

The regular meeting of the Botetourt County Board of Supervisors was held on Friday, December 22, 2017, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 9:00 A. M.

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

ABSENT: Members: None

Others present at the meeting:

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

The Chairman called the meeting to order at 9:03 A. M. He welcomed everyone to the meeting and asked for a moment of silence.

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

Mr. Leffel called on Mr. Jason Ferguson, Battalion Chief for Administration, to make presentations to Fire-EMS personnel. Mr. Ferguson introduced and recognized Mr. C. J. Boothe, Mr. Ryan Hartberger, and Mr. Patrick Scruggs for successful completion of the Virginia Fire Officers Academy.

Mr. Ferguson then recognized and recounted heroic service rendered by Mr. Alan Wright, Mr. Christopher Keyser and Mr. Travis Smith during a swift water rescue incident. Mrs. Wright, wife of Alan Wright, then assisted Mr. Ferguson in presenting certificates and Medals of Valor to Mr. Christopher Keyser and Mr. Travis Smith for their service. Mr. Ferguson then presented the Medal of Bravery to Mrs. Wright for the actions of her husband, who was critically injured in the event, and his service to the community.

Mr. Martin expressed his gratitude to the Fire-EMS personnel recognized as well as all other Fire-EMS personnel, Sheriff's deputies and other public safety personnel for their service to the citizens of the County.

Mr. Scothorn expressed his thanks to the "heroes" of Botetourt County and for what they have given to the citizens.

Mr. Leffel expressed his gratitude to the many first responders and thanked them for all that they do.

Mr. Leffel then presented County watches and framed nameplates to Mr. Dodson and Mr. Williamson in recognition and appreciation for their service on the Board, saying, "I cannot thank you enough."

Mr. Scothorn noted the tremendous friendship that had developed between the members of the Board and stated that Messrs. Dodson and Williamson "are an important and integral part of the County."

Mr. Martin observed, "It has been a good four years" and thanked Mr. Dodson and Mr. Williamson, concluding that "we will miss you."

Mr. Dodson responded that, "It has been my honor to represent the citizens of Botetourt County" and thanked the other Board members for setting the foundation for leadership in the Roanoke Valley.

Mr. Leffel then opened the floor to general public comments.

Mr. John Busher, Superintendent of Schools, thanked the Board for its support and expressed appreciation for the relationship between the Board of Supervisor and the School Board, their shared vision, and for what this Board of Supervisors accomplished for the citizens of the County.

Ms. Jennifer Wilson, President of the Buchanan Elementary School Parent-Teacher Association, thanked the Recreation Department for its support through the Recreation Incentive Fund. She asked the Board to consider providing capital funding for playgrounds and thanked members for remembering the rural areas of the County.

Mr. Leffel moved, Dr. Scothorn seconded, and carried by the following recorded vote, the Board approved the following consent agenda items: (Resolution Number 17-12-01)

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

NAYS: None

ABSENT: None ABSTAINING: None

Approval of minutes of the regular meeting held on November 28, 2017;

Approval of the following Transfers and Additional Appropriations:

Transfer \$629.92 to Central Purchasing –Store Supplies, 100-4012530-12530-6021, from various departments as follows for store supplies usage:

\$586.00 Board of Super. – Other Oper. Supp., 100-4011100-11010-6014
 \$ 13.47 Finance- Office Supplies, 100-4012430-12430-6001
 \$ 30.45 Comm. of Revenue-Office Supp., 100-4012310-12310-6001

Transfer budgeted funds of \$475,479 from Sheriff - Capital Outlay - Motor Vehicle Equipment, 100-4031200-31200-8005 to CIP - Sheriff Mobile Safety Plan, 100-4094000-31200-8005-205. This transfer places the funds appropriated last month for the Sheriff's Mobile Data Terminal (MDT) project into a Capital Improvement Plan project line which will be used to better track costs for the duration of this project.

Additional appropriation in the amount of \$499.62 to the following Sheriff's Department accounts: \$66.67 to Wages – Overtime, 100-4031200-31200-1200; \$300.00 to Ballgame Pay, 100-4031200-31200-1500; \$22.95 to FICA, 100-4031200-31200-2100; and \$110.00 to Uniforms, 100-4031200-31200-6011. These receipts represent reimbursed costs.

Additional appropriation in the amount of \$2,796.27 to the following Correction & Detention accounts: \$2,601.27 to Professional Services, 100-4033100-33100-3100; and \$195.00 to Uniforms, 100-4033100-33100-6011. The former represents medical co-pays and reimbursements received and the latter represents uniform reimbursements.

Additional appropriation in the amount of \$3,053.21 to the following Volunteer Fire & Rescue accounts: \$2,953.21 to County Volunteer Fire Departments, 100-4032200-32200-5641; and \$100 to Instruction & Training, 100-4032200-32200-3180. The former is a reimbursement for warranty repairs and the latter is reimbursed funds for student books and testing fees received for firefighter training for non-County students.

Additional appropriation in the amount of \$15,003.71 to Volunteer Fire & Rescue – Volunteer Rescue Squads, 100-4032200-32200-5651. These are funds received from Eagle Rock Rescue Squad to purchase a Lucas Chest Compression System on their behalf.

Additional appropriation in the amount of \$3,015.00 to the following Fire & EMS accounts: \$1,990.00 to Capital Outlay – Machinery & Equipment, 100-4035500-35500-8001; and \$1,025.00 to Other Operating Supplies, 100-4035500-35500-6014. The former is for a check received from Sonetics for the return of merchandise and the latter is a contribution made in memory of Philip Gimlimead.

Approval of Accounts Payable and ratification of the Short Accounts Payable List; and, Authorized the Commissioner of the Revenue to sign an affidavit stating that notifications of the proposed Town of Fincastle boundary adjustment were sent to all potentially affected landowners as per Section 15.2-3207 of the Code of Virginia of 1950, as amended.

Mr. Brian Blevins, Assistant Resident Engineer, with the Virginia Department of Transportation, was then present to speak to the Board. Mr. Blevins commented that current highway projects are going well; that Exit 150 is fully open and work at the exit will be completed by summer 2018.

In response to a question from Mr. Dodson, Mr. Blevins confirmed that there remains some work to do to adjust some traffic control issues at the interchange.

Mr. Blevins reported that the Lithia Road project is on schedule. He informed the Board that work on Route 11 bridges would include the placement of message boards and various traffic controls while the work is conducted over the next two years. Mr. Blevins stated that VDoT is working with businesses to address questions.

Mr. Scothorn expressed appreciation for roadwork in British Woods.

In response to Mr. Martin, Mr. Blevins stated that construction for McFalls Road would be cleared for spring 2018.

Mr. Williamson complimented Mr. Blevins on recent and on-going paving work and asked about a news report on sub-par bridges and the number located in Botetourt. Mr. Blevins responded that he would check into the number of bridges with issues in the County, noting that a lot of improvements have been completed.

Mr. Dodson complimented recent paving and painting work and expressed his appreciation of the work Mr. Blevins and Mr. Kevin Hamm of VDoT do.

Mr. Jim Farmer, Director of Recreation and Facilities, then presented a list of 2017/2018 Recreation Incentive Fund projects recommended by the Recreation Advisory Commission for approval by the Board. Mr. Farmer noted that, if all projects were approved, there would remain some funds in the current year incentive program and asked that the Board consider authorizing the remaining funds to match funds provided by the school division to repair playgrounds.

Mr. Martin asked whether the school division had funds available to take care of playgrounds. Mr. Farmer responded that the division did not currently but is exploring ideas.

Mr. Dodson encouraged Mr. Farmer to keep up the good work and to continue to work with the school division to ensure a plan is developed to address playground needs.

Mr. Williamson moved, Mr. Scothorn seconded, and carried by the following recorded vote, the Board approved the recommended 2017/2018 Recreation Incentive Fund projects as follows, and authorized the use of surplus program funds to match school funds to repair playgrounds: (Resolution Number 17-12-02)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Sponsoring Organization	Project Location	Total Project Cost	Funds Requested	Description	Amount Recommended
Read Mountain Middle School	182 Orchard Hill Dr. Cloverdale, VA 24077	\$450.00	\$250	Replace temporary fencing used on softball field.	\$225
Town of Troutville	Troutville Town Park	\$2,900.00	\$1,500	Repair paved walking track located within Troutville Town Park.	\$1,450
Colonial Elementary School	2941 Webster Road Blue Ridge, VA 24064	\$16,773	\$8,500	Remove old playground equipment on playground and replace with new playground unit	\$8,386
Buchanan Elementary School	255 Schoolhouse Road Buchanan, VA 24066	\$20,860.00	\$10,000	Remove old pre-K/K playground equipment and swings and replace with new.	\$10,000
Town of Buchanan	Buchanan Town Park 485 Lowe Street Buchanan, VA 24066	\$10,964.38	\$5,000	Trailhead development and batteau interpretation display.	\$5,000
Troutville Athletic Booster Club	Field 3 – T-ball Field 12 Barron Drive Troutville, VA 24175	\$3,600.00	\$1,800	Install new dugouts roofs on T-Ball Field at Troutville Elementary	\$1,800
		\$55,547	\$27,050		\$26,861

County Attorney Mike Lockaby then presented a resolution opposing rate increases requested of the State Corporation Commission by AquaVirginia water company. Mr. Lockaby noted that the requested increase could heavily impact households in the Blue Ridge and Valley districts of the County and that the County had engaged in efforts with other localities in the Commonwealth to petition the SCC to support a more reasonable increase. Mr. Lockaby noted that, if the Board approved the recommended resolution, he would file to intervene in the case on behalf of the County this afternoon.

Mr. Scothorn commented that this situation is unreasonable and thanked Mr. Martin for taking lead on this issue.

Mr. Martin noted that AquaVirginia was seeking to double fees and put too much burden on its customers. He thanked Mr. Lockaby for his assistance.

Mr. Scothorn moved, Mr. Martin seconded, and carried by the following recorded vote, the Board adopted the following resolution opposing proposed rate increases requested by AquaVirginia:

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

NAYS: None

ABSENT: None

ABSTAINING: Mr. Williamson

Resolution Number 17-12-03

WHEREAS, Aqua Virginia, Inc., a state-wide, investor-owned water and sewer utility company, owns and operates several water systems in Botetourt County, serving over 2,500 customers, including the County; and

WHEREAS, Aqua Virginia is a utility company whose rates are regulated by the Virginia State Corporation Commission (Commission) and has filed a rate case in the Commission seeking an increase in its water charges in an aggregate amount of \$1,488,998, which represents an 11.0% increase in its overall rates, with potentially much greater impacts on certain individual customers in Botetourt County; and

WHEREAS, Aqua Virginia has further requested the Commission to authorize a water and wastewater infrastructure service charge (WWISC), which would give Aqua Virginia the ability to impose infrastructure charges on customers without sufficient oversight from the Commission, thus resulting in potentially a much greater increase in rates; and

WHEREAS, this increase in rates, including but not limited to the increase in the base rate and the WWISC, would have deleterious effects on the County and its citizens:

NOW THEREFORE, BE IT RESOLVED, the Board of Supervisors for Botetourt County, Virginia, finds that the rate increase requested by Aqua Virginia, Inc., including but not limited to the base rate increase and the WWISC, to be unjust and unreasonable; and

BE IT FURTHER RESOLVED, the Board of Supervisors directs the County Administrator to make its objections known to the Aqua Virginia; directs the County Attorney to file a Notice of Participation in the aforementioned rate case and assert its findings and objections to the Commission; and authorizes the County Administrator and County Attorney to take or cause to be taken such other and further actions as may be necessary to protect the interest of the County and its citizens in this regard.

Mr. Corbin Stone of Robinson, Farmer, Cox then presented the 2017 CAFR and apologized for the delay in the report this year, noting that he received final school division data earlier in the week.

Mr. Stone informed the Board that the County received an unmodified or unqualified opinion as a result of Mr. Stone's audit of the County's financial records. He stated that the County is "in healthy shape financially." He noted that the audit identified some departmental receipts that were not remitted to the Treasurer as quickly as they should be and stated that all moneys received by departments should be remitted to the Treasurer within two to three days. Mr. Stone noted that this matter had been corrected where it was found.

Mr. Stone noted that the Department of Social Services had made some errors in its payroll reports to the IRS but that those reports were being refiled. In response to Mr. Williamson, Mr. Stone responded that no penalties were associated with the DSS reports and noted that, as previously planned, processing of the department's payroll was being transferred to the County.

Mr. Stone noted a recurring comment in the report citing the need for greater separation of work in the school division's financial operations. He stated that he had sent a letter noting the concern to the school division.

Mr. Leffel called for a brief recess at 10:25 A.M.

Mr. Leffel reconvened the meeting at 10:42 A.M.

Mr. Jerod Myers, County Planner, then presented a proposed update to the Transportation chapter of the County's 2010 Comprehensive Plan and the addition of a new "Parks, Recreation and Greenways" chapter for a public hearing and consideration by the Board. He reminded the Board that staff was undertaking more frequent sectional updates to the Comprehensive Plan rather than comprehensive updates once every five years so as to keep the plan more current and relevant to developing conditions. Mr. Myers summarized this update process which included a review of the existing plan, public input in the form of public hearings before the Planning Commission and this board and public surveys, and review, comment and recommendation of the update by the Planning Commission. He noted that staff received over 350

responses to the transportation survey and over 250 responses to the parks and recreation survey.

Mr. Myers presented an overview of the policy goals and objectives included in the proposed update.

Mr. Leffel then opened the public hearing.

Ms. Ann Layman noted that the Board had not yet approved the proposed master plan for the Greenfield historical park and encouraged the Board to include the historical park in the parks and recreation master planning. She, also, requested that the Board provide restroom facilities in the historical park.

Mr. Ed McCoy asked that the Board include facilities for 4-H club programs in the plan.

Mr. Williamson stated that the budget sub-committee had discussed this need last year and is exploring the feasibility of providing an opportunity to address this need within the planning and development of the proposed Greenfield historical park.

Mr. Leffel asked staff to work with school officials to determine whether any school facilities may be suitable for the 4-H needs.

There being no further discussion, the public hearing was then closed.

Mr. Williamson moved, Mr. Leffel seconded, and carried by the following recorded vote, the Board approved the recommended Transportation and Parks, Recreation and Greenways chapter updates to the 2010 Comprehensive Plan, with an amendment that the Recreation chapter include a provision calling for consideration of a multi-use facility within the proposed Greenfield historical park to accommodate 4-H club programs. (Resolution Number 17-12-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Larowe then introduced a request from the Town of Fincastle that the Board hold a public hearing on the Town's request to expand its boundaries. Mr. David Tickner, Town Manager, addressed the Board. He reported that the Town held a public meeting on the proposal on December 19th with a small turnout of citizens. He stated that State law requires that both the Town and the County hold public hearings and that the Town will hold a public hearing on the proposal in January. He asked the Board to do the same.

In response to Mr. Williamson, Mr. Tickner stated that the Town had mailed notices of the proposed boundary adjustment to all affected property owners.

Mr. Scothorn asked about the attendance at the Town's public meeting. Mr. Tickner responded that approximately fifty persons attended and offered positive comments.

Mr. Leffel moved, Mr. Dodson seconded, and carried by the following recorded vote, the Board authorized staff to advertise for a public hearing on the Town of Fincastle's boundary adjustment request at the regular January 2018 Board meeting. (Resolution Number 17-12-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Leffel then called Mr. Drew Pearson, County Planner, to present a request for a special exceptions permit as follows:

Amsterdam District: James V. Geiser and Donna E. Caldwell request a Special Exception Permit for a Cabin or Cottage, with possible conditions, for the pro-

posed use of a short-term vacation rental, in the Residential (R-1) Use District in accordance with Section 25-123. Uses permissible by special exception of the Botetourt County Code. This 0.608-acre lot is located at 83 Orchard Drive, Daleville (State Route 795), approximately 0.08 miles north of its intersection with Wendover Road (State Route 794), and is identified on the Real Property Identification Maps of Botetourt County as Section 101A(1), Parcel BK 1-41.

Mr. Pearson noted that a cabin or cottage was basically a single-family dwelling that would be rented for less than 30 days and that the Zoning Ordinance contained supplemental regulations that would govern the operation of the proposed use, if this request were to be approved. Mr. Pearson further noted that, with the supplemental regulations, and since the County had not received any concerns regarding the request, that staff was not suggesting any conditions for this application. He reported that no public comments have been received on this request and that, on a vote of 5:0:0:0, the Planning Commission recommended unanimous approval of the Special Exception Permit request for a Cabin or Cottage.

Mr. Leffel opened the public hearing. There being no requests to speak, Mr. Leffel closed the public hearing.

Mr. Dodson moved, Mr. Martin seconded, and carried by the following recorded vote, the Board approved a request in the Amsterdam District from James V. Geiser and Donna E. Caldwell for a Special Exception Permit for a Cabin or Cottage for the proposed use of a short-term vacation rental in the Residential (R-1) Use District in accordance with Section 25-123. Uses permissible by special exception of the Botetourt County Code on a 0.608-acre lot located at 83 Orchard Drive, Daleville (State Route 795), approximately 0.08 miles north of its intersection with Wendover Road (State Route 794), and identified on the Real Property Identification Maps of Botetourt County as Section 101A(1), Parcel BK 1-41, on the basis that the requirements of Section 25-583 of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare and is good zoning practice. (Resolution Number 17-12-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Pearson then presented the following matter for public hearing:

Amsterdam District: Jeff Ragan Rudisill, Sr. requests a Special Exception Permit, with possible conditions, to construct a second accessory building in the Residential Use (R-1) District in accordance with Section 25-123. Uses permissible by special exception of the Botetourt County Code. The property is approximately 0.5 acres in size, and located at 43 Meadow Circle (State Route 1036), Daleville, approximately 0.05 miles west from its intersection with Orchard Lake Drive (State Route 1035), and is identified on the Real Property Identification Maps of Botetourt County as 87C(1), Parcel BK 2-2.

Mr. Pearson stated that the application was to add a second accessory building that was 18-FT x 26-FT and that the building as proposed would meet applicable setbacks for the district. After questioning from the Planning Commission, the applicant agreed with the conditions, noted his home was in Orchard Lake, which did not have a homeowner's association or restrictions, and that several homes nearby already had more than one outbuilding. There were

no public comments prior to or during the Planning Commission's public hearing. He concluded by relaying that on a vote of 5:0:0, the Planning Commission recommended unanimous approval of the Special Exception Permit request to construct a second accessory building in the Residential Use (R-1) District, with the following conditions:

1. The size of the accessory building shall not exceed 468 square feet.
2. The existing 12'x12' accessory building shall not be expanded in size.
3. The color of the accessory building shall match the existing accessory building.

In response to Mr. Williamson, the applicant stated that he was agreeable to the conditions recommended by the Planning Commission.

Mr. Leffel opened the public hearing. Hearing no one wishing to speak, he closed the public hearing.

Mr. Dodson moved, Mr. Martin seconded, and carried by the following recorded vote, the Board approved a request in the Amsterdam District from Jeff Ragan Rudisill, Sr., for a Special Exception Permit to construct a second accessory building in the Residential Use (R-1) District in accordance with Section 25-123. Uses permissible by special exception of the Botetourt County Code on property approximately 0.5 acres in size, and located at 43 Meadow Circle (State Route 1036), Daleville, approximately 0.05 miles west from its intersection with Orchard Lake Drive (State Route 1035), and identified on the Real Property Identification Maps of Botetourt County as 87C(1), Parcel BK 2-2, with the following conditions, and on the basis that the requirements of Section 25-583 of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare and is good zoning practice: (Resolution Number 17-12-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. The size of the accessory building shall not exceed 468 square feet.
2. The existing 12'x12' accessory building shall not be expanded in size.
3. The color of the accessory building shall match the existing accessory building.

Mr. Myers then presented the following request for a Commission Permit and Special Exceptions Permit:

Fincastle District: Hubert Jack Cassell (Shentel/Shenandoah Personal Communications, LLC, lessees) requests a Commission permit in accord with §15.2-2232 of the Code of Virginia, in addition to a Special Exception Permit, with possible conditions, in the Agricultural, (A-1) Use District in accordance with Section 25-73. Uses permissible by special exception of the Botetourt County Code, to replace and remove an existing 80-foot wooden telecommunications pole in order to construct and maintain a non-illuminated, 126-foot telecommunications facility within a 346 square-foot lease area. The tower site is proposed to be accessed from Gravel Hill Road (Route 676) and via an existing, non-exclusive 20-foot access/utility easement. The 10.2-acre parcel is located at 2457 Gravel Hill Road, at the Gravel Hill Road (State Route 676) intersection with Roanoke Road (US Route 220), and is identified on the Real Property Identification Maps of Botetourt County as Section 73, Parcel 168.

Mr. Myers stated that Shentel is in the process of enhancing their equipment in Botetourt and that the existing wooden pole could not support additional upgrades. He noted that the proposed tower does not meet setback requirements. The tower should be at least 126 feet from the nearest property line and at least 252 feet from any off-site residential structure. The proposed tower will be 83.7 feet from the nearest property line and 140.4 feet from the single-family residence located on the adjacent parcel to the south. He followed up by stating that the governing authority may reduce the standard setback requirements. Approval of the Special Exceptions permit as proposed would grant a reduction in setback requirements. The applicants responded to the Planning Commission's concerns regarding setbacks and the fall radius. After questioning from the Planning Commission, the applicant volunteered a seventh condition that would require the monopole to collapse only on the parent tract. Mr. Myers noted that the applicants did hold a community meeting on October 26, 2017, at Fincastle Baptist Church from 6:30pm until 8:00pm. No citizens attended the meeting. There were no public comments prior to or during the Planning Commission's public hearing.

He reported that, on a vote of 5:0:0:0, the Planning Commission recommended approval of the Commission Permit in accord with §15.2-2232 of the Code of Virginia. On a vote of 5:0:0:0, the Planning Commission recommended unanimous approval of the Special Exception Permit request to replace the existing 80-foot wooden telecommunications pole with a non-illuminated, 126-foot telecommunications facility with the following conditions:

1. The proposed project must be constructed in substantial conformance to the concept plan prepared by Mead & Hunt, sealed by Carl Bowyer, Professional Engineer, on 11-21-17, identified by site name "Trinity"; site number "RN157" and with project number "R4461000-170935.01."

2. The special exception permit shall be valid for a period of no longer than 12 months, unless, during such 12-month period: (1) a site plan is approved; (2) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued; or (3) an occupancy permit is obtained and a use commenced. Such period of validity may be extended for good cause shown, by application to the Board of Supervisors.

3. At the time of permitting, Applicant shall provide a structural analysis, sealed by a Virginia structural engineer that the proposed tower will support the collocations of Shentel and AT&T.

4. Any new fencing should be at least six feet in height and any existing fencing that is not at least six feet in height shall be replaced to meet this requirement.

5. No advertising shall be installed on the fencing near the ground compound.

6. Should the antenna arrays be lowered in the future to a height that is below a removable section of the monopole, the tower owner shall then remove this upper section that is no longer in use.

7. Prior to site plan and building permit approval, the applicant shall submit a structural analysis ensuring the tower will collapse within the boundaries of the parcel on which it is located.

Upon questioning by Mr. Williamson, Max Wiegard of Gentry Locke, Attorneys, representative for the applicant, stated that the proposed tower had been re-engineered to include a "break point" to ensure any tower collapse would occur in a predictable way and not exceed a fall radius of sixty feet. He stated that Shentel has never had a tower collapse. He further stated, in response to Mr. Williamson, that he has seen this "break point" design used by others and that it is a common design.

Mr. Leffel then opened the hearing for public comment. There being no one wishing to speak, he closed the public hearing.

Mr. Leffel moved, Mr. Dodson seconded, and carried by the following recorded vote, the Board approved a request in the Fincastle District from Hubert Jack Cassell (Shentel/Shenandoah Personal Communications, LLC, lessees) for a Commission permit in accord with §15.2-2232 of the Code of Virginia, in addition to a Special Exception Permit, in the Agricultural, (A-1) Use District in accordance with Section 25-73. Uses permissible by special exception of the Botetourt County Code, to replace and remove an existing 80-foot wooden telecommunications pole in order to construct and maintain a non-illuminated, 126-foot telecommunications facility within a 346 square-foot lease area. The tower site is proposed to be accessed from Gravel Hill Road (Route 676) and via an existing, non-exclusive 20-foot access/utility easement. The 10.2-acre parcel is located at 2457 Gravel Hill Road, at the Gravel Hill Road (State Route 676) intersection with Roanoke Road (US Route 220), and identified on the Real Property Identification Maps of Botetourt County as Section 73, Parcel 168, with the following conditions, and on the basis that the requirements of Section 25- 583 of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare and is good zoning practice. (Resolution Number 17-12-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. The proposed project must be constructed in substantial conformance to the concept plan prepared by Mead & Hunt, sealed by Carl Bowyer, Professional Engineer, on 11-21-17, identified by site name "Trinity"; site number "RN157" and with project number "R4461000-170935.01."
2. The special exception permit shall be valid for a period of no longer than 12 months, unless, during such 12-month period: (1) a site plan is approved; (2) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued; or (3) an occupancy permit is obtained and a use commenced. Such period of validity may be extended for good cause shown, by application to the Board of Supervisors.
3. At the time of permitting, Applicant shall provide a structural analysis, sealed by a Virginia structural engineer that the proposed tower will support the collocations of Shentel and AT&T.
4. Any new fencing should be at least six feet in height and any existing fencing that is not at least six feet in height shall be replaced to meet this requirement.
5. No advertising shall be installed on the fencing near the ground compound.
6. Should the antenna arrays be lowered in the future to a height that is below a removable section of the monopole, the tower owner shall then remove this upper section that is no longer in use.
7. Prior to site plan and building permit approval, the applicant shall submit a structural analysis ensuring the tower will collapse within the boundaries of the parcel on which it is located.

Mr. Leffel then asked Mr. Myers to present the following item for a public hearing:

Valley District: LARE Inc. requests to rezone, with possible proffered conditions, 12.1 acres from the Agricultural (A-1) Use District to Industrial (M-2) Use District in accordance with Section 25- 342. Permitted Uses of the Botetourt County Code for the proposed use of heavy equipment sales, rental and repair. The property is located on the east side of Lee Highway (US Route 11) approximately

0.02 miles south of its intersection with Bryant Road (State Route 1007), and is identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 35.

Mr. Williamson disclosed that he serves on the Board of Directors of LARE, Inc., and recused himself from hearing or participating in the Board's consideration of this matter. Mr. Williamson stepped down from the dais.

Mr. Myers reported that the applicant requested rezoning to relocate an existing, 15-year old Case dealership from Simmons Industrial Park to this stand-alone location fronting on U. S. Route 11 (Lee Highway). He stated that proffers had not been offered and the elevations shown in the package were conceptual, with grading expected to commence in 2018. The Commissioners asked about the conceptual nature of the project, noting that no proffered concept plan or other proffered conditions were submitted by the applicant. The Planning Commission noted the property's Covenants and Restrictions (prepared by the Economic Development Authority of Botetourt County), although the County would have no enforcement jurisdiction over them. Mr. Myers stated that no public comments were received prior to or during the Planning Commission's public hearing. He concluded that, on a vote of 5:0:0:0, the Planning Commission recommended unanimous approval of the rezoning request to the Industrial (M-2) Use District.

Mr. Martin asked about previous intentions to place fill on a portion of the site. Mr. Larrowe responded that the work did not happen and that the elevation of the site had not been raised.

A representative of the applicant stated that all twelve acres of the property would not be used and developed.

Mr. Martin whether development would be limited to one structure to which the applicant's representative responded, "yes."

In response to a question from Mr. Dodson, the applicant's representative stated that only three to four acres of the site will be developed. The representative further stated, in response to Mr. Dodson, that there are no other plans for development on the property at this time.

Mr. Leffel opened the public hearing. There were no public comments. Mr. Leffel closed the public hearing.

Mr. Scothorn suggested that the applicant investigate the availability of fill dirt from the bridge project getting ready to start near the site to fill in and level the elevation of the site.

Mr. Scothorn moved, Mr. Dodson seconded, and carried by the following recorded vote, the Board approved a request in the Valley District from LARE Inc., to rezone 12.1 acres from the Agricultural (A-1) Use District to an Industrial (M-2) Use District in accordance with Section 25- 342. Permitted Uses of the Botetourt County Code for the proposed use of heavy equipment sales, rental and repair on property located on the east side of Lee Highway (U. S. Route 11) approximately 0.02 miles south of its intersection with Bryant Road (State Route 1007), and identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 35, on the basis that the requirements of Section 25-581(k)(4) of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare, and is good zoning practice. (Resolution Number 17-12-09)

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

NAYS: None

ABSENT: None

ABSTAINING: Mr. Williamson

Mr. Leffel then asked if there were any committee reports.

Mr. Williamson commented about the strategic planning work underway to promote agriculture. He noted that the Board budgeted to hire an Agriculture Development Officer and that the County has been unsuccessful in recruiting for the position. He encouraged the County to hire that position and promote agriculture in the County.

Mr. Leffel relayed that Blue Ridge Behavioral Healthcare requests that the Board reappoint Mr. Michael Parish as the County's representative on its board of directors for a three-year term to expire on December 31, 2020.

Mr. Leffel moved, Mr. Williamson seconded, and carried by the following recorded vote, the Board approved the reappointment of Mr. Michael Parish as the County's representative on the Blue Ridge Behavioral Healthcare Board for Directors for a three-year term to expire on December 31, 2020. (Resolution Number 17-12-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Leffel announced a recess at 12:10 P.M.

Mr. Leffel reconvened the meeting at 12:20 P.M.

On motion by Mr. Dodson, seconded by Mr. Williamson, and carried by the following recorded vote, the Board went into Closed Session to discuss personnel matters regarding specific individuals; the acquisition of real property for public uses or the disposition of publicly held real property where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body; discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the County; consultation with legal counsel pertaining to actual or probably litigation; and consultation with legal counsel regarding specific legal matters requiring legal advice as per Section 2.2-3711 (A) (1), (3), (5), (7) and (8) of the Code of Virginia of 1950, as amended. (Resolution Number 17-12-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman called the meeting back to order at 1:16 P. M.

On motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board returned to regular session from Closed Session and adopted the following resolution by roll-call vote. (Resolution Number 17-12-12)

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

There being no further discussion, the Chairman adjourned the meeting at 1:18 P.M.