

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, November 26, 2019, in Room 212 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 12:30 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 (left at 4:15 P. M.)

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

On motion by Dr. Scothorn, seconded by Mr. Martin, 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. 5, Discussion on prospective businesses or industries or the expansion of existing businesses or industries where no previous announcement has been made of their interest in locating or expanding facilities in the community namely in the Amsterdam (Greenfield) district; Section 2.2-3711.A. 8, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring legal advice regarding economic development incentives for a facility located in the Amsterdam (Greenfield) District, an economic development project in the Fincastle District, and concerning potential General Assembly legislation; and Section 2.2-3711.A.19, Discussion of reports or plans related to the security of any governmental facility building, or structure, or the safety of persons using such facility, building, or structure, concerning the Greenfield Education and Training Center. (Resolution Number 19-11-01)

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

On motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board returned to regular session from Closed Session and adopted the following resolution by roll-call vote. (Resolution Number 19-11-02)

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

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 then welcomed everyone to the meeting and noted that there were many citizens present at today's meeting both in this room and the overflow rooms set up to accommodate the crowd.

Mr. Martin wished everyone a happy Thanksgiving and stated that all of the Board members are believers in the United States and Virginia Constitutions and supporters of the Second Amendment.

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

Mr. Martin then noted the recent passing of Mr. Peer Segelke, CEO at Lawrence Transportation, due to an accident, and asked for a moment of silence.

Mr. Tony Zerrilla, Director of Finance, then introduced Mr. Shaun Hairston to the Board. He noted that Mr. Hairston began work on November 12 as the County's new Comprehensive Services Act Coordinator. He stated that Mr. Hairston has previous work experience with DePaul Community Services with at-risk youth and is a foster care specialist. Mr. Zerrilla stated that Mr. Hairston has also worked with learning disabled/special needs children with the New River Community Action Group.

Mr. Martin welcomed Mr. Hairston to employment with Botetourt County.

Mr. Hairston thanked the Board and noted that working for the County is a call to service for him.

Chief of Fire and EMS Jason Ferguson then introduced Mr. Jeff Powell to the Board. He noted that Mr. Powell was recently hired as the County's new Deputy Chief of Fire and EMS. He noted that Deputy Chief Powell is from Martinsville, Virginia, is the son of a firefighter, worked with Henrico County for 15 years, and most recently worked with Virginia Commonwealth University's health system as a member of their helicopter response unit.

Chief Ferguson stated that Deputy Chief Powell has "hit the ground running" since the first of November including responding to calls and finding better ways of doing things in the department.

Deputy Chief Powell then thanked the Board, the career and volunteer personnel, and the citizens for the warm welcome he has received over the past month. Deputy Chief Powell stated that it is exciting to be here and he looks forward to working with the County and Board for many years.

Mr. Martin stated that it is good to have Deputy Chief Powell employed by the County. He noted that firefighters and other first responders put their lives on the line every day and he hopes that Mr. Powell has a long tenure in Botetourt County.

Chief Jason Ferguson then stated that he had invited several Altec employees to the meeting to recognize them for their actions during an emergency involving one of their co-workers that occurred on September 11. He noted that the County's fire/EMS staff had a busy morning responding to calls when the Sheriff's Department responded to a 911 call from Altec Industries. He noted that an employee had collapsed with an apparent cardiac arrest.

Chief Ferguson stated that Altec's in-house emergency response team began CPR within 30 seconds while 911 was called. He then played the audio version of this 911 call. Chief Ferguson noted that, without Altec's staff's immediate response, the victim would not be alive today. He further noted that it was estimated that the patient was in cardiac arrest for 12 – 15 minutes. Chief Ferguson stated that Altec's staff stepped up and took action in this situation.

He stated that both the career-staffed units from Fincastle and Troutville were already on previous calls for service and the Fincastle Volunteer Fire Department and the County's career-staff units from Buchanan and Read Mountain Fire Station were dispatched to this incident.

Chief Ferguson stated that Altec's employees involved in this cardiac incident were present at today's meeting so that their efforts, abilities, and training to respond to emergency situations of this type can be highlighted and recognized.

Chief Ferguson also read a letter from the American Heart Association congratulating Altec's staff for their response to this situation and then presented the employees with a "Heart Saver Hero" award from the Association. He also presented County Citizen Life Saving Awards to the following: Robert Carrico, Chelsea Doss, Michelle King, and Steve Lafon.

Dr. Scothorn asked that those present stand and honor these heroes for their excellent, lifesaving actions.

Chief Ferguson noted that Mr. Corey Landrum, who was the Altec employee who had the medical incident, survived and is also present at today's meeting.

Mr. Landrum thanked his co-workers for their quick response in responding to his medical emergency.

Mr. John Herrig, Altec's General Manager, stated that we live in an awesome community which takes care of each other and treats each other in the best way possible. He thanked everyone involved in this situation for their support.

Mr. Martin noted that, when listening to the audio recording of the 911 call, everything seems calm and professional but when you are on-scene, it is anything but calm. He thanked all of the Altec employees involved in this situation for their prompt and professional response.

Chief Jason Ferguson then stated that representatives of the Blue Ridge Volunteer Fire Department were present at this meeting. He noted that the Fire Department was incorporated in September 1959 and, in celebration of its 60<sup>th</sup> anniversary, a proclamation has been signed and framed for presentation today. Chief Ferguson noted that through Delegate Terry Austin a proclamation from the Virginia House of Delegates had also been signed.

Chief Ferguson then read the County's proclamation as follows:

**WHEREAS**, the Blue Ridge Volunteer Fire Department was incorporated on September 21<sup>st</sup>, 1959, after a group of citizens in the Blue Ridge community of Botetourt County, Virginia, recognized a need for a local fire department; and,

**WHEREAS**, this group held meetings in the spring of 1959 in Colonial Elementary School's cafeteria to make plans for the development of a new fire department, resulting in twenty-two charter members; and,

**WHEREAS**, the new Blue Ridge Volunteer Fire Department began holding meetings under a tent on property acquired at the intersection of U. S. Route 460 and State Route 616 until fundraising could take place to begin the construction of the Department's first station; and,

**WHEREAS**, the Department obtained its first fire truck in November of 1962--a used Oren pumper on a 1938 Chevrolet chassis--and began responding to calls for service in the Blue Ridge community; and,

**WHEREAS**, in 1980, the Department recognized the need for emergency medical services in the Blue Ridge area, expanding the mission of the department, creating the Blue Ridge Volunteer Fire Department and Rescue Squad, Inc., in 1981; and,

**WHEREAS**, the Department continued to look for ways to provide emergency services throughout the community including the implementation of the first Countywide mobile air unit in the early 1990's. This unit was created using an existing ambulance chassis and a truck body, providing the capability of mobile air compressing resources throughout Botetourt County and providing mutual aid into Bedford and Roanoke Counties, as well as Roanoke City; and,

**WHEREAS**, the Blue Ridge Volunteer Fire Department and Rescue Squad, Inc., *Company 1 and Rescue 1*, continue to provide volunteer fire and EMS services to the citizens and visitors of Botetourt County, more specifically the Blue Ridge community; and,

**WHEREAS**, Botetourt County wishes to recognize the establishment of the Blue Ridge Volunteer Fire Department for sixty years of continuous dedicated service to the community, recognizing the contributions of members past and present who gave of themselves and their time and risked their lives to save others and protect property;

**NOW THEREFORE, BE IT RESOLVED**, that we, the Board of Supervisors of Botetourt County, Virginia, do hereby recognize the men and women of the Blue Ridge Volunteer Fire Department and Rescue Squad, Inc., for their service to the community and look forward to at least another sixty years of dedicated service.

Mr. Martin congratulated the Blue Ridge Volunteer Fire Department on their 60<sup>th</sup> anniversary and noted that he had attended the department's recent celebration. Mr. Martin noted that he appreciates every one of the department's members. He stated that when these volunteers answer an emergency call they are putting their life on the line.

Mr. Mike Maddox of the Blue Ridge Fire Department stated that without the past and present volunteers the department would not have been as successful. He noted that they appreciate the time, assistance, and service provided by the Board members and County staff.

Mr. Gary Larrowe, County Administrator, stated that "we have a wonderful operation in Botetourt County" and noted that the Sheriff's Department had recently received recognition for their professionalism. Mr. Larrowe stated that the Sheriff's Department is reviewed every five years by the Virginia Law Enforcement Professional Standards Commission. He noted that the Commission recently completed their review and has made a recommendation of accreditation of the Botetourt County Sheriff's Department for another five years as of 2020.

Mr. Larrowe noted that, as Sheriff Ronnie Sprinkle is retiring at the end of this year, he thought it was appropriate to notify the Board of this accreditation recommendation at this time.

Mr. Martin stated that the Board appreciates the services provided by the County's law enforcement officers. He noted that the law enforcement profession is more dangerous in today's world, encouraged our deputies to be careful, and thanked them for the job that they do.

The Board congratulated the Sheriff and his department for all of their hard work in achieving accreditation for the next five years.

Dr. Scothorn then stated that the Virginia Association of Planning District Commissions comprises 21 planning district commissions throughout the State of Virginia. He noted that this organization brings diverse resources together to strengthen its members and the citizens they serve.

Dr. Scothorn stated that Mr. Martin had been awarded the Commission's "President's Award" in July and he congratulated him on receiving this award. He encouraged Mr. Martin to "keep up the hard work."

Mr. Martin thanked Dr. Scothorn for his comments.

The floor was then opened for the public comment period.

Mr. Martin stated that there is a large group in attendance today and reminded those present that the Board intends to hold a civil meeting. He asked that anyone who would like to speak to complete a speaker's form.

Mr. Martin noted that this room is at capacity and there is an overflow room located down the hall which has been set up with audio/video of this meeting room. He also asked that the steps/entrances not be blocked for accessibility purposes

He further stated that the Board members uphold the Second Amendment of the U. S. Constitution; however, we also uphold the First Amendment regarding free speech and asked that those present be respectful of any speaker. Mr. Martin noted that speakers will be limited to 3 minutes and, if a future speaker is repeating a previous speaker's comments, he asked that you say so to reduce the total time of the meeting.

Mr. Martin stated that the Board has also asked the County Attorney to give a presentation on the legal facts associated with the Board's possible actions today and has directed County staff to draft a stronger resolution listing the County as a sanctuary county for Second Amendment rights.

Mr. Martin then read the revised resolution.

He then noted that House of Delegates member Chris Head was also present at this meeting.

Mr. Michael Lockaby, County Attorney, then stated that he will present the legal facts associated with the Board's proposed action today. He noted that local governments in Virginia are different than the State and federal government. He stated that local governments only have those powers given to them by the State gives and noted that Sheriffs and Commonwealths Attorneys are considered constitutional officers and are elected separately from the Supervisors members.

Mr. Lockaby stated that Virginia is considered a "Dillon Rule" state which means that the counties only have those "powers expressly granted" by the General Assembly.

Mr. Lockaby then noted that the State has a "Firearm Preemption Statute" and read Section 15.2-915 of the Code of Virginia, as follows: "No locality shall adopt or enforce any ordinance, resolution or motion, as permitted by Section 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof, shall not be construed to provide express authorization....In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section."

He noted that this is the strongest regulation of this type in the country and was enacted after a 1988 lawsuit regarding an ordinance adopted by the City of Virginia Beach which required anyone purchasing a handgun at a retail establishment to obtain a permit from the Police Chief. He noted that the Virginia Supreme Court ruled that this ordinance was legal and authorized under the City's powers to adopt ordinances enforcing public safety. Mr. Lockaby stated that the General Assembly did not agree with the Court's ruling and enacted legislation that there was only one policy in the State regarding firearms and no one else (local governments) would have the authority to adopt regulations regarding this issue.

Mr. Lockaby stated that some of the recently-adopted Second Amendment sanctuary county resolutions have included language that Sheriff's Department funding will be withheld if any State regulations regarding firearms are enacted. He noted that this language is contrary to the law.

Mr. Lockaby then reviewed the powers given to the constitutional officers and noted that the Virginia Constitution states that constitutional officers are elected and sworn to uphold the

Constitution and to do their duty as required by law and failure to do so is considered malfeasance. Mr. Lockaby stated that Attorneys General have ruled for many years that the Supervisors have no regulatory authority over the Sheriff or Commonwealth's Attorney to do their duties as set out in the State Code and the State's Constitution.

Mr. Lockaby stated that the Supervisors can inform the General Assembly of their concerns regarding proposed legislation pertaining to firearms but the Board has no regulatory authority in this situation and that this advocacy is frequently effective.

Mr. Martin thanked Mr. Lockaby for these explanations.

Mr. Martin then recognized Mr. Matt Ward, Sheriff-elect, as being present at this meeting.

After questioning by Mr. Martin, Delegate Chris Head then stated that his position as a legislator is to do everything he can to support, defend, and preserve the citizens' Second Amendment rights. He noted that, in light of the November General Assembly election where democrats won majorities in both the House of Delegate and the State Senate, it will be more challenging to do so than in previous years. Delegate Head stated that "we will show up peacefully but visibly in Richmond" during the 2020 General Assembly session and "see what happens going forward."

Ms. Barbara Kolb of Shiloh Drive in Eagle Rock then thanked the Board for discussing this topic and thanked them for the improvements at the Route 43/Shiloh Drive intersection. Ms. Kolb stated that everyone knows that one-half of the population is female and is not able to defend themselves very well against the bad guys no matter the skill level. She stated that firearms enable women to equalize the playing field and the only way to do this is by the safe use of and the ability to have firearms.

Ms. Kolb noted that some years ago she woke up to the fact that she should be part of the solution which means that she needed to take responsibility for the safety of her family. Ms. Kolb stated that she then learned how to safely use firearms. She noted that her daughter was accosted by 6 people and scared them off when they discovered she had a gun. Ms. Kolb stated that she is a National Rifle Association instructor and people have the right and responsibility to take care of their family.

Mr. James Bolling of Applewood Drive stated that he is a 24 year police officer with Roanoke City and he fears the armed criminal not the armed citizen. He stated that the democrats are trying to disarm citizens. Mr. Bolling stated that the AR15 rifle is scary to the ignorant and the misinformation that is being circulated, including inflating the numbers of mass shootings in this country, is astounding. Mr. Bolling stated that the per capita statistics do not bear out these reports.

He noted that the areas of the United States with the most restrictive firearms laws have the most shootings. Mr. Bolling stated that there is misinformation being spread by people who are ignorant about firearms and "our rights trump their feelings." Mr. Bolling further stated that he understands that the resolution being considered by the Board of Supervisors is ceremonial.

Mr. Tom Beheler of Homestead Circle in Troutville stated that the United States is a Constitutional Republic but our elected officials are limited by the provisions of the U. S. Constitution. He noted that Americans love to claim that we are free people. He noted that an amendment was added to the Constitution to protect citizens against abuse of power. Mr. Beheler stated that, at the time of the country's founding, Americans had the same access to guns as the military.

Mr. Beheler stated that the citizens are tired of news outlets being used as propaganda. He noted that there is a storm brewing and the government is trying to pass legislation against

privately-owned ammunition and assault weapons. He stated that “we are not going to forfeit our rights.”

He stated that people have spent money to purchase their guns and ammunition and they now want to “spend money to take our guns.” Mr. Beheler asked that the Board support gun laws. He noted that America was conceived out of defiance.

Mr. Chuck Stinnett of Second Street in Buchanan stated that there is a “legal remedy to everything.” He noted that the Board members have taken oaths of office which is a contract under the United States Code.

Mr. Richard Donnelly of Manassas Circle in Daleville stated that he had three points for the Board to consider: the Second Amendment is the cornerstone of America, State government overreach, and a strong statement is required.

Mr. Donnelly stated that he is ok with the Board’s revised resolution. He noted that the County needs to stand up with the other Virginia localities that have adopted similar resolutions. Mr. Donnelly stated that it is the citizens’ right to stand up for illegal laws and the Board should speak for the County’s residents.

Mr. Dana Harris of Windsor Court in Cloverdale stated that he has 15 years of experience assisting with writing Virginia’s drug code. He noted that there are a lot of problems with the proposed legislation (Senate Bill 16) that has been submitted for consideration by the 2020 General Assembly. He noted that gun codes are written by people who do not understand guns.

Mr. Harris stated that many firearms are associated with use by sportsmen. He noted that gun owners have a huge financial investment in their guns as well as an emotional investment and many leave their firearms to their family members in their wills. He further noted that SB16 is written with a lot of ambiguity for sportsmen.

Mr. Todd Dodson of Ridge Trail in Fincastle thanked the Board for the revised resolution being considered today. He stated that those present understand that this resolution is symbolic but it is necessary to send it to State officials. Mr. Dodson stated that dangerous things are happening in the State and this resolution is a statement from the Board and the citizens through their elected representatives.

Mr. Dodson noted that he supports the new resolution but thinks it needs more “meat.” He noted that Botetourt County has sent its citizens to fight in every war and much blood has been spilled over the 243 years since the country was formed. He further noted that the revised resolution sends a better message to the State but, if legislation is passed regarding funding, do not let Botetourt County be silent on this issue.

Mr. Allan Scanlan of Brugh’s Mill Road stated that he has been a County resident for 9 years. Mr. Scanlan stated that he applauds the Board for drafting the revised resolution. He noted that Botetourt County is a special place. He noted that, six months before the battle of Lexington and Concord, Botetourt County citizens fought at Point Pleasant, the first battle of the Revolutionary War.

Mr. Scanlan stated that the Second Amendment contains the words “keep and bear arms” and people believe that this refers to a militia. He stated that the right to keep arms is the right to have them and use them as you wish. He further stated that the recreational use of firearms was common in the 18<sup>th</sup> century.

After discussion, Mr. Scanlan stated that laws against carrying firearms make things worse for the assaulted and better for the assailant. Mr. Scanlan noted that he has had two run-

ins with the law in his lifetime—one in Roanoke City and one in Portland, Maine. He noted that, the day the Governor signs this law, he will become a felon as he will not give up his guns.

Mr. William Hackett of Mount Pleasant Church Road in Fincastle stated that he has beehives on his property and appreciated the Board allowing citizens in residential districts to have beehives. Mr. Hackett stated that he also enjoys shooting and believes that Mr. Lockaby has answered most of his questions regarding this matter.

Mr. Hackett stated that the newly-elected Sheriff will take an oath to uphold the Constitution. He noted that, if a law is passed that is illegal and the Sheriff enforces the law, he would be disobeying his oath. Mr. Hackett stated that he appreciates the Board giving the citizens an opportunity to speak as well as saying the pledge of allegiance and a moment of silence. He noted that prayer needs to be reinstated in society.

Mr. Edwin McCoy of Back Creek Lane in Buchanan thanked the Board for what they have done in regard to this issue and thanked Mr. Lockaby for his explanations of the legalities of this matter.

Mr. McCoy stated that he agrees with what has already been said by today's speakers. Mr. McCoy noted that he has been involved in the County's youth shooting program for 15 years. He asked that the Board send a message to Richmond that they are concerned about our traditions and what we do in the rural communities is important to our residents. Mr. McCoy noted that he is passing tradition along by training dozens of youth to properly handle firearms. Mr. McCoy noted that he appreciates the Board revising the proposed resolution.

Mr. Chris Booth of Cambridge Drive in Daleville stated that there have been approximately 12 other counties in the State that have passed similar resolutions to what the Board is considering today. He encouraged the Board to continue to help build this momentum. Mr. Booth noted that it is exciting to see so many people at this meeting that are actively involved in this issue.

Mr. Booth stated that this resolution is a good action to take. He further noted that there are additional State elections scheduled for next year and encouraged those present to have more people who are concerned about our rights come out and show by their vote what we believe in this part of the State.

Mr. James Spence of Lakeridge Circle in Troutville then questioned why the one thing that causes the least amount of deaths is the issue that the democrats want to take action on. Mr. Spence sarcastically noted that he has not felt safe living in this red county for a while and has decided to move to Chicago where there are lots of guns and shootings.

He questioned why they are determined to take the rights developed by the founders. He noted that hunting season is currently open in Virginia. Mr. Spence noted that the Second Amendment protects him if someone comes into his house—it is not for hunters or personal self-defense. He noted that Britain is acting like the democrats—banning citizens from owning guns. Mr. Spence stated that the Constitution was written to ensure that we stay a free people and should only come into play when the First Amendments breaks down.

Mr. James Wilhelm of Mount Moriah Church Road then stated that he is satisfied with the revised resolution.

Mr. Doug Gimbert of Peachtree Valley Drive stated that it appears that there is a lot of concern about this issue. He noted that a revised resolution was drafted but there have been other resolutions that have been put forward in other jurisdictions that contained stronger language. He stated that the citizens are paying the taxes in this County that support our law enforcement. Mr. Gimbert stated that “we want to support the new Sheriff” by supporting the

Second Amendment. Mr. Gimbert noted that he has copies of resolutions containing stronger language.

He further noted that, in countries that have disarmed their citizens such as Australia, knives are becoming the Australian gun issue. He noted that in England, which has also limited gun ownership, over 34,000 knife attacks occurred in 2017, over 43,500 in 2018, and over 43,000 as of this time in 2019.

Mr. Gimbert stated that the problem is not guns, it is that we do not have the values that are being put forth in our schools like in the past. Mr. Gimbert stated that, when he was in high school, kids were allowed to bring guns to the campus in their vehicles so they could go hunting after school ended for the day.

Mr. Jim Ludington of Haymakertown Road then thanked the Board for allowing the citizens to speak on this issue. He noted that the Board's adoption of the revised resolution "sounds like a done deal." Mr. Ludington stated that he would like to recommend a couple of changes to the resolution.

Mr. Ludington noted that some counties have much stronger statements in their resolutions than what is proposed by the Board of Supervisors. He noted that the Cherokee, North Carolina, resolution states that the local government will not fund law enforcement to enforce any state-approved regulations that infringe on the right of people to keep and bear arms. Mr. Ludington stated that, to him, this adopted language has "teeth."

Regarding the "red flag" laws, he said that State Police should have to enforce these regulations, not the local governments. Mr. Ludington stated that he mailed a copy of this North Carolina resolution to the Board members. He also noted that the North Carolina resolution quoted the decline of independence and that "these rights come from god not the government."

Mr. Joshua Williams of Blue Ridge Turnpike stated that he assumes that a lot of people present at this meeting have not had a gun pointed at them or been shot at. Mr. Williams stated that it is a scary thing and no one wants to be in this position but it has happened to many people.

Mr. Williams stated that he has two children and their safety is important and his responsibility when law enforcement is not around. Mr. Williams noted that in his research these laws affect our children and their safety. He stated that only 8 rifles and assault-style rifles are in this category. He noted that 83% of gun crimes are in metropolitan areas and there were 2,924 rapes in Virginia in 2018. Mr. Williams stated that this is a mental issue; it is not an issue of weapons. He stated that we need to focus on treating people adequately.

Mr. Jeff Martin of Blue Ridge Springs Road stated that he is a concerned citizen who has been following the political battle in the State against gun ownership (SB16). He stated that the citizens are in imminent danger of losing our private property/guns and our freedom. Mr. Martin stated that he is encouraged by the language in the revised resolution but it needs to be stronger. He stated that we need to send a message to the State legislature that we will not be silent in these matters.

Mr. Martin stated that, as of this time, there have been seven bills filed in the General Assembly regarding guns or red flag laws (SB 12, 13, 14, 15, 16, 18, and 22). He noted that owning guns is our "god-given right." Mr. Martin further noted that the Governor is not following existing State laws which have not done anything to deter gun violence.

After discussion, Mr. Martin asked the Board to reconsider enacting a stronger resolution at their next meeting.

Mr. John David Dupree of Mountain Valley Road stated that “we are at a crossroads of history where our will is going to be tested.” He stated that “complacency has no business here.” He noted that, during the upcoming 2020 session of the General Assembly, the democrats want to criminalize our guns.

Mr. Dupree stated that he took an oath in the military and refuses to “show his belly” on this issue. He noted that Thomas Jefferson said that the “tree of liberty must be refreshed from time to time.” Mr. Dupree stated that the Second Amendment must not be infringed upon.

He noted that people need to get out to vote and change the elected officials. He noted that there is a “hidden agenda” occurring and the citizens do not know what is going on. Mr. Dupree further stated that voters need to research the political views of new candidates. He noted that the Board must use proper, but strong, language in this resolution.

Ms. Keri Martell of Pine Haven Road in Fincastle stated that she spent 20 years in the military and has lived in the United Kingdom. Ms. Martell stated that, according to Ben Franklin, the United States is “a republic, if we can keep it.”

She stated that firearms are an equalizer and our society is moving toward a collective mindset. Ms. Martell stated that our liberties are being chipped away. She stated that our guns should not be confiscated. Ms. Martell noted that adding the sanctuary county language to the resolution is important, prudent, and necessary as the citizens’ Second Amendment rights shall not be infringed upon.

Mr. George Marion of First Avenue in Cloverdale thanked the Board for attempting to do something in considering this revised resolution but “we have fallen far short.” He stated that the Governor and the communist democrats should be impeached and removed from government. Mr. Marion stated that we are not living in a democratic society and we need to defend our Constitution. Mr. Marion stated that we need more than a slight resolution as proposed today.

Mr. Wayne Dixon of Brugh’s Mill Road stated that the Board of Supervisors’ members are the citizens’ voice. Mr. Dixon stated that he has been a County resident since 1974 and a member of the National Rifle Association since 1968. He stated that a strongly worded resolution to protect our rights is necessary as it is our right to keep and bear arms to protect our life and property.

Mr. Dixon stated that he has visited countries where these rights were taken away. He mentioned a visit to Sydney, Australia, where the taxi driver had a bulletproof shield between him and the backseat passengers. He noted that the taxi driver told him that burglaries have increased and two officials were killed since laws restricting guns were enacted and the taxi driver wished that more could be done to protect the citizens.

Mr. Dixon noted that during his trip to the Australian Outback, his guides told him that they did not know that “big brother” would take away their rights when the new gun laws were enacted. He encouraged the Board to not let this happen in the United States.

Mr. Frank Stott of Altamira Drive in Troutville stated that China and Cambodia do not allow their citizens to have guns. He noted that the FBI’s statistics show that the murder rates have increased.

Mr. Richard Pauley of Prease Road in Buchanan thanked the Board for the opportunity to speak. Mr. Pauley stated that he is a hunter, father, veteran, and a voter and this is the first Supervisors meeting that he has attended where he feels that he is in the majority. Mr. Pauley stated that there are many people in attendance at this meeting and we realize that the amendments are foundation blocks that hold up the Constitution.

Mr. Pauley stated that the only people who are going to pay attention to gun laws are those that are not doing anything wrong to begin with. He stated that there are enough gun laws in effect now and, if they are enforced, there will be a lot of weight behind them.

Mr. Pauley stated that after World War 2 it was discovered that the Japanese had considered invading the United States but the leadership vetoed the proposal because Americans had guns in their homes. Mr. Pauley noted that he was told that the proposed resolution was symbolic--that is a good thing in his opinion.

Mr. Timothy Buchanan of Frontage Road in Buchanan thanked the Board for considering this revised resolution. Mr. Buchanan stated that, as a general rule, he is inclined to oppose sanctuary policies because they are enacted by rebellious people. He stated that the actions proposed by those in Richmond are not legislative; they are running roughshod over the Constitution.

He noted that the Governor, Michael Bloomberg, and others are saying that new regulations would deter gun violence. Mr. Buchanan stated that we all want to stop gun violence but no legislation will prohibit gangsters from getting guns or assault rifles. He stated that citizens should be given the ability to defend themselves from a government that wants to take away their rights. Mr. Buchanan noted that short-sighted people are relieved of their rights that they believe are incidental. He stated that this is an attack on all people from reprobate lawmakers.

Mr. John Slater of Poor Farm Road stated that he is a retired law enforcement officer from the Richmond area who currently lives in Botetourt County. Mr. Slater stated that these are perilous times for us but the fight is just beginning. He noted that we have lulled ourselves into complacency.

Mr. Slater stated that the democrats have launched an assault on the Second Amendment. He noted that the problem is having a Governor who advocates the killing of infants but, at the same time, wants to save children by taking away guns. He noted that the government's duty is to guarantee our rights. Mr. Slater stated that the Sheriff is who "has our back in this game."

Mr. Slater stated that he has reviewed the bills regarding guns that have been introduced so far in the House of Delegates. He noted that, if one-half of these bills become law, one-half of the people at this meeting will become felons instantly. Mr. Slater encouraged the Board to express solidarity with other jurisdictions on this issue. He then noted that Patrick Henry said that the American people should not be repressed by their government.

Mr. Tyler Blount of Hogan Hollow Road in Troutville, then questioned the status of the original Second Amendment resolution considered by the Board.

Mr. Martin stated that that resolution is considered null and void as a revised resolution has been drafted for consideration by the Board.

Mr. Blount stated that the wording of the resolution as listed on the meeting's agenda sounds superfluous. He noted the large turnout of citizens at this meeting and stated that the Board is about to pass a resolution that is ambiguous.

Mr. Blount stated that "we are under assault" and should "demand" that the General Assembly not enact any regulations regarding firearms. He noted that his son lives in West Virginia where they have open carry firearms laws. Mr. Blount stated that, if SB 16 is approved and his son transports his firearm in his vehicle when he comes to visit him in Virginia, his son will be in violation of the law. Mr. Blount stated that the proposed firearms legislation is egregious and the Board needs to make their resolution as strong as possible.

After questioning by Mr. Martin, an individual said that the Cherokee, North Carolina, resolution included language that the locality would not assist in the enforcement of new gun laws.

Mr. Lockaby stated that under the Virginia Firearm Preemption Statute, State government creates laws relating to firearms, not the local governments.

Mr. Dodson stated that he was just informed that 15 counties have passed a Secondary Amendment sanctuary resolution as of this morning and 56 other jurisdictions are considering similar language.

There being no further discussion, Dr. Bailey thanked everyone for attending this meeting and applauded those who spoke for their diligence and their message. He stated that it is rewarding to hear from responsible gun owners on this topic. Dr. Bailey stated that the main purpose of this discussion is to document that we believe in our rights in the Constitution.

He noted that the revised resolution is “what this is all about” and thanked those citizens for attending today’s meeting.

Mr. Sloan stated that he agrees with Dr. Bailey’s comments. He noted that to see the outpouring of support for this resolution is very heart-warming. Mr. Sloan stated that he does not want to go against the will of the citizens who voted him into this office. He stated that “it may start here” with this resolution, but it will not end here. He stated that this issue needs to be taken to Richmond and the citizens need to stand together peacefully for our rights and liberties.

Dr. Scothorn thanked everyone for being present—it says a lot. Dr. Scothorn stated that people know him and his thoughts on the Second Amendment and he concurs with Dr. Bailey’s and Mr. Sloan’s comments. He noted that this “sends a message” and he hopes it will be heard.

Mr. Clinton thanked everyone for being in attendance during a hugely important discussion. Mr. Clinton stated that he took notes of the comments made and some were insightful. He noted that a couple of individuals acknowledged that the resolution being considered by the Board is ceremonial in nature and it is good that the citizens recognize that this is so. Mr. Clinton stated that this resolution can only do so much and he urged the citizens to “not stop here;” they should write letters to their legislators as individual comments are important.

Mr. Clinton noted that Botetourt County is a special place and gun ownership is an important part of the County. Mr. Clinton also noted that he liked the references to Thomas Jefferson and Patrick Henry and teaching the County’s youth about the proper operation of firearms. He stated that firearms can also be neutralizing for women and agreed that it was an overall good discussion.

Mr. Martin stated that he concurs with what the other Board members have said and thanked those citizens who were in attendance at the meeting for being civil and respectful.

There being no further discussion, on motion by Mr. Martin, seconded by Dr. Bailey, and carried by the following recorded vote, the Board adopted the following resolution affirming the Constitutions of the United States and Virginia and declaring Botetourt County a Second Amendment sanctuary county.

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

NAYS: None

ABSENT: None

ABSTAINING: None

## Resolution Number 19-11-03

**WHEREAS**, the members of the Board of Supervisors of Botetourt County have taken an oath to defend and uphold the constitutions of the United States and Virginia; and,

**WHEREAS**, the Second Amendment to the United States Constitution reads: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”; and,

**WHEREAS**, Article I, § 13 of the Virginia Constitution reads: “That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed...”; and,

**WHEREAS**, the Board has no legislative, regulatory, or enforcement authority related to “the purchase, possession, transfer, ownership, carrying, storage or transporting of fire-arms, ammunition, or components or combination thereof,” as provided by Section 15.2-915 of the Code of Virginia, 1950, as amended, and has no authority over the independent execution of the duties of the constitutional officers involved in law enforcement; and,

**WHEREAS**, the Board is concerned that introduced legislation for the 2020 Virginia General Assembly, if passed, could infringe upon rights guaranteed by the Second Amendment to the United States Constitution and Article I, § 13 of the Virginia Constitution; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Botetourt County declares Botetourt County a Second Amendment Sanctuary County and fully affirms its support of the rights ensured and protected by the constitutions of the United States and Virginia, including the rights of law-abiding citizens to keep and bear arms; and,

**BE IT, FURTHER, RESOLVED**, that the Board urges the Virginia General Assembly, the United States Congress, and other agencies of State and Federal government to vigilantly preserve and protect those rights by rejecting any provision, law, or regulation that may infringe, have the tendency to infringe, or place any additional burdens on the right of law-abiding citizens to keep and bear arms; and,

**BE IT, FURTHER, RESOLVED**, that the Board directs its staff to forward a copy of this resolution to the County’s elected representatives in the Virginia General Assembly and the United States Congress and to the Governor of Virginia.

The Chairman then called for a 10 minute break.

The Chairman called the meeting back to order at 4:35 P. M.

After discussion, on motion by Mr. Sloan, seconded by Dr. Bailey, and carried by the following recorded vote, the Board approved the following consent agenda items: (Resolution Number 19-11-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Approval of minutes of the regular meeting held on October 22, 2019;

Approval of resolutions of appreciation for John Alderson, Mike Beahm, and Scott Swortzel as follows:

**WHEREAS**, Mr. John E. Alderson, Jr., has served as the Fincastle District representative on the Botetourt County School Board from January 2012 through December 2019; and,

**WHEREAS**, during his tenure, Mr. Alderson helped to grow Botetourt County's school system and its facilities, including the construction of the new Colonial Elementary School, improved teachers' salaries, and worked to enhance the educational curriculum to better prepare the County's students to meet the needs of the future; and,

**WHEREAS**, Mr. Alderson's experience, knowledge, and dedication to the County's schools is sincerely appreciated by the School system, including the staff and members of the Botetourt County School Board, and the County's citizens; and,

**WHEREAS**, Mr. Alderson has also had a great relationship with the Board of Supervisors and County staff and has their respect for his leadership, passion, and vision to provide a better education for the County's children;

**NOW, THEREFORE, BE IT RESOLVED**, that the Botetourt County Board of Supervisors hereby expresses its sincere appreciation for the eight years of service given by Mr. John Alderson to the school system, parents, students, and citizens of Botetourt County through his service on the Botetourt County School Board.

**FURTHER**, the Board wishes Mr. Alderson all the best in his future endeavors.

**WHEREAS**, Mr. Michael W. Beahm has served as the Valley District representative on the Botetourt County School Board from January 1996 through December 2019; and,

**WHEREAS**, Mr. Beahm has also served as both Chairman and Vice Chairman of the School Board; and,

**WHEREAS**, during his tenure, Mr. Beahm helped to grow Botetourt County's school system and its facilities, including the construction of Read Mountain Middle School, Greenfield Elementary School, and the new Colonial Elementary School, improved teachers' salaries, and worked to enhance the educational curriculum to better prepare the County's students to meet the needs of the future; and,

**WHEREAS**, Mr. Beahm's experience, knowledge, and dedication to the County's schools is sincerely appreciated by the County, the School system, including the staff and members of the Botetourt County School Board, and the County's citizens; and,

**WHEREAS**, Mr. Beahm has also had a great relationship with the Board of Supervisors and County staff and has their respect for his leadership, passion, and vision to provide a better education for the County's children;

**NOW, THEREFORE, BE IT RESOLVED**, that the Botetourt County Board of Supervisors hereby expresses its sincere appreciation for the twenty-four years of service given by Mr. Michael Beahm to the school system, parents, students, and citizens of Botetourt County through his service on the Botetourt County School Board.

**FURTHER**, the Board wishes Mr. Beahm all the best in his future endeavors.

**WHEREAS**, Mr. D. Scott Swortzel has served as the Blue Ridge District representative on the Botetourt County School Board from January 2008 through December 2019; and,

**WHEREAS**, Mr. Swortzel has also served as Vice Chairman of the School Board; and,

**WHEREAS**, during his tenure, Mr. Swortzel helped to grow Botetourt County's school system and its facilities, including the construction of the new Colonial Elementary School, improved teachers' salaries, and worked to enhance the educational curriculum to better prepare the County's students to meet the needs of the future; and,

**WHEREAS**, Mr. Swortzel's experience, knowledge, and dedication to the County's schools is sincerely appreciated by the School system, including the staff and members of the Botetourt County School Board, and the County's citizens; and,

**WHEREAS**, Mr. Swortzel has also had a great relationship with the Board of Supervisors and County staff and has their respect for his leadership, passion, and vision to provide a better education for the County's children;

**NOW, THEREFORE, BE IT RESOLVED**, that the Botetourt County Board of Supervisors hereby expresses its sincere appreciation for the twelve years of service given by Mr. D. Scott Swortzel to the school system, parents, students, and citizens of Botetourt County through his service on the Botetourt County School Board.

**FURTHER**, the Board wishes Mr. Swortzel all the best in his future endeavors.

Approval for the Treasurer to issue two refunds of overpayment of BPOL taxes in the amounts of \$4,668 for one-half of 2019 and in the amount of \$4,707.45 for 2017 and 2018;

Approval of the following proclamation declaring "Small Business Saturday:"

**WHEREAS**, Botetourt County believes that small businesses are the backbone of our economy and the glue that holds communities together; and

**WHEREAS**, small businesses employ 90 percent of the employees in the private sector in Botetourt County;

**WHEREAS**, Botetourt County supports our local businesses that create jobs, boost our local economy, and preserve our neighborhoods; and

**WHEREAS**, a majority of consumers agree it is important to support the small businesses they value in their communities; and

**WHEREAS**, the Botetourt County Chamber of Commerce, along with advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

**WHEREAS**, residents of our community, and communities across the country, are being asked to support small businesses and merchants on Small Business Saturday and throughout the year;

**NOW, THEREFORE**, the Botetourt County Board of Supervisors do hereby proclaim November 30, 2019, as:

***"Small Business Saturday"***

And that Botetourt County:

- supports the designation of a "Small Business Saturday"; and
- supports efforts—
  - to encourage consumers to shop locally; and
  - to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of Botetourt County.

Approval of settlement contract with Roanoke Valley Lawn Care, LLC, and authorized the County Administrator to sign the agreement on the County's behalf;

Approval of the following proclamation congratulating Tess Seibel for being elected as a National FFA officer:

**WHEREAS**, Miss Tess Seibel of Bonsack and a 2017 graduate of Lord Botetourt High School, served as president of the Virginia FFA from 2017 – 2018; and,

**WHEREAS**, Miss Seibel has served in many positions in the FFA since becoming a member in sixth grade; and,

**WHEREAS**, at the National FFA Convention and Expo held in Indianapolis, Indiana, earlier this month, Miss Seibel was elected as the organization's Eastern Region Vice President; and,

**WHEREAS**, she was Virginia's only candidate for this position which will allow her to be a voice for the 700,000 FFA members across the country; and,

**WHEREAS**, her talent and dedication is to be commended and it is hoped that she will continue to expand her agricultural leadership capabilities into the future and encourage others to do so as well;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Botetourt County, on its own behalf and on behalf of the citizens of Botetourt County, extends its congratulations to Miss Tess Seibel for being elected as the Eastern Region's Vice President at the 2019 National FFA Convention and Expo and wishes her continued good luck in her future agricultural-related endeavors.

Approval of the following resolution of support for General Assembly funding to staff the Lewis and Clark Eastern Legacy Trail organization:

**WHEREAS**, in 1978, Congress established the Lewis & Clark National Historic Trail (LCNHT) from Wood River, Illinois, to the mouth of the Columbia River in Oregon; and,

**WHEREAS**, in 2008, as a result of the positive tourism and economic impact of the LCNHT on trail communities, as well as a growing interest in knowing the Explorers' whole life stories, Congress authorized a feasibility study to be conducted by the National Park Service (NPS) to determine if the Lewis & Clark National Historic Trail should be extended eastward to include routes and sites associated with the preparation and return phases of the Lewis and Clark Corps of Discovery Expedition; and,

**WHEREAS**, on December 10, 2012, the Deputy Secretary of Natural Resources of the Commonwealth, on behalf of the Office of Governor, confirmed Virginia's continued commitment to developing national historic trails; and,

**WHEREAS**, the National Park Service has collected a substantial amount of historical data concerning the travels of Captain Meriwether Lewis and Second Lieutenant William Clark in Virginia before and after the Expedition, either together or independently and for personal or business reasons, and for which the Great Valley Road was a frequent pathway when arriving in or returning from the state; and,

**WHEREAS**, in approximately 2013 and 2014, the National Park Service published maps of the Explorers' route along the Great Valley Road that noted: the years they traveled in 1803, 1806-1810, and 1812-1814; their routes(s) through the counties of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Botetourt, Rockbridge, Augusta, and Albemarle, as well as through cities and towns such as, but not limited to, Bristol, Abingdon, Marion, Wytheville, Pulaski, Christiansburg, Salem, Roanoke, Fincastle, Lexington, Greenville, Staunton, and Charlottesville; and, noted forty-four or more historic sites, including extant structures, locations of non-existing structures, river crossings, ferries utilized, of which many were visited by one or both Explorers; and,

**WHEREAS**, in late 2014, the National Park Service hinted and later decided to exclude the Virginia Great Valley Road route as an eastward extension of the Lewis & Clark National Historic Trail, recommending instead the water trail to and from Pittsburgh via the Mississippi/Ohio Rivers; and,

**WHEREAS**, in response to the National Park Service's decision, the Committee for the Virginia Great Valley Lewis & Clark Eastern Legacy Trail sought assistance from Virginia Delegate Terry Austin who, having obtained fifty signatures of legislators as signatories, obtained passage of HJ #566 in February 2015; that resolution having "...designate(d) the portion of the Lewis & Clark National Historic Trail that runs through the Commonwealth as the Lewis & Clark Eastern Legacy Trail in Virginia," and further resolved "That the Clerk of the House of Delegates post the designation of the Lewis & Clark Eastern Legacy Trail in Virginia on the General Assembly's website;" and,

**WHEREAS**, a multi-disciplinary effort undertaken at the grassroots level by dedicated volunteers with guidance and assistance from the Virginia Departments of Conservation and Recreation, Historic Resources, Transportation, and the Virginia

Tourism Corporation, along with other stakeholders at the local, state, and national level, has given almost nine years' work to develop and implement a Virginia Great Valley Lewis & Clark Eastern Legacy Trail; and,

**WHEREAS**, in the past year, an additional seventeen Virginia counties have been identified as also being traveled by the Explorers, including fourteen that are east and north of Charlottesville and Richmond, two in far Southwest Virginia, and one in Western Virginia; and,

**WHEREAS**, one county (Middlesex) has begun to organize like the Virginia communities along the Virginia Great Valley Road route by selecting a Lewis & Clark project Chair and establishing a working committee; and,

**WHEREAS**, the Mission of the Virginia Great Valley Lewis & Clark Eastern Legacy Trail, as established by the Committee for Virginia's Great Valley Lewis & Clark Eastern Legacy Trail, in collaboration with Virginia's Lewis & Clark Trail Partners, is relevant to the additional seventeen Lewis and Clark traveled counties as follows: **To expand heritage tourism and economic development in the Commonwealth by:**

*Identifying and preserving* the routes the Explorers traveled before and after the Expedition;

*Honoring and celebrating* the connections of Meriwether Lewis and William Clark to Virginia, and to the people and places they visited during their travels;

*Recognizing* the Virginia members of the Corps of Discovery who were from or returned to Virginia localities along the Great Valley Road; and,

*Encouraging* citizen awareness and trail exploration in Virginia and beyond; and,

**THEREFORE, BE IT RESOLVED**, that the members of the Botetourt County Board of Supervisors support the Mission of the Virginia Great Valley Lewis & Clark Eastern Legacy Trail; and, in partnership with communities along Virginia's Great Valley Lewis & Clark Eastern Legacy Trail, and other trail partners at the local, state, and national levels, endorse the request for funding from the 2020 Virginia General Assembly to staff and support operations for the continued development, implementation, and promotion of not only Virginia's Great Valley Lewis & Clark Eastern Legacy Trail, its related historic sites, locations and people visited along the trail route, but to also continue the development and implementation of the additional seventeen Lewis and Clark-traveled counties to achieve a future "Virginia Lewis & Clark Eastern Legacy Trail."; and

Approving the following proclamation commemorating the 50th anniversary of Blue Ridge Behavioral Healthcare:

**WHEREAS**, subsequent to the Virginia General Assembly's enactment of the Community Services Board (CSB) enabling legislation in 1968 through Chapter 10 Title 37.1 of the Code of Virginia, Blue Ridge Behavioral Healthcare became the fourth community services board to be established in the State on January 20, 1969, to serve the needs of people and families experiencing serious mental illness, substance use disorders, and developmental disabilities; and

**WHEREAS**, Blue Ridge Behavioral Healthcare, originally named Roanoke Valley MH-MR Services Board, served three localities comprising the Cities of Roanoke and Salem and the County of Roanoke, and subsequently grew to serve five jurisdictions, with Botetourt County joining the CSB in 1983 and Craig County joining in 1989; and

**WHEREAS**, currently Blue Ridge Behavioral Healthcare serves over 8,000 total clients annually, through a team of 400 dedicated staff providing care through over 20 services and programs, including crisis services evaluations for hospitalization, same day access for assessment, crisis stabilization, outpatient therapy and medication management, case management, medication assisted treatment, assertive community treatment, psychosocial rehabilitation, among others; and

**WHEREAS**, in fiscal year 2019, Blue Ridge Behavioral Healthcare served over 850 individuals residing in Botetourt County through over 9,800 units of service; and

**WHEREAS**, Blue Ridge Behavioral Healthcare continues to serve as the community services board serving children, adults, and families with serious mental illness, substance use disorders, and developmental disabilities in Botetourt County, the Cities of Roanoke and Salem, and the Counties of Craig and Roanoke; and

**NOW, THEREFORE**, be it resolved that the Botetourt County Board of Supervisors, at its regular meeting on November 26, 2019, does hereby recognize the **50th ANNIVERSARY OF BLUE RIDGE BEHAVIORAL HEALTHCARE** in 2019; and

**FURTHERMORE**, does hereby commend and acknowledge Blue Ridge Behavioral Healthcare, its Board of Directors, and staff for their past and continued years of service in addressing mental health, substance use, and developmental disability needs of the residents of Botetourt County and the Roanoke Valley.

Consideration was then held on requests for transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that the transfer is for a match of recent private donations received in the Greenfield Preservation Area Fund.

He then stated that there are 7 pass through appropriations and two regular appropriations for the Board's consideration. He noted that the appropriations are for expenditure reimbursements, receipt of State funds, Greenfield Preservation Area donations, FY 19 budget savings, payment of a DEQ fine regarding landfill operations, and for Grand and civil juries payments that are no longer covered by the State.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board approved the following transfer and appropriations: (Resolution Number 19-11-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$650.00 from General Fund – Fund 100 - Undesignated Fund Balance to Greenfield Preservation Area Fund – Fund 240. This provides a match of recent private donations received into the Preservation Fund.

Additional appropriation in the amount of \$6,334.14 to the following Correction & Detention Department accounts: \$3,327.68 to Medical & Lab Supplies, 100-4033100-33100-6004; \$2,856.00 to Uniforms, 100-4033100-33100-6011; and \$150.46 to Food Services & Supplies, 100-4033100-33100-6002. These are for medical co-pays and reimbursements, contract payments, and miscellaneous receipts.

Additional appropriation in the amount of \$3,455.12 to the following Sheriff's Department accounts: \$193.00 to Uniforms, 100-4031200-31200-6011; and \$3,262.12 to Overtime, 100-4031200-31200-1200. The former represents contract payments and the latter is for the reimbursement of Task Force overtime from the U. S. Marshal's Service.

Additional appropriation in the amount of \$3,267.10 to the following Sheriff's Department accounts: \$668.27 to Vehicle Supplies, 100-4031200-31200-6009; and \$2,598.83 to Subsistence & Lodging, 100-4031200-31200-5530. These are funds received for reimbursement of extradition costs.

Additional appropriation in the amount of \$62.50 to Dispatch – Uniforms, 100-4031400-31400-6011. These are funds received for contract payments.

Additional appropriation in the amount of \$5,909.00 to Clerk of Circuit Court – Maintenance Service Contracts, 100-4021600-21600-3320. These are funds received from the Supreme Court of Virginia for maintenance of the records management system.

Additional appropriation in the amount of \$30,660.00 to Waste Management – Professional Services, 100-4042400-42400-3100. These are funds received from County Waste to cover a DEQ fine regarding landfill operations.

Additional appropriation in the amount of \$1,300.00 to Greenfield Preservation Fund – Fund 240 – account 240-5002020-00000-0000-000. This is an appropriation for funds transferred in Transfer #1 and for the receipt of private donations.

Additional appropriation in the amount of \$43,577.00 to Sports Complex – Capital Outlay – Other Capital, 100-4071300-71300-8012. This appropriation, supported by FY19 budget savings, will be combined with \$28,000 of FY20 budgeted funds for the new backstop project for the Botetourt Sports Complex.

Additional appropriation in the amount of \$2,000.00 to Circuit Court – Jury Services, 100-4021100-21100-3155. This appropriation will cover current and projected FY20 costs for Grand Jury and civil juries' payments to citizens that are no longer reimbursed by the State.

Consideration was then held on approval of the accounts payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payables totaled \$1,557,151.32. He noted that this month's large invoices included \$28,195 to Wampler-Eanes Appraisal Group for work on the 2020 County reassessment; \$40,000 to Blue Ridge Behavioral Healthcare for their FY 20 budget allocation; \$35,000 to Virginia Western Community College's CCAP program; \$60,830 to Hubbard Excavating for work on the West Center Drive construction project; \$142,215 to S. C. Rossi and Company, Inc., for street improvements in Ashley Plantation; \$85,488 to Willscot for the Education and Training Center's mobile classrooms; and \$34,503 to Bank of America for replacement of 50 laptops.

There being no discussion, on motion by Mr. Martin, seconded by Dr. Bailey, and carried by the following recorded vote, the Board approved the accounts payable and ratified the Short Accounts Payable List as submitted. (Resolution Number 19-11-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a request from the School system for a transfer of FY 19 year-end funds to the Capital Reserve Fund. Mr. Tony Zerrilla stated that, in July 2008, the Supervisors established the School Capital Reserve Fund and in 2017 the Board approved an amendment to the Reserve Fund's policy which would distribute 100% of year-end budget surplus funds to the School division, with the disposition of any future-year budget surpluses to be considered during the annual budget adoption process.

Mr. Zerrilla stated that Superintendent Lisa Chen sent a letter to the County Administrator last week requesting, based on FY 19 budget vs actual results, that \$703,968.94 be transferred to the School Capital Reserve Fund. He stated that the calculation in round figures reflects \$373,000 of budget savings for expenditures, a \$355,000 revenue surplus from governmental sources, and a \$24,000 negative adjustment regarding a self-sustaining funds rollover.

He noted that the current balance in the School Capital Reserve Fund is \$74,398.46.

Mr. Zerrilla stated that the Board is being requested to take two actions today: approve a transfer in the amount of \$730,968.94 from the Undesignated Fund Balance to the School's Capital Reserve Fund; and approve an appropriation of \$379,043.36 to the Reserve Fund, which combined with the current appropriation for this fund (\$398,964.04), will provide full coverage for the requested transfer and the current balance in the School Capital Reserve Fund.

Mr. Brandon Lee, Supervisor of Finance for the Schools, stated that the School system is requesting that these funds be rolled over into the Capital Reserve Fund to make various improvements to school facilities and properties.

After questioned by Dr. Bailey, Mr. Ben Irvin, Director of Operations, stated that these funds will be used to make various capital improvements including converting the school bus camera systems from 3G to 4G service, replace the air conditioning system's chillers at Read Mountain Middle School, and conduct repairs at Lord Botetourt and James River High and Buchanan Elementary schools.

After questioning by Dr. Scothorn, Mr. Irvin stated that the school bus camera conversion project will cost \$145,000. After further questioning by Dr. Scothorn, Mr. Irvin stated that the School System applied for grants to fund this project but none of the applications were approved this year. He noted that award of these grant funds was, in part, contingent upon the number of students who receive reduced-price lunches. Mr. Irvin stated that the County's figures for reduced-price lunches were too low and did not meet the grant's guidelines.

After questioning by Dr. Bailey, Mr. Irvin stated that there are four tracks at various schools planned for improvements and the Board approved funding at their last meeting to make surface material and drainage improvements at James River High School. He noted that this work is scheduled in the spring of 2020. Mr. Irvin noted that the other three track improvement projects are in school's long-term improvement plan.

After questioning by Dr. Bailey, Mr. Zerrilla stated that the current balance of the School Capital Reserve Fund is \$74,398. After further questioning, Mr. Zerrilla noted that the Fund's balance depends on the activity and the priorities throughout the year.

Mrs. Brenda Bartee, Budget and Finance Senior Specialist, stated that \$331,000 was excess funds that the school system received from the State in FY 19 due to a higher-than-anticipated student enrollment and a budget adjustment approved by the Governor in February 2019.

After discussion, Mrs. Bartee noted that this rollover request is the fourth highest amount since the School Capital Reserve Fund was created.

After questioning by Dr. Bailey, Mr. Zerrilla stated that this fund was created in 2008.

After further discussion, on motion by Dr. Bailey, seconded by Mr. Sloan, and carried by the following recorded vote, the Board approved a transfer in the amount of \$703,968.94 from the County Undesignated General Fund balance to the School Division Capital Reserve Fund. (Resolution Number 19-11-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Sloan, seconded by Dr. Bailey, and carried by the following recorded vote, the Board approved an appropriation of \$379,403.36 for School Division Capital Reserve Fund 301, which, when combined with the current available appropriation for this fund (\$398,964.04) will provide full coverage for the above transfer and the current balance (\$74,398.46) in the School Division Capital Reserve Fund. (Resolution Number 19-11-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

After discussion, on motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Board tabled consideration of a request to create a Fire and EMS Capital Reserve Fund until the December regular meeting. (Resolution Number 19-11-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board tabled consideration of VDoT's monthly report and a request for a no through-truck restriction on Azalea Road (Rt. 1021) until the December regular meeting. (Resolution Number 19-11-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on a Corrective Memorandum of Lease with BRT Holding Company for the Blue Ridge Park cell tower site. Mr. Cody Sexton, Assistant to the County Administrator, stated that this lease for the Blue Ridge Park cell tower site has been amended to include a revised legal description after completion of a formal land survey.

He further noted that this public hearing was duly advertised in The Fincastle Herald on November 13, 2019.

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

On motion by Mr. Sloan, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the Corrective Memorandum of Lease with BRT Holding Company, Inc., for the Blue Ridge Park cell tower site, and authorized the County Administrator to sign the lease on the County's behalf. (Resolution Number 19-11-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Ken McFadyen, Director of Economic Development, then presented a staff report on the small business development program. He noted that the Economic Development staff have worked on various initiatives for creation of a small business development program in the County. Mr. McFadyen noted that this includes the creation of a brochure to provide basic information to those citizens interested in starting a small business regarding permits, taxes, etc. He also noted that the County developed a similar brochure several years ago.

Mr. McFadyen noted that these initiatives include: a directory of commercial lending programs available to business operators in Botetourt; the concept of a small business financial incentive that connects new and existing businesses with legal and accounting assistance; creation of a television commercial and a video that promote small businesses as "open for business" and addressing Botetourt's quality-of-life; creation of individualized "Open for Business" brochures for the Towns of Buchanan, Fincastle, and Troutville; a "Small Business Summit" scheduled for December 5th and Entrepreneur Express workshops scheduled in January 2020; and, Botetourt County's relationships with the Roanoke Small Business Development Center, RAMP, and the Advancement Foundation's 'Gauntlet' small business planning course.

Mr. McFadyen stated that according to 2017 data, there were 750 businesses in the County with an average of 14 employees each; 95% of these 750 businesses had 49 or fewer employees. He noted that construction, retail, and professional services business are the main types of small businesses in the County. He further noted that there were 10,000 workers in the County in 2017; 21% worked for establishments of 20 or fewer employees; and 66% worked for companies employing 100 or more.

Mr. McFadyen stated that the County has done a very good job with traditional economic development recruitment/retention with larger employers/manufacturers and the staff is now shifting some of their focus to assist the County's smaller businesses.

After discussion, Mr. McFadyen noted that 2,346 County residents are self-employed or work for a small business on the side. He noted that the County serves these small businesses through a variety of regional relationships/partnerships including the Roanoke Small Business Development Center, the Advancement Foundation, and RAMP (Regional Acceleration and Mentoring Program).

Mr. McFadyen noted that 28 Botetourt businesses have recently participated in one of these programs including MicroHarmonics located in Fincastle.

He stated that the County does not have any data on the failure rate of small businesses in the County but would like to introduce a concept of a Small Business Financial Incentive Program. He noted that this program would connect small businesses to legal, accounting, etc., services to help decrease the potential for failure and facilitate the professional relationship among businesses.

Mr. McFadyen stated that the program would be tested through the remainder of this fiscal year. He noted that there would be a qualifying process for small businesses to participate in the program, including having a completed business plan, and the County would budget \$500 per client/business to help with legal/accounting assistance. Mr. McFadyen stated that his staff has discussed this program with several legal firms located in the County and everyone is willing to offer their services to the qualifying/participating businesses.

After questioning by Dr. Bailey, Mr. McFadyen stated that the small business development entity, such as the Roanoke Small Business Development Center, would make a recommendation to the County on which small businesses should be considered for funding through the program.

After questioning by Dr. Scothorn, Mr. McFadyen stated that, if more than 10 or 12 small businesses qualify to participate in the program during the remainder of this fiscal year, then he would request additional funding from the Supervisors.

After further questioning by Dr. Bailey as to whether \$500 per client would be sufficient, Mr. McFadyen stated that this amount would pay for 2 – 3 hours of an attorney's or accountant's time. He further noted that the staff will negotiate with these firms on a reasonable/equitable hourly rate.

After further questioning by Dr. Scothorn, Mr. McFadyen stated that he is requesting today that the Board direct staff to proceed with formalizing the Small Business Financial Incentive Program.

Dr. Bailey stated that this seems like a good place to begin helping the County's small businesses in this manner.

Mr. McFadyen stated that the staff will work through the Economic Development Authority to contract with the various legal/accounting firms.

Dr. Scothorn encouraged the staff to plan for funding for 20 clients in the future as he believes that this will be a successful and popular program.

Dr. Bailey stated that the Board wants this program to be successful and, if additional funds are needed, Mr. McFadyen can submit this request to the Board for consideration.

On motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board directed staff to develop the Small Business Financial Incentive Program as proposed. (Resolution Number 19-11-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Ms. Heather Fay, Assistant Economic Development Director, stated that the economic development staff has also been working with local and state lenders to further their relationship with the County's small businesses. She noted that these efforts have resulted in the creation of a business lending resource directory; copies of which are being presented to the Board.

Ms. Fay stated that this directory provides small businesses with the scope of services provided by various banks in this area including the Bank of Botetourt, Bank of Fincastle, Carter Bank and Trust, Farm Credit of the Virginias, First Citizens Bank, Freedom First Credit Union, HomeTrust Bank, Member One Federal Credit Union, Virginia Community Capital, and the Virginia Small Business Financing Authority.

Dr. Bailey asked that this information also be provided to other businesses/entities, such as the Chamber of Commerce, that help the County's small businesses.

Dr. Scothorn stated that the VSBFA is very eager to work with the County's small businesses.

The Board members were then presented with a "Botetourt is Open for Business" brochure. Ms. Fay stated that this brochure provides information on permits, licenses, etc., that are required to open a small business in the County. She further stated that individual brochures were also created for the Towns to provide to their small businesses. She noted that the County is also hosting a small business summit/resource fair next week at the Education and Training Center to provide information to current and future businesses. Ms. Fay stated that 72 people have registered for the summit as of this time.

Ms. Fay further stated that the County will be conducting an Entrepreneur Express event on four Thursday evenings in January. She noted that these meetings will provide information on the steps to create a new business. Ms. Fay further noted that a separate topic will be discussed at each meeting.

After questioning by Dr. Scothorn, Ms. Fay stated that the County has not yet begun advertising the Entrepreneur Express meetings.

There being no further discussion, Dr. Bailey thanked the economic development staff for their work to assist the County's small businesses. Dr. Bailey noted that helping the County's small businesses to develop and grow is very important to him.

Mr. Jim Whitten, Project Manager, then updated the Board on the Colonial Elementary School project. He presented the Board with the architect's floorplan for the building and noted that the yellow-highlighted areas indicate where footings have been poured and walls have been erected for the third, fourth, and fifth grade classrooms and in the gymnasium. He noted that the concrete slab in the gymnasium will be installed next week.

Mr. Whitten noted that the building will be constructed counter-clockwise.

After discussion, Mr. Whitten stated that approximately 1,500 block are being laid each day and, if the good weather continues, approximately 150' of footings can be poured each day. He noted that the site is in good shape, they hope to keep the project on budget, and there have been no change orders submitted by the contractor at this time.

After questioning by Dr. Scothorn, Mr. Whitten stated that there is an alternative project item—an eat-outside area.

Mr. Whitten noted that he hopes to have the students in the building sometime next fall if the project stays on schedule. He stated that he now has an office trailer on the site.

Mr. Martin noted that everything on this project looks good at this time and thanked Mr. Whitten for his report.

Consideration was then held on various appointments.

On motion by Mr. Sloan, seconded by Dr. Bailey, and carried by the following recorded vote, the Board reappointed Chief Jason Ferguson as the County's representative on the Western Virginia EMS Council's Board of Directors for a three year term to expire on December 31, 2022. (Resolution Number 19-11-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board reappointed Mr. Gary Larrowe as the County's representative on the Roanoke Valley Broadband Authority for a four year term to expire on December 14, 2023. (Resolution Number 19-11-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Clinton then noted that Mrs. Beth Pappas' term as the Amsterdam District's representative on the Library Board of Trustees expires on December 31, 2019. He noted that Mrs. Pappas does not wish to be reappointed; therefore, this vacancy was advertised.

Mr. Clinton noted that Dr. Marlene M. Preston submitted a resume for consideration. Mr. Clinton stated that Dr. Preston is well qualified for the position as she served on the Botetourt County Library Board in the 1980s and has served on the Roanoke Public Libraries Advisory Board since 2009.

On motion by Mr. Clinton, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board appointed Dr. Marlene M. Preston, 175 Smithfield Way, Troutville, Virginia, 24175, as the Amsterdam District representative on the Library Board of Trustees for a four year term to expire on December 31, 2023, and directed staff to send Mrs. Beth Pappas a letter thanking her for her previous service on the Library Board. (Resolution Number 19-11-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

After discussion, on motion by Mr. Clinton, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board appointed Ms. Cheryl Sullivan-Willis, 1853 Roanoke Road

Daleville, Virginia 24083, to the Historic Greenfield Committee. (Resolution Number 19-11-16)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Dr. Bailey then congratulated the Lord Botetourt High School girls volleyball team for recently winning their third State championship.

There being no further discussion, the Chairman then adjourned the meeting at 5:25 P. M.