pendleton, Community Development Director, stated that this section of Teresa Lane has been brought up to VDOT standards and she is requesting the Board's approval to forward this street acceptance request to VDOT for consideration.

There being no further discussion, on motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded roll call vote, the Board adopted the following resolution requesting the acceptance for a section of Teresa Lane (State Route 1167) in Cottages of SteepleChase into the Secondary System of Highways.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 20-11-10

**WHEREAS**, the street, Teresa Lane in Cottages of Steeplechase, described on the attached Additions Form AM-4.3, fully incorporated herein by reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of Botetourt County; and

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

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

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

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

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

The Chairman then called for a 15 minute break.

Mr. Martin reconvened the meeting at 4:07 PM.

Due to sound issues, Mr. Mahesh Tailor, Technology Services Director, had to disconnect and reconnect the sound system from 4:09 PM until 4:12 PM.

Mrs. Traci Clark, Director of Elections and General Registrar, gave her report on the recent election via ZOOM.

Mr. Martin then requested that Mrs. Clark address a citizen's questions from earlier in the meeting regarding the type of voting machines used during the County's elections and if they are legitimate.

As Mrs. Clark displayed her PowerPoint presentation, she stated that the November 3 General Election was the first time that early, with "no excuse absentee," voting was allowed in the State of Virginia. She stated that a total of 45% of the County's registered voters used this method to cast their ballots, which represented 55% of the total election turnout.

Mrs. Clark stated that there were 9,180 early, in-person voters and, in the three weeks prior to the election, over 6,400 registered voters cast their ballots in her office. She further stated that in one day 763 citizens voted in person which equaled almost 100 voters per hour. Mrs. Clark praised the election volunteers for handling this large number of voters so well; noting that the longest that a voter had to wait was 30-40 minutes.

After discussion, Mrs. Clark said that over 2,700 ballots were mailed by her office with 2,000 mailed out the first day. She noted that many of those individuals who requested ballots by mail showed up to vote in person, either during early voting or at the polls on Election Day. She noted that all but 236 mailed ballots were returned by voters.

Mrs. Clark noted that over 400 mailed ballots were returned by voters unmarked/unopened who chose instead to vote in person. She noted that the worst part was the time and money spent in mailing out the ballots as each packet cost approximately \$4.50 - \$5.00. Mrs. Clark stated that part of that cost was due to the State requiring return postage on the ballots which was an unanticipated/unbudgeted cost.

After discussion, Mrs. Clark stated that her staff and election volunteers worked 10-16 hour days, including weekends, and a total of 20.5 hours each on Election Day. She explained that part-time and temporary employees worked over 1007 hours during the early voting period, including in excess of 60 hours per week at times. Mrs. Clark further explained that 44 election officers volunteered to cover early voting, which allowed staff to focus on election preparations.

For the 2020 presidential election, Mrs. Clark said there were 9,548 voters who showed up at the polls on Election Day, with no major incidents reported. Mrs. Clark stated that 21,176 of the County's 25,676 registered voters participated in the November 3 election; 18,798 of 24,308 registered voters cast ballots in the 2016 election; and 16,682 of the County's 23,718 registered voters cast ballots in the 2012 election. Mrs. Clark said the cost of the November election, excluding staff salaries/overtime, was \$44,000, while the 2016 presidential election cost \$27,000, although there have been many regulatory changes to the election process over the last four years.

After questioning by Mr. Martin regarding the type of voting machines used in the County and the possibility of those machines "changing votes," Mrs. Clark responded that the voting equipment used by the County is manufactured by ES&S and purchased through a North Carolina vendor. She noted the equipment was purchased before her arrival in the Registrar's Office and this was the thirteenth election in which this equipment had been used.

Mrs. Clark then explained the logic and accuracy testing procedures and stated that every piece of voting equipment used in any election is tested with a pre-determined outcome to

ensure every line on every ballot style is read and tabulated correctly. She further explained that, once testing is completed and the machines “zeroed out,” the equipment is securely locked down and sealed. She noted that, on Election Day, the first task undertaken by the chief officer at each precinct is to match the seal with their records and ensure that the machines have not been tampered with.

After further questioning by Mr. Martin as to whether any of these machines were of the same type that other localities had had problems with, Mrs. Clark replied, “no,” as the County’s voting machines were from a different manufacturer. She explained that Virginia allows only optical scanners and paper ballots to be used during elections. She noted that voting machines manufactured by Dominion Voting Systems had issues reported in the press/media but Botetourt County does not use that company’s equipment in its elections.

Dr. Bailey then thanked Mrs. Clark for her work during the election. He then questioned if the software used in voting machines was the same or different per jurisdiction.

Mrs. Clark stated that each machine was technically the same—optical scanner; however, they run on different operating systems with different proprietary software.

Dr. Bailey confirmed with Mrs. Clark that this was the quality control.

Mr. Clinton then expressed his thanks to Mrs. Clark and her staff for their work prior to and during the election. After questioning by Mr. Clinton regarding the 45% and 55% amounts that she previously referenced, Mrs. Clark stated that 45% was the total number of registered voters in the County and 55% was the number of early voters in the total election turnout.

Mr. Clinton then stated that this implied they all voted in person.

Mrs. Clark said that 236 registered voters did not return their mailed ballot and 400 voters surrendered their mailed ballot unmarked and chose instead to vote in person. Mrs. Clark said the increase in the number of voters for this election, as compared to previous presidential elections, was due to the change in political climate and civic-mindedness.

After questioning by Mr. Martin, it was noted that there was no one in the audience to speak on this matter.

Mr. Sloan then thanked Mrs. Clark on behalf of the voters in the Buchanan District for the hard work done on the election.

Mr. Martin thanked Mrs. Clark for her report.

Mrs. Clark stated that she appreciated the support provided by the Board and County Administration. She also thanked the Board for the funding to renovate her office space which made early voting much smoother for both her staff and the voters.

A public hearing was then held on a request from Thomas A. Wilbon III, and Gary W. McFarland, Sr., to amend the Comprehensive Plan’s Transportation map regarding the abandonment/vacation of a 0.375-mile length by 30’ wide right-of-way on Ellis Run Lane.

A public hearing was also held on a request from Thomas A. Wilbon III, and Gary W. McFarland, Sr., to abandon/vacate a 0.375-mile length by 30’ wide right-of-way on Ellis Run Lane.

Mrs. Nicole Pendleton, Director of Community Development, noted that these requests had been tabled by the Board at last month’s meeting to allow the Board members to visit the Ellis Run/Fringer Trail area. Mrs. Pendleton further noted that she had reached out to Fire and EMS Chief Jason Ferguson about a concern discussed during last month’s meeting regarding citizens being unable to receive emergency services response during large rain events and snow due to the steep sections on Fringer Trail. She stated that Chief Ferguson indicated that

emergency response to calls on Fringer Trail would access Fringer Trail from the north and would not be affected by this proposed abandonment/vacation of a small portion of Ellis Run Lane.

Mr. Martin then questioned if there was anyone in the audience or on the telephone who would like to comment on these matters. There being no one to speak, Mr. Martin then closed both public hearings.

Mr. Michael Lockaby, County Attorney, stated that the Board would need to vote on each action separately--first the comprehensive plan amendment, and then the street vacation request. He further stated that discontinuance is when VDoT stops maintaining a road; abandonment means that it "ceases being even a paper street."

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Clinton, and carried by the following recorded roll call vote, the Board approved a request from Thomas A. Wilbon III, and Gary W. McFarland, Sr., to amend the Comprehensive Plan's Transportation map regarding the abandonment/vacation of a 0.375-mile length by 30' wide right-of-way on Ellis Run Lane. (Resolution Number 20-11-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

After questioning by Dr. Bailey, Mr. Martin noted that the public hearings on both of these requests had been closed.

There being no further discussion, on motion by Mr. Clinton, seconded by Dr. Scothorn, and carried by the following recorded roll call vote, the Board approved a request from Thomas A. Wilbon III, and Gary W. McFarland, Sr., to abandon/vacate a 0.375-mile length by 30' wide right-of-way on Ellis Run Lane. (Resolution Number 20-11-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mrs. Nicole Pendleton, Director of Community Development, then provided an update on the Apex Rocky Forge project. Mrs. Pendleton stated that as of this time staff has not received any applications, plans, or plats from Apex on the proposed Rocky Forge project.

She further stated that staff had participated in a meeting with the Virginia Department of Transportation to discuss entrance and stormwater management permit-related issues on this project. Mrs. Pendleton said that Apex expects to submit a site plan for consideration by her staff the week of December 7, 2020.

After questioning by Mr. Martin regarding Apex providing a monthly update to the Board, Mrs. Pendleton stated that Apex did provide information; however, the email was received after the Board packets had been sent out.

Mr. Clinton noted that two gentlemen had spoken earlier in the meeting of their real concerns of Apex not responding or taking initiative on fundamental issues. Mr. Clinton stated that was a real source of concern. He further stated that one possible remedy was for the County to have carefully documented dates for submittal/receipt of various required aspects throughout permitting process and questioned Mrs. Pendleton about the progress on that issue.

Mrs. Pendleton responded that she is working with staff to utilize their permitting software to capture all required components associated with the conditions.

Mr. Clinton stated that he needs “a level of comfort” that this would not turn into a disaster.

Mrs. Pendleton replied there had been a lot of internal changes in the Community Development Office during the last two years. Mrs. Pendleton stated that she has a great team and, bound by State guidelines on the wind farm’s permit approval process, they would be as thorough as they needed to be.

Mr. Clinton stated that his concern is that the contractor would “have us over a barrel.” Mr. Clinton further stated that, from what he had seen and the information that various constituents have sent via mail and e-mail, their concerns about this project seem to be credible and it appears to be a realistic risk for people living in that area. Mr. Clinton questioned if this had been acknowledged by Apex.

Mrs. Pendleton then referred to the conditions placed by the Board of Supervisors on Apex, including a specific condition addressing signal interference and requirements that developer remedy any issues. She also mentioned the project’s engineering report.

After questioning by Mr. Clinton regarding when Apex would address the issue, early or after the fact, Mrs. Pendleton referred to Apex’s analysis regarding AM/FM/TV, fixed radio facilities and noted that she would provide this report to the Board members.

Mr. Martin stated that he also had some concerns about this project and Apex’s performance for first four years “has not shown much.” Mr. Martin further stated that he hoped Apex will do what they have committed to do.

The Board thanked Mrs. Pendleton for her report.

Consideration was then held on a request to authorize a public hearing to amend Chapter 14. Nuisances of the Botetourt County code to adopt an ordinance pertaining to criminal blight.

Commonwealth’s Attorney John Alexander stated that this is to request authorization to advertise ordinance changes that would allow the County to identify premises that have fallen into criminal blight. He stated these amendments, which are based on the Code of Virginia’s language, would be an additional tool to address drug problems, when individuals congregate for drug use or illegal activity.

Mr. Alexander stated that, when a potential blight situation is identified, the property owner would be notified and required to abate the situation or allow the County to carry out the abatement and charge the owner a fee for the work done. Mr. Alexander said that these amendments are proposed to address a location with a known criminal blight “hot spot.”

Dr. Scothorn stated that assessing the property owner a fee for any abatement work contracted by the County would help with the amount of money spent to eliminate these problems. He noted that these blight issues are creating a lot of demand on the Sheriff’s Department, especially when the individual must be taken out of state, requiring two of our officers to travel with the individual to their home state for another hearing, which also costs our County.

He further stated this was also an opportunity to ensure that any occurrences of sex trafficking would be attended to, and hopefully wiped out, due to the large amount of truck traffic through the County. After discussion, Dr. Scothorn noted this proposed ordinance would provide the same mandates as in effect in Roanoke City and Roanoke County. He noted that there were 152 arrests last year that may have been avoided if there was a blight ordinance in effect.

Dr. Scothorn thanked Mr. Alexander for his assistance in drafting these ordinance amendments.

Mr. Alexander explained that these proposed amendments also relate to the calls for service. He stated that, when 911 responds to an overdose, the officer was not allowed to arrest the person for having narcotics and the property owner could have plausible deniability of narcotics being in the residence. Mr. Alexander stated that these amendments resolve that issue.

Dr. Scothorn also stated that there is a need to ensure that property owners were held liable for meth labs, etc., in hotel rooms.

Mr. Alexander responded that this proposed ordinance would give the County the means to insist action is taken to resolve the problem.

After questioning by Dr. Bailey as to whether a similar ordinance was common in other localities and the County is "not creating something new," Mr. Alexander stated this ordinance was specifically authorized by the Code of Virginia for this purpose.

Dr. Scothorn noted this ordinance would be similar to those in effect in Roanoke City and Roanoke County.

Mr. Lockaby stated this ordinance is used on a regular basis in other localities that have occurrences of continuous use of structures for criminal activities. He noted that it has been documented that removal of blighted areas reduces criminal activity.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded roll call vote, the Board authorized the staff to advertise for a public hearing on proposed amendments to Chapter 14. Nuisances of the Botetourt County Code at the December regular meeting. (Resolution Number 20-11-13)

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

NAYS: None

ABSENT: None                      ABSTAINING: None

Dr. Scothorn thanked all involved for their role in working to resolve these criminal blight situations in the County.

Various committee reports were then given.

Regarding the Broadband Committee, Dr. Scothorn stated that it was with great pleasure that he announces that Mr. Larrowe, in addition to Mr. Moorman, Deputy County Administrator, Mr. Cody Sexton, Assistant to the County Administrator, and Mr. Ken McFadyen, Economic Development Director, have just received funding approval for another broadband node in Fincastle through the CARES Act. Dr. Scothorn stated this project will use the new CBRS technology, including customer premise units (CPE) of which approximately 250 units had been approved. He noted that the total approved funding was \$569,808.

He further stated 3.45 miles of fiber is being installed by the Roanoke Valley Broadband Authority (RVBA) to connect to the CBEC (Craig-Botetourt Electrical Cooperative) broadband project. Dr. Scothorn noted that this project would connect approximately 40 County homes to the Roanoke Valley Broadband Authority's broadband project. Dr. Scothorn noted that almost \$3.3 million in grant funding had been obtained for these broadband projects.

Dr. Scothorn noted that these projects are possible due to the efforts of Mr. Frank Smith (Roanoke Valley Broadband Authority), Mr. Jeff Ahearn (CBEC), Mr. Anthony Smith (Blue Ridge Towers), CBRS, and Lumos in working with Botetourt County. Dr. Scothorn stated that when the County began working with broadband service providers in unserved areas in 2019, 70% of County residences/businesses had broadband access and by December 30, he hopes to increase this to 80% of Botetourt residences/businesses having access.



Mr. Larrowe shared that Blue Ridge Towers, which has a cell tower in Blue Ridge Park, has been working with the community in that area to provide broadband service. He noted that 52 homes have signed up to receive service as of this time. He noted that Anthony Smith, President of Blue Ridge Towers, plans to hold a community meeting over the next few weeks regarding deployment.

Mr. Larrowe further stated that the new cell tower at Exit 162 would have CBRS technology and Blue Ridge Towers is scheduled to begin work next week to dig the tower's footings. He stated that the service area for this tower includes I-81 Exit 162 near the North Star Restaurant and noted that Mr. Smith has maps available that indicate where broadband service would be deployed to and whether or not homes would receive service.

Mr. Larrowe stated that property around the Botetourt Center at Greenfield, the County Administrative offices, the Greenfield water tank, and Fincastle would have limited access to broadband service via a third node and would receive CBRS with funding from the Governor's CARES Broadband Fund. He noted that co-located fiber would extend from Greenfield to Eldor to Etzler Road, to Blacksburg Road. Mr. Larrowe further noted that Dal-Nita Hills Subdivision has also received new fiber. Mr. Larrowe noted that he hoped to be able to access more of the Governor's broadband funding to connect the end of the Greenfield/Broadband Authority project to CBEC's territory.

After discussion, Mr. Larrowe further stated that earlier today the Board approved CBEC's request to purchase 0.63 acres of the Landfill property to expand their substation site to allow broadband equipment to be installed. He said that Phase 1 of the CBEC broadband project was to access 621 homes in the western part of the County. He stated that these drops were going in at an average of 4 per day and would provide up to 200 Mbps service. Mr. Larrowe stated that Phase 2 of the CBEC project would extend broadband by eight miles to bring in an additional 72 customers with an additional 600 homes to have access in the future.

Regarding broadband service in the Arcadia section of the County, Mr. Larrowe said that Dominion Electric and BARC had teamed up to provide broadband service in this area. He noted that Dominion would install the middle mile and BARC the last mile of fiber that would access 300 - 350 homes in the Glasgow, Buchanan, and Arcadia areas. He further noted that Lumos is installing fiber along Route 43 from Eagle Rock toward Buchanan and will extend service to Brugh's Mill and Farmers Roads, with a total of 450 anticipated connections to be made before December 30. Mr. Larrowe noted that no CARES Act dollars were associated with the Lumos project.

After discussion, Mr. Larrowe acknowledged the efforts of Dr. Scothorn, the Board, the Broadband Committee, and the CARES Act Committee to allow these broadband expansion projects to happen.

Dr. Scothorn stated his appreciation to all involved with these projects.

Dr. Bailey then provided an update from the CARES Act Committee. Dr. Bailey stated that there was originally funding available from the Virginia Rural Broadband Fund for rural broadband enhancements to be completed by the end of the year.

Dr. Bailey referenced Dr. Scothorn's figures regarding broadband expansion projects in the County and noted the good work done to date. He thanked the Broadband Committee for their efficiency in having these projects authorized for construction.

Dr. Bailey then summarized the \$6,401,166 CARES Fund allotment received by the County to date. He stated that 9.5% (\$551,337) went to business assistance purposes, such as

grants for small businesses and farms; Workforce And Public Safety received 14.7% (\$857,709) for HVAC upgrades for air quality in various County, Fire/EMS, and School facilities; Education received 17.1% (\$998,623) for school buses, Chromebooks, and Virginia Western Community College tuition grants; Broadband and related received about 58% (\$3,700,000) including State grants for rural broadband to rapidly improve citizens' access to high speed internet.

Dr. Bailey thanked Dr. Scothorn for his broadband work to improve the quality of life with internet uses such as tele-medicine and thanked Mr. Ken McFadyen, Economic Development Director, and the members of the Economic Development Authority for their assistance in the small business and farm operation grant application process.

Mr. Martin thanked Dr. Scothorn for his work on the Broadband Committee and Dr. Bailey for his work on the CARES Act Committee to ensure that these CARES Act funds are spent appropriately and in the limited time allowed.

Mr. Sloan then provided an update on the Emergency Communications Committee. Mr. Sloan stated that 13 vendors responded to the request for proposals and each committee member had reviewed the proposals and provided rankings on the proposals. He further stated that the Committee plans to meet again after December 1 and would tabulate the results to give to the Board for consideration of authorization of negotiations on a contract.

There being no discussion, Mr. Martin thanked Mr. Sloan for his work on this committee.

Mr. Clinton then gave an update on the Monuments and Memorials Committee. He stated that the committee met on October 12 to further evaluate the placement of the Civil War monument currently located in front of the Circuit Courthouse. He further stated that the Committee's 14 members provided varied, strongly-held opinions on this matter; however, they are working together to understand each other's positions.

Mr. Clinton said the Committee's consensus was to relocate the monument away from the Circuit Courthouse; however, there was no intention to move it to a remote or dark place. Mr. Clinton stated that the Committee discussed their commitment to find a respectful location for this monument that would allow a better understanding of the memorial's context in history. He noted that the Committee would have additional discussion on a new location as this would not erase history. Mr. Clinton noted that he thought most people will be pleased with the Committee's actions after they further vetted ideas for the ultimate location.

Mr. Clinton noted that Big Spring Park in Fincastle had been suggested but that site did not receive a welcome reception. He then mentioned other potential location options--the Old Jail, another location on Courthouse Square, or Madine Way at the southern entrance to Fincastle. Mr. Clinton also said that concepts of how the monument might be displayed would be prepared. He then mentioned the potential of select Lord Botetourt students' participation as their opinions were similar to adults. Mr. Clinton noted that he also looks forward to a similar report from James River's students.

After discussion, He then mentioned ownership of the monument which had been researched by Mr. Lockaby, County Attorney

Mr. Lockaby stated that he had researched the title and legal background of the monument and concluded that it was given to the County in 1903-04 and is held by the County free and clear.

There being no further discussion, Mr. Martin then stated his appreciation to this committee in dealing with a very sensitive topic.

Mr. Clinton then provided an update on the Circuit Courthouse study. He stated that the Committee overseeing this project has met monthly with the architect and interested parties. He further stated they are still scoping issues, determining what property is available for remodeling on Courthouse Square, and noted that the Confederate monument relocation issue had also been included in the Committee's discussions. Mr. Clinton mentioned discussions were also held on swing space, parking, security, space adjacencies (who is near who), and storage options. Mr. Clinton stated that the Committee has a good understanding with the architect and, with some of the big issues out of the way, they are equipped to move forward.

Dr Bailey stated that the current Courthouse was not sized appropriately, has safety codes issues, handicapped accessibility issues, and air quality concerns. He also mentioned the space where the Confederate monument is to be relocated.

Mr. Martin stated that he was proud of Board members for doing an outstanding job on these various committees and always having the County's best interests at heart.

Mr. Clinton then recognized Mr. Cody Sexton, Assistant to the County Administrator, for doing a survey of County-owned properties for a potential location of the Confederate monument. Mr. Clinton stated that Mr. Sexton's research found that most County-owned properties were schools. Mr. Clinton mentioned that one suitable piece of County-owned property that could be appropriate is located off of Madine Way, which is within the Fincastle corporate limits.

Consideration was then held on a contract with Architectural Partners for facilities planning and design services for the Education and Training Center expansion project. Mr. David Moorman, Deputy County Administrator, stated the Board had previously authorized contract negotiations with the top ranked firm of Architectural Partners of Lynchburg.

He noted that negotiations had taken place and the terms were included in a proposed contract which was in the Board's meeting information package. He further stated that legal counsel had reviewed and approved the contract, it has been signed by Architectural Partners, and, if the Board agreed, that staff be authorized to sign the contract on the County's behalf.

Mr. Moorman stated that the contract was consistent with the RFP and Architectural Partners' proposal had been reviewed by the Evaluation Committee. He further stated that the lump sum fee of \$77,501.20 is for Phase 1 of the project which includes planning and schematic design work for additional space for Virginia Western Community College, with potential future expansion space for the County and the Roanoke Valley Broadband Authority.

Mr. Moorman noted that the next phase would be to proceed with construction design for VWCC's expansion space only. Mr. Moorman stated that, until the planning and schematic design work is completed, no one knows what the expansion or VWCC's new space would look like; therefore, the cost for construction design could not be precisely defined at this point.

He further stated that, rather than offer a lump sum price for the Phase 2 construction and design work that would have to be conservative and more expensive to cover contingencies, the firm offered a design fee percentage range of estimated construction costs (9% - 9.5%) with the proviso to work with the County to review the schematic design and then complete final negotiations. Mr. Moorman stated that the 9% - 9.5% would be reserved as an upper limit and, depending on the design work, that percentage would be finalized when Phase 2 work is authorized.

Mr. Moorman then noted that the proposed contract package was included in the Board's information package and funding is available in the County's FY 21 CIP. Mr. Moorman

then expressed appreciation to Mr. Sloan and Mr. Clinton for their beneficial assistance with the contract's negotiation and design.

Mr. Martin asked if there were any questions.

After questioning by Dr. Bailey regarding an explanation of the architectural fee, Mr. Moorman stated that the first phase will include the consultant's work with staff, the Board, Virginia Western Community College, and the Broadband Authority to ascertain future space needs. He noted that VWCC has the most immediate need for space at the ETC and the County wants to engage them to consider future needs by the County and the Broadband Authority.

Mr. Moorman further noted that, once completed, Architectural Partners would convert the conceptual design into construction design drawings for the VWCC expansion which the County would use to advertise for construction bids and submit to the Community Development Department for permitting review/approval. He further explained that the 9% - 9.5% design fee cost estimate provided by Architectural Partners for Phase 2 of this project would be reviewed and subject to negotiation at that time. Mr. Moorman observed that, if there was not a real element of trust on the County's behalf with the ability of Architectural Partners to do this work, he would not recommend this approach.

Mr. Moorman stated that he was impressed with Architectural Partners proposal and the way that they approached this project. He noted that the company will work with the County in good faith, the County's reference checks supported the company's work ethic, and he is personally comfortable in making this recommendation of approval to the Board. Mr. Moorman noted that one of the firm's principals said that they had never lost a job over costs and would be willing to open their books and be completely open and transparent during their work for the County.

After questioning by Dr. Bailey regarding the requested lump sum approval, Mr. Moorman stated the request was for the lump sum total (\$77,501.20) and the Phase 2 costs being in the range of the 9% - 9.5% of proposed estimated construction costs.

After questioning by Dr. Scothorn as to whether Mr. Clinton had previously dealt with a percentage like this, Mr. Clinton stated that it was not his personal favorite but it would work and tying the architect/engineering fee to construction costs made sense. He further responded that this was the proposed approach but the fact that it could be further negotiated later gave him confidence. Mr. Clinton stated his preference for a lump sum fee and, with the respect he had for this company, this would be agreeable with him.

There being no further discussion, on motion by Mr. Sloan, seconded by Mr. Clinton, and carried by the following recorded roll call vote, the Board approved the contract with Architectural Partners for architectural planning and design work for the Education and Training Center expansion project and authorized staff to execute all necessary documents upon review and approval of the County Attorney. (Resolution Number 20-11-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on various appointments.

After discussion, on motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded roll call vote, the Board appointed Ms. Helen Ferguson as an at-large member on the Blue Ridge Behavioral Healthcare Board of Directors for a three year term to expire on December 31, 2023. (Resolution Number 20-11-15)

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

NAYS: None

ABSENT: None ABSTAINING: None

After discussion, on motion by Dr. Bailey, seconded by Dr. Scothorn, and carried by the following recorded roll call vote, the Board appointed Mrs. Mary Lynn Leffel of 556 Leffel Lane, Eagle Rock, as the Fincastle District representative on the Library Board of Trustees for a term to expire on December 31, 2022, and directed staff to send a letter to Mrs. Amy Baker thanking her for her previous service on the Library Board. (Resolution Number 20-11-16)

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

NAYS: None

ABSENT: None ABSTAINING: None

After discussion, on motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded roll call vote, the Board appointed Ms. Karen Turner as the School System's representative, with Ms. Julie Baker as her alternate, on the Community Policy and Management Team for a term to expire on September 1, 2022. (Resolution Number 20-11-17)

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

NAYS: None

ABSENT: None ABSTAINING: None

Mr. Martin then stated that the four-year term of the Amsterdam District representative on the Planning Commission expires on January 1, 2021, and questioned whether Mr. Clinton wished to either reappoint the current representative or submit the name of a new appointee.

Mr. Clinton declined to appoint an Amsterdam Magisterial District representative on the Planning Commission at this time.

Mr. Larowe stated that Mr. Hiawatha Nicely, Jr., had been contacted and agreed to be reappointed, if the Board desired.

Mr. Clinton stated that this term does not expire for another month and he believes that the Board should discuss term limits for certain County boards/commissions during one of their discussion periods.

Mr. Clinton stated that he had nothing negative to say regarding Mr. Nicely's actions on the Planning Commission and his request for a discussion on term limits had nothing to do with Mr. Nicely personally.

Mr. Martin then confirmed with Mr. Clinton that he would make a recommendation on this upcoming appointment at a later date.

There being no further discussion, Mr. Martin wished everyone a happy Thanksgiving.

On motion by Mr. Sloan, seconded by Dr. Scothorn, and carried by the following recorded roll call vote, the meeting was adjourned at 6:02 P. M. (Resolution Number 20-11-18)

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

NAYS: None

ABSENT: None ABSTAINING: None