

The regular meeting of the Botetourt County Board of Supervisors was held on Thursday, December 17, 2015, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 2:00 P.M.

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

ABSENT: Members: None

Others present at the meeting:

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

The Chairman called the meeting to order at 2:01 P. M.

The Chairman then asked for a moment of silence. Mr. Williamson then led the group in reciting the pledge of allegiance.

Dr. Scothorn then recognized House of Delegates member Terry Austin as being in attendance at today's meeting. He noted that Delegate Austin would like to present a House of Delegates' approved resolution to Mrs. Estelle Avner, a resident of Blue Ridge.

Delegate Austin thanked the Board for allowing him the opportunity to make this presentation at their meeting. He stated that Mrs. Avner created the Bradley Free Clinic in Roanoke and was its Director for many years. Delegate Austin stated that this clinic provides free medical services three days a week to accommodate those citizens than cannot afford them.

Delegate Austin then read House Bill 527 which was adopted by the House of Delegates in August 2015. The resolution commended Mrs. Avner for her "contributions to the State" in providing for the "health and wellness of the patrons of the Roanoke region."

Mrs. Avner thanked Delegate Austin for this proclamation. She noted that the people in the Roanoke Valley community did all of the work and noted that the Botetourt County Board of Supervisors has always financially supported the Clinic. Mrs. Avner stated that she is touched to receive this proclamation and appreciates the members of her family for being present today.

Mr. Martin stated that Mrs. Avner was greatly responsible for all of the work done by the Clinic and everyone appreciates the years of time and effort that she has provided to the Clinic.

Dr. Scothorn noted that Vistar Eye Center has provided services to many of the Clinic's patrons over the years and what the patients get out of this service is fantastic.

Salem Sheriff Rick Atkins was then present to recognize the Botetourt County Sheriff's Department for achieving recertification by the Virginia Law Enforcement Professional Standards Commission. Sheriff Atkins stated that he has been involved in the accreditation process since 2002.

He noted that this is a very demanding process which involves a thorough inspection by a Sheriff's Department peer group. Sheriff Atkins stated that this recertification is not easy to obtain initially and it is even more difficult to maintain. He noted that of the over 400 law enforcement agencies in the State, only 92 have obtained this certification since 1998 and Botetourt County received this designation in 2015 for the fourth time.

He then presented the certificate to Sheriff Ronnie Sprinkle and congratulated him on a job well done.

Sheriff Sprinkle thanked the Board for allowing this presentation to be given at today's meeting. He also thanked Deputy Greg Marshall who is the Sheriff Department's Accreditation Manager for his work throughout this process. Sheriff Sprinkle also expressed his appreciation to his department and staff for their contributions and assistance toward this recertification process. He noted that the staff have to buy into this concept and do the best they can for the process to work.

The Board congratulated Sheriff Sprinkle for obtaining this certification for the fourth time.

Mrs. Nicole Pendleton, Zoning Administrator, then introduced Mr. Drew Pearson to the Board as a new County Planner. She noted that Mr. Pearson previously worked for 20 years in the Gastonia, North Carolina, Planning Department, he has an Associate's Degree in Applied Science, is a certified flood plain manager, and has extensive experience in planning and zoning.

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

Mr. Pearson stated that he is very excited to be with the County after going through a good interview process and he has a lot of respect for the people he met in these interviews. Mr. Pearson stated that he has been on the job for several weeks and it appears to be a great place to work and he looks forward to serving the Board and the County's citizens.

Consideration was then held on approval of minutes.

Dr. Scothorn noted that, as he was not in attendance at the Board's special meetings on November 17 and December 1, he would abstain from voting on those meetings' minutes.

After discussion, on motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the minutes of the special Board meetings held on November 17 and December 1, 2015, were approved as submitted. (Resolution Number 15-12-02)

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

NAYS: None

ABSENT: None

ABSTAINING: Dr. Scothorn

On motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the minutes of the regular meeting held on November 24, 2015, were approved as submitted. (Resolution Number 15-12-03)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on requests for transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there was one transfer and two pass-through appropriations for the Board's consideration this month. He noted that these were for funds received as expenditure reimbursements.

After discussion, on motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the following transfer and additional appropriations. (Resolution Number 15-12-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$530.47 to Central Purchasing – Store Supplies, 100-4012530-6021, from various departments as follows for store supplies usage:

\$165.00	County Administrator – Office Supplies, 100-4012110-6001
\$ 49.30	Dep. County Admin. – Office Supplies, 100-4012121-6001
\$165.00	Comm. of Revenue – Office Supplies, 100-4012310-6001
\$ 7.18	Technology Services - Office Supplies, 100-4012510-6001
\$ 35.99	Purchasing – Office Supplies, 100-4012530-6001
\$ 36.00	Sheriff's Dept. – Office Supplies, 100-4031200-6001
\$ 60.00	Fire & EMS – Uniforms & Wearing Apparel, 100-4035500-6011
\$ 12.00	General Services – Office Supplies, 100-4040000-6001

Additional appropriation in the amount of \$1,000 to Sports Complex – Purchase of Services - Other Government Entities, 100-4031700-3800. These are funds received from the NCAA for reimbursement of umpire expenses for a national softball tournament championship.

Additional appropriation in the amount of \$922.95 to the following Sheriff's Department accounts: \$900.00 Ballgame Pay, 100-4031200-1500; and \$22.95 to FICA, 100-4031200-2100. These are funds received for providing security at LBHS playoff games.

Consideration was then held on approval of the accounts payable list and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payable totaled \$724,038.54; \$722,329.68 in General Fund expenditures; and \$1,708.86 in Debt Service Fund invoices. He noted that the Short Accounts Payable totaled \$277,340.74; \$274,285.74 in General Fund expenditures; and \$3,055 in Debt Service Fund invoices.

Mr. Zerrilla stated that this month's large expenditures included a \$30,000 wire transfer to Timberworks of Interest, LLC, as a deposit for work to stabilize and relocate the two Greenfield historic structures, account number 100-4094733. He noted that the accounts payable also include a payment of \$34,000 to Robinson, Farmer, Cox Associates for work on the County's FY 2015 audit; \$85,200 to S3 Integration, LLC, for security system updates at the Jail; and \$38,743 to Blue Ridge Behavioral Healthcare for their FY 16 budget allocation.

After questioning by Mr. Williamson, Mr. Zerrilla stated that the Robinson, Farmer, Cox and Jail security system invoices are within the allocated budget amounts for these projects.

After questioning by Dr. Scothorn, Mr. Zerrilla stated that, to date, \$137,000 has been spent on the Jail's security system upgrade project.

There being no further discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the accounts payable list and ratified the Short Accounts Payable List as submitted. (Resolution Number 15-12-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a resolution approving the award of a contract under emergency procurement provisions to Timberworks of Interest, LLC, to relocate two historic structures on the Greenfield property. Mr. David Moorman, County Administrator, stated that at

their November regular meeting, the Board authorized County staff to procure archaeological and building moving services regarding the two historical structures on the Greenfield property.

He noted that, given the time constraints to accomplish this work, staff awarded a contract to Timberworks of Interest on December 5, 2015 under the Procurement Policy's emergency procurement requirements. Mr. Moorman stated that the Board of Supervisors is required to adopt a resolution documenting this procurement and the basis for doing so on an emergency basis. He noted that this resolution was included in the Board's information packets for their consideration.

After questioning by Mr. Williamson, Mr. Moorman stated that this contract is based on the February 1, 2016, completion timeline for this project as has been previously discussed with the Board.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the following resolution approving the award of a contract under emergency procurement provisions to Timberworks of Interest, LLC, to relocate two historic structures on the Greenfield property.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 15-12-06

WHEREAS, Botetourt County negotiated, committed itself to, and approved an agreement to the convey certain property within Botetourt Center at Greenfield to the Botetourt County Industrial Development Authority for the purposes of conveyance to the Greater Roanoke Valley Development Foundation and the construction, by that entity, of a speculative industrial shell building to attract manufacturing investment and employment; and,

WHEREAS, under the terms of said agreement, the County must relocate two historic structures from the property and, under terms of said agreement, time is of the essence; and,

WHEREAS, the relocation of the structures will require expertise and experience to prepare the buildings for moving and a new site for their setting; and,

WHEREAS, the County solicited and received from the Virginia Department of Historic Preservation referrals of qualified and reputable contractors to perform the required work; and,

WHEREAS, upon review and evaluation, County staff selected Timberworks of Interest, LLC, as the preferred contractor based on experience, references, interviews and written proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors, in order to fulfil its contractual obligations to the Botetourt County Industrial Development Authority and to the Greater Roanoke Valley Development Foundation, does hereby endorse and authorize the emergency procurement of services to repair and relocate two historic buildings by Timberworks of Interest, LLC as described and provided in its proposal dated December 4, 2015, for an estimated price of \$183,000 and effective December 5, 2015.

Consideration was then held on approval of the transfer of a 19.435 acre parcel identified as Lot C in Botetourt Center at Greenfield to the Economic Development Authority's ownership. Mr. David Moorman, County Administrator, stated that at the November regular meeting the Board approved an agreement with the Greater Roanoke Valley Development Foundation and the County's Industrial/Economic Development Authority for the construction of a shell

building on Lot C in Greenfield. He noted that the agreement has been approved by the Foundation and the Authority is scheduled to consider this agreement on December 21. Mr. Moorman stated that, in order to proceed with this project, Lot C, which consists of 19.435 acres, will need to be transferred to the Authority's ownership.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the transfer of Lot C in Botetourt Center at Greenfield consisting of 19.435 acres to the Botetourt County Economic Development Authority and authorized the County Administrator to sign the deed and any associated documents on the County's behalf, subject to review and approval by the County Attorney. (Resolution Number 15-12-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Kevin Hamm, Maintenance Operations Manager with the Virginia Department of Transportation, was then present to speak to the Board. Mr. Hamm then reviewed VDoT's monthly report. He stated that the Exit 150 project is on schedule and the Exit 150B off-ramp will be reduced to one lane this week so that work can begin to lay back the dirt slope to extend the box culvert located under the off-ramp.

Mr. Hamm stated that the culvert replacement project and paving work on Route 615 (Craig Creek Road) has been completed. He noted that 13 land use permits have been issued during the past month and paving work on various roadways including Blue Ridge Turnpike and Breckinridge Mill Road has continued into December due to the warm weather. Mr. Hamm further stated that he has not received any new information on the various traffic engineering studies.

After questioning by Mr. Martin, Mr. Hamm stated that the through-truck restriction request for Mountain Pass Road (Route 652) has been submitted to Richmond and should be finalized in 30 – 60 days. He noted that three or four staff members in the Richmond office still need to review this request; however, the truck restriction signs have been ordered. Mr. Martin stated that he appreciated VDoT's assistance in implementing this truck restriction process. Mr. Martin stated that it will be a Sheriff Department and State Police enforcement issue once the restriction is approved.

After questioning by Mr. Williamson, Mr. Hamm stated that he will check with their traffic engineering staff on the status of the Route 220 northbound turning lane request across from Lord Botetourt High School.

Mr. Dodson stated that he has not had an opportunity to read Mr. Hamm's e-mail response regarding a citizen's call regarding large trucks using Little Catawba Creek Road (Route 600) between Catawba and Daleville.

Mr. Leffel thanked Mr. Hamm for the culvert and paving work on Craig Creek Road.

After questioning by Dr. Scothorn, Mr. Hamm stated that Humbert (Route 653) and Laymantown (Route 658) Roads have been included in the Mountain Pass Road through-truck restriction request.

After questioning by Mr. Dodson, Mr. Hamm stated that Coaling Road (Route 605) is not included in this restriction request.

Dr. Scothorn stated that the Board had received a lot of information on Valley Road and noted that the road is in good condition due to its recent repaving.

There being no further discussion, the Board thanked Mr. Hamm for attending today's meeting.

Regarding committee reports, Mr. Michael Lockaby, County Attorney, stated that the County Treasurer has brought to his attention that some of the County's financial procedures for the approval and issuance of warrants (checks) are unclear. Mr. Lockaby stated that he has been working to draft amendments to the County Code to incorporate these clarifications and will bring this matter to the Board for public hearing in the next few months.

After questioning by Mr. Williamson, Mr. Lockaby stated that the County's auditors, Robinson, Farmer, Cox Associates, will also be asked to review these proposed amendments.

Mr. Moorman then discussed proposed Amendment 3-PD to the County's Employee Benefit Plan with MedCost. He noted that this amendment was drafted by MedCost, the County health plan's third party administrator, and the County Attorney. He stated that this amendment will provide that, if the Board enters into a severance agreement with a certain "special class" of employees which includes salary and benefits, then at the Board's discretion, County health insurance benefits would also be applied during this severance period.

He noted that the current Plan is unclear on this point and this amendment has been drafted to cover this situation.

After questioning by Mr. Williamson, Mr. Moorman stated that this amendment will not change any of the current health coverage procedures.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved Amendment 3-PD to the Botetourt County Employee Benefit Plan with MedCost effective December 1, 2015, regarding the provision of health benefits to those employees designated as "Special Class Plan Participants" with whom the Board of Supervisors has entered into a severance agreement. (Resolution Number 15-12-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Moorman then stated that in 2014 the Internal Revenue Service (IRS) conducted a review of the County's accounts payable and payroll procedures. He noted that, among other recommended changes, it was determined that, due to changes in IRS guidelines, Board members, Planning Commission members, employees, etc., who are provided meals, coffee, etc., and other types of business expenses as a part of their County-related positions must be charged taxes on those items.

He stated that, prior to determining tax amounts to be paid by these individuals for 2015, the County's Director of Finance, Tony Zerrilla, confirmed this requirement with the IRS' representative. Mr. Moorman stated that Mr. Zerrilla was informed that, if the County adopted an accountable plan retroactive to January 1, 2015, then these types of business and professional development expenses would not be considered taxable by the IRS.

Mr. Moorman then presented the Board members with a copy of this accountable plan for their review and asked that the Board adopt this expense reimbursement policy as presented

After questioning by Mr. Williamson, Mr. Zerrilla stated that a template was used to draft this policy.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board adopted the Accountable Plan establishing a business and professional development expense reimbursement policy pursuant to Treasury Regulation 1.62-2, as attached. (Resolution Number 15-12-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Williamson then noted that he recently attended the Western Virginia Water Authority Board meeting. He noted that the Daleville pump station was put into service last week and water from Carvin's Cove is now flowing through the Greenfield distribution lines.

Dr. Scothorn noted that many of his constituents and the businesses/residents of Daleville Town Center are pleased that this project is completed.

Consideration was then held on appointments.

Mr. Moorman stated that Mr. John Busher, Superintendent of Schools, has submitted a request that a member of the Supervisors be appointed to the School Division's Planning Committee. He noted that Mr. Leffel has indicated that he would be willing to serve on this committee.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board appointed Mr. L. W. "Jack" Leffel as the Board of Supervisors' representative on the School Division's Planning Committee. (Resolution Number 15-12-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman then allowed three individuals to speak regarding the relocation of two historic structures on the Botetourt Center at Greenfield property.

Ms. Shirley Johnson Lewis of Thirlane Road, NW, in Roanoke, stated that she is a direct descendant of the slaves who worked on the Greenfield Plantation and objects to the County moving these two structures. Ms. Lewis stated that history would be better served by restoration and preservation of these areas of Botetourt County. She stated that the County could choose a different site for the shell building on the large acreage Greenfield tract.

After discussion, Ms. Lewis stated that "this is a wonderful opportunity for the County to do the right thing." She noted that, if these structures are relocated, it would be "erasing their history like it never happened." Mrs. Lewis stated that she owns property in Botetourt County and the County's proposal to relocate these buildings is "wrong" and asked that the Board to not disturb the slave quarters building. She noted that it is their history and important to them.

Ms. Lewis then read off the names of many African-American families that worked on the Greenfield property, e.g., Wallace, Sullivan, Hopkins, Pettis, Thompson, Johnson, etc. Ms. Lewis stated that there are 88 descendants in her family alone and her great, great grandmother was the first generation of slaves on the Greenfield property and was the first person to be buried in the slave cemetery on this property.

Ms. Lewis thanked those who have objected to these buildings' relocations over the past few months and who "want to see the right thing done because it is the right thing to do." Ms. Lewis stated that "they hope that they will not have to fight again to keep their place in Botetourt County." She stated that the site of these historical structures should remain intact. She stated that "slaves lives matter and histories matter."

Mrs. Anna Merchant of Coaling Road in Troutville stated that she also opposes moving the slave quarters structure. She noted that this will "erase their history." Mrs. Merchant stated that there is other acreage available on Greenfield for the location of the shell building and she is not aware of the Board's reasons for relocating these structures. She noted that relocating these buildings will remove the footprint of the slaves that lived on the Greenfield property. Mrs. Merchant stated that the historical value of these sites/structures will not be the same if they are moved.

After discussion, Mrs. Merchant stated that she understands that funds have not been appropriated to reassemble the buildings after they have been put in storage and wondered when these funds would be available.

Mrs. Merchant also stated that the Board changed the name of the intermediate school in Fincastle to William Clark Middle School and, when the citizens objected, the school was renamed Central Academy Middle School. She stated that "this is not the first time that the Board has done this to black people," and blamed the Board for not giving the citizens enough time to look at and consider the issue of relocating these structures.

Mr. Richard King of White Church Road in Fincastle stated that he is a member of the Botetourt Historical Society and has several questions on this matter for the Board. Mr. King stated that he opposes the relocation of these buildings and excavating the site for the construction of a shell building. He noted that "once the bulldozer starts" any historical artefacts "are gone."

Mr. King questioned what happens after the property is transferred to the Industrial Development Authority; would it be transferred to the Roanoke Regional Partnership.

Dr. Scothorn stated that the Board members are present to listen to Mr. King's comments; not answer questions.

Mr. King also stated that he has questions about the financing of the shell building and other items. Mr. King stated that he understands that the historical buildings are being moved intact but there are conflicting stories in public about this issue. He noted that the contractor has already started work on preparing these structures for relocation.

Dr. Scothorn suggested that Mr. King contact the County Administrator to obtain answers to his question. Mr. King stated that he will contact Mr. Moorman to schedule a meeting to discuss his questions.

Mrs. Anna Merchant then presented the Board with a petition in opposition to moving the slave quarters structure.

Mr. Williamson then clarified some of the comments made by these individuals. He noted that funds have been appropriated by the Supervisors to prepare and relocate these two

structures intact onto the preservation area site. He also stated that the School Board was involved in naming and renaming William Clark/Central Academy Middle School—not the Board of Supervisors.

There being no further discussion, the Chairman then called for a 10 minute break.

The Chairman called the meeting back to order at 3:05 P. M.

A public hearing was then held on a proposed amendment to Chapter 20 Solid Waste, Article IV Litter Control of the Botetourt County Code regarding inoperative motor vehicles. Mr. Michael Lockaby, County Attorney, stated that Section 20-86.1 of the Code prohibits citizens and businesses from keeping inoperative motor vehicles on their property unless they are kept within a fully enclosed building/structure or buffered/screened from view as per Section 25-5 of the Zoning Ordinance. Mr. Lockaby stated that during previous upgrades to the Zoning Ordinance, Section 25-5 was eliminated and these provisions are now included under Section 25-486 Storage and service area landscaping and screening.

Mr. Lockaby stated that the Sheriff's Department has requested that this section be amended to correspond with the correct Zoning Ordinance reference. He noted that, to correct this section number, a public hearing has been advertised to change the Code reference listing in Section 20-86.1 from "Section 25-5" to "Section 25-486."

After questioning by Mr. Williamson, Mr. Lockaby stated that there would be no change in enforcement of these types of violations; this correction is a "paper-work matter."

After questioning by Dr. Scothorn, it was noted that there was no one present to speak regarding this matter. The public hearing was then closed.

After questioning, Sheriff Ronnie Sprinkle stated that this amendment will allow the inoperative motor vehicles section of the County Code to correctly reference the Zoning Ordinance's screening and buffering provisions.

There being no further discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board adopted the following amendment to Section 20-86.1 of Chapter 20 Solid Waste, Article IV Litter Control of the Botetourt County Code regarding inoperative motor vehicles to change the Code reference number from Section 25-5 to Section 25-486. (Resolution Number 15-12-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

BOTETOURT COUNTY CODE

* * *

CHAPTER 20

SOLID WASTE

* * *

Article IV. Litter Control

Section 20-76 through 20-86 (same)

Section 20-86.1 Property to be kept free of inoperative motor vehicles.

It shall be unlawful for any person, firm, or corporation to keep, or allow to be kept, except within a fully enclosed building or structure, or otherwise buffered and screened from view as defined by section 25-~~5~~ 486 of this Code, any inoper-

ative motor vehicle on any property owned by such person, firm, or corporation. Vehicles in an automobile graveyard licensed pursuant to Chapter 5 of the Code are exempt from the provisions of this section. This section shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

A public hearing was then held on proposed amendments to Chapter 21. Subdivisions of the Botetourt County Code regarding subdivision plat review procedures. Mrs. Nicole Pendleton, Zoning Administrator, stated that earlier this year the General Assembly approved legislation which necessitated changes to the State Code regarding processing of subdivision plats and site plans.

She noted that the County's Subdivision Ordinance has been reviewed by staff and the County Attorney to bring the ordinance into compliance with these new State Code provisions. Mrs. Pendleton stated that, while conducting this review, staff also identified other small process changes that needed to be brought into compliance with the State Code.

Mrs. Pendleton stated that the draft ordinance was recently presented to the Planning Commission in a work session for their review and discussion. She noted that comments were received from Mr. Reid McMurry, Certified Land Surveyor, on how the proposed amendments would affect other sections of the Subdivision Ordinance. Mrs. Pendleton noted that some of Mr. McMurry's suggested changes were incorporated into the draft ordinance prior to the Planning Commission meeting.

Mrs. Pendleton stated that the General Assembly legislation no longer requires a preliminary plat for any development under 50 lots in size. She noted that the reasoning for this amendment was that there would be larger impacts on the area residents, transportation corridors, and the locality for developments consisting of more than 50 lots.

After discussion, Mrs. Pendleton then requested that, after conducting today's public hearing, the Board table consideration of these amendments until the January 2016 regular meeting to allow staff and the County Attorney to further review the State Code's impact on the County's Subdivision Ordinance.

After questioning by Mr. Williamson, Mr. Lockaby stated that staff is requesting that this hearing be tabled to allow the proposed amendments to "read smoother" and make the incorporation of the General Assembly's amendments into the County's ordinance more understandable. Mr. Lockaby stated that he does not believe that these additional revisions would be considered substantive changes; therefore, the Board would not be required to advertise these amendments for another public hearing.

Mr. Reid McMurry of Daleville then stated that he does not want to speak on the proposed Subdivision Ordinance amendments at this time but asked that he be given a placeholder to offer comment when these amendments are again brought before the Board for consideration.

After questioning by Dr. Scothorn, it was noted that there was no one else present to speak regarding this matter. The public hearing was then closed.

On motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board tabled consideration of amendments to Chapter 21. Subdivisions of the County Code until the Board's January 2016 regular meeting to allow staff and the County Attorney to further review the impact of the General Assembly legislation on this ordinance and, if the County Attorney determines that substantive changes to the ordinance are necessary,

County staff is authorized to advertise these amendments for an additional public hearing.
(Resolution Number 15-12-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on proposed amendments to Chapter 25. Zoning of the Botetourt County Code regarding review of site plans and procedures of the Board of Zoning Appeals. Mrs. Nicole Pendleton, Zoning Administrator, stated that during their 2015 session the Virginia General Assembly also approved legislation which requires amendments to the Zoning Ordinance regarding site plans and the Board of Zoning Appeals (BZA). She stated that small but substantive changes were made as to how variance requests are handled, to clarify procedural issues, and how the Community Development Office's staff and applicants interact with the BZA when specific applications are being considered.

She noted that the proposed amendments were reviewed by the Planning Commission and a public hearing was held at their December 14 meeting. Mrs. Pendleton stated that the proposed BZA-related amendment language was taken directly from the State Code. She further stated that the site plan amendments will bring the Zoning Ordinance into compliance with the State Code's timelines for review and the processing of these types of requests.

After questioning by Mr. Williamson, Mrs. Pendleton stated that these amendments do not include material changes to the County's site plan review timelines; they only codify the State Code language into the County's ordinance. She noted that the County's timelines for the site plan review process are much shorter than those required by the State Code.

After questioning by Dr. Scothorn, it was noted that there was no one present to speak regarding this matter. The public hearing was then closed.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted amendments to Chapter 25. Zoning, Article V. Process and Administration, Division 2. Board of Zoning Appeals, Division 3. Procedure before the Board of Zoning Appeals, and Article VI. Definitions of the Botetourt County Code regarding site plans and the Board of Zoning Appeals as attached on the basis that the proposed text amendments are consistent with the Comprehensive Plan and the purposes and intent of the Zoning Ordinance. (Resolution Number 15-12-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on a proposed ordinance granting a non-exclusive franchise to Comcast to own, operate, and maintain a cable television system in the County. Mr. Michael Lockaby, County Attorney, stated that, under State and federal law, for a cable company to operate within a jurisdiction, a franchise has to be obtained from the locality.

Mr. Lockaby stated that he and the County's Technology Services Manager, Rodney Gray, have conducted renewal negotiations with Comcast which has had a non-exclusive cable television franchise in the County for over 20 years. Mr. Lockaby stated that their negotiations resulted in two revisions to the proposed agreement—free cable connections for County

government facilities and an increase in the franchise fee paid to the County from 3% to 5% of the franchisee's gross revenues.

Mr. Lockaby noted that previously Comcast charged the County for use of cable boxes that were necessary for local government facilities to receive cable service. Mr. Lockaby stated that he and Mr. Gray persuaded Comcast that these boxes should be considered a part of the cable transmission process and the County should not be charged for this equipment.

Mr. Martin stated that previously Comcast had a business office located in Blue Ridge but, with little notice, closed the facility several years ago. He noted that many constituents in his district were upset that there was no longer a local office that they could call/visit regarding complaints, repairs, and questions.

Mr. Lockaby stated that, under the proposed agreement, Comcast is required to take on certain cable service obligations as per federal law and, if the Board believes that Comcast is not complying with these regulations, he would like to be informed.

Mr. Williamson stated that it is difficult to find a utility company that currently has an office in Botetourt County. He noted that technology has changed the necessity for utility companies to have local offices to handle customer issues.

After questioning by Dr. Scothorn, it was noted that there was no one present to speak regarding this matter. The public hearing was then closed.

After questioning by Mr. Williamson, Mr. Lockaby stated that no one from Comcast was present at this hearing.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the following resolution granting a non-exclusive franchise to Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC, to own, operate, and maintain a cable television system in Botetourt County, setting forth conditions accompanying the grant of franchise; and providing for the regulation and use of said system, as attached, effective immediately.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 15-12-14

WHEREAS, on October 17, 1995, Botetourt County granted a cable television franchise ("Tele Media Franchise") to Tele Media Corporation pursuant to the Cable TV Franchise Ordinance, also known as the Botetourt Cable Television Ordinance; and

WHEREAS, Comcast of Connecticut/Georgia/Massachusetts/New Hampshire /New York/North Carolina/Virginia/Vermont, LLC ("Franchisee"), acquired the Tele Media Franchise and currently provides cable television services within Botetourt County, Virginia; and

WHEREAS, Franchisee requested that Botetourt County ("Franchise Authority") negotiate a Franchise Agreement with the Franchisee to replace the Tele Media Franchise in accordance with applicable law; and

WHEREAS, Franchisee has represented that it will comply with the terms and conditions of the renegotiated cable franchise agreement as set forth herein as Exhibit A ("Franchise") and comply with the requirements of the Franchise Authority and applicable law; and

WHEREAS, pursuant to sections 7-52(e) and 7-71 of the Botetourt County Code and 47 U.S.C. § 546(h), the public was provided adequate notice of the proposed renewal of the Franchise and an opportunity to comment; and

WHEREAS, the Franchise Authority believes that it is in the best interest of the community to approve the Franchise to be granted to the Franchisee according to the terms and conditions set forth in Exhibit A;

NOW, THEREFORE, BE IT ORDAINED BY THE BOTETOURT COUNTY BOARD OF SUPERVISORS THAT the County Administrator is authorized to execute the Cable Franchise Agreement between Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC, and Botetourt County, Virginia, attached hereto as Exhibit A, subject to final approval as to form by the County Attorney, and upon acceptance thereof by Franchisee, such Agreement shall supersede the Tele Media Franchise and be binding on both parties according to its terms.

A public hearing was then held on proposed amendments to Chapter 2. Administration of the Botetourt County Code to change the name of the Botetourt County Industrial Development Authority. Mr. Moorman stated that, as discussed during the Exit 150 Study presentation last month, the consultant recommended that the name of the County's Industrial Development Authority be changed to an Economic Development Authority to better correspond and reflect the County economic development strategic priorities. He stated that the County is expanding its economic development activities beyond industrial development and this name change was suggested to reflect these priorities.

Mr. Moorman stated that the IDA is in favor of this name change.

Mr. Williamson stated that the Board expects the EDA to take a more active role in the County's economic development efforts and he believes that a non-voting liaison/ex-officio member from the Supervisors should attend the EDA's meetings, similar to the ex-officio member who attends the Planning Commission meetings, to enhance communications between the two groups.

After discussion, the Board agreed to consider this appointment during their January 2016 reorganizational meeting.

Mr. Dodson stated that he thought the appointment of an ex-officio member to the EDA was a very good idea to keep the Supervisors informed of their activities.

After questioning by Dr. Scothorn, it was noted that there was no one present to speak regarding this matter. The public hearing was then closed.

After discussion by the County Attorney, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the following amendments to Chapter 2. Administration of the Botetourt County Code to change the name of the Industrial Development Authority of Botetourt County to the Economic Development Authority of Botetourt County and stated that all legal obligations previously incumbent on the IDA are now incumbent on the EDA as they are the same entity. (Resolution Number 15-12-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

BOTETOURT COUNTY CODE

* * *

CHAPTER 2

ADMINISTRATION

* * *

ARTICLE VI. ~~INDUSTRIAL~~ ECONOMIC DEVELOPMENT AUTHORITY

Section 2-96. Created; name.

There is hereby created a political subdivision of the commonwealth, the name of which shall be the ~~Industrial~~ Economic Development Authority of Botetourt County, Virginia.

Section 2-97. Board of directors.

The ~~industrial~~ economic development authority shall be governed by a board of directors appointed pursuant to the Code of Virginia, Section 15.2-4904.

Section 2-98. Powers.

The ~~industrial~~ economic development authority shall have such public and corporate powers as are set forth in the Industrial Development and Revenue Bond Act, Code of Virginia Section 15.2-4900 et seq.), including such powers as may be hereafter be set forth from time to time in such act.

Section 2-99 through 2-110 (Reserved)

On motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board went into Closed Session at 3:28 P. M. to discuss a prospective economic development prospect and the expansion of an existing business or industry not previously announced as per Section 2.2-3711(A) (5) of the Code of Virginia of 1950, as amended. (Resolution Number 15-12-16)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman called the meeting back to order at 6:01 P. M.

On motion by Mr. Williamson, 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 15-12-17)

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

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.

A public hearing was then held on a request in the Buchanan Magisterial District from Julie H. Simmons (Verizon Wireless, lessees) for 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 an Agricultural A-1 Use District to construct and maintain a 199 foot telecommunications tower within a 5,625 square foot lease area, to be accessed from an existing entrance onto a non-exclusive 20' ingress/egress and utility right-of-way, located on a 64.83-acre parcel adjacent to 340 Penn Hollow Road, Buchanan, (State Route 631) approximately 0.6 miles northeast of its intersection with Springwood Road (State Route 630), identified on the Real Property Identification Maps of Botetourt County as Section 51, Parcel 36A.

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

Ms. Amanda McGee, County Planner, stated that Verizon is proposing to place a 199' telecommunications tower on a 5,625 lease area on property owned by Mrs. Simmons in Springwood. She then read the suggested conditions for this request: "All feed lines shall be installed within the spine of the support structure and all antenna ports shall be sealed in a manner to prevent access by birds and any other wildlife; The facility shall be constructed so that access is only attainable by qualified personnel; The emergency power backup generator noise level shall not exceed 65 dBa at the property edge. Testing shall be limited to the hours between 9:00 A. M. and 4:00 P. M, (Monday through Friday)."

Ms. McGee stated that several comments were received by the public regarding this request at the Planning Commission meeting. She noted that Mr. Gary Peery, adjacent property owner, expressed comments about the views of the tower from his residence and Mrs. Faye Waldron requested information on the impacts that this proposed tower would have on her property. She noted that Mr. William Stewart spoke regarding concerns that the proposed tower would have on the Springwood Airstrip and Glider Port located across the James River from this property.

Ms. McGee stated that properties in this area are zoned for Agricultural A-1 and Agricultural-Rural Residential AR use and the area is hilly. She noted that a 20' ingress/utility easement is proposed to access the 5,625 tower lease area. She stated that the tower will be constructed to support up to three additional carriers' antennas and no major traffic impacts will be generated from this proposed use.

Ms. McGee stated that the Planning Commission members were concerned with the proposed tower's location. She further stated that the County's telecommunications tower consultant reported that the application met all of the County's conditions for placement of such towers. She then noted that Ms. Lorie Schweller with LeClairRyan, Verizon's attorney, Mr. Stephen Waller, representing Verizon Wireless, and Susan Rabold, representing the County's telecommunications consultant (CityScape Consultants, Inc.,) were present at the meeting to answer any questions.

After questioning by Mr. Williamson, Ms. McGee stated that the consultant did not include the impact of this tower on the Springwood Glider Port.

Ms. Schweller stated that, since the Planning Commission meeting, Verizon has become aware of additional facts about the area around the proposed cell tower site including comments made by the neighbors and this has changed their view of this application. Ms. Schweller stated that, of the proposed, viable sites on this parcel, Mrs. Henderson preferred a location on the lower southern end of her 64 acre property.

Ms. Schweller then reviewed several PowerPoint slides containing maps of this area and various photo simulations of how the proposed tower would be viewed from several locations. She stated that this tower would be a monopole design with fencing surrounding the 5,625 lease area and evergreen landscaping to screen the fence from view. Ms. Schweller stated that the tower would be 194' tall capped by a 5' lightning rod and have a matte, galvanized steel finish.

She noted that there is room on the tower for additional co-locators as required by the Zoning Ordinance. She further noted that a search ring consisting of a one mile radius around this proposed location was used to take photographs to determine the impact of the tower's visibility.

Ms. Schweller then displayed propagation maps showing the signal coverage gap in the Springwood area and the improved reception from the location of this cell tower. She further stated that Verizon conducted balloon tests on October 15, 2015, where a large red balloon was tethered to a line 199' in height and then photographs are taken from various locations to assess visibility of the proposed tower. She noted that this information was used to develop their photographic simulations of the tower as viewed from various sites.

Ms. Schweller then noted that this proposed site has minimal impacts on agricultural uses, meets the County's setback requirements, and the existing topography and vegetation will help screen the tower from certain directions. She noted that an existing gravel road on Mrs. Simmons' property will be extended to provide access to the tower site.

After questioning by Mr. Williamson regarding the relevance of the airport in their analyses, Ms. Schweller stated that she believes that some of Verizon's consultants were aware of the airport's location. She noted that the TOWAIR database provides information on any Federal Aviation Administration (FAA) rated airports within a five mile radius and it did not indicate the location of this airport. Ms. Schweller stated that this is a private airport which is not overseen/regulated by the FAA and they were unaware of the airport's location when compiling their information for this SEP request. Ms. Schweller stated that Verizon "did everything that was required" in their information gathering process for this application.

After questioning by Mr. Martin, Ms. Schweller stated that she could not speak as to whether the cell tower would impact the glide path of this airport. She noted that the airport's owner would be the best person to provide this information.

Mrs. Simmons, applicant, stated that she "does not know what the big to do is" regarding the location of this tower on her property. Mrs. Simmons stated that gliders use the valley that comes over her residence to take off and land at the airport and this valley is nowhere near the proposed tower location. She noted that there is no way that the tower will be in the airplanes' glide paths.

After discussion, Mrs. Simmons further stated that the noise from the tow planes and the gliders scare her horses even when they are in a barn and she mentioned having a "no fly zone" above her property. She further noted that the Waldron house is unoccupied at this time.

Mr. Matt Peery of Meryls Road stated that he is not opposed to this tower but would prefer a different location further back toward the adjacent bluff. Mr. Peery stated that this proposed location would be no more than 300' from his property line and he believes that the tower would impact his property value.

Mr. Peery noted that Ms. Schweller previously mentioned that Verizon representatives did not take any photographs from private property when conducting their balloon study; however, this is not correct as photographs were taken from his property. Mr. Peery further noted that he believes that the location of this tower would also impact his mother's property value.

Ms. Laurel Peery of Penn Hollow Road stated that she is not against this cell tower request; however, she will be able to see the tower from her property and from her mother's property. Ms. Peery stated that this structure will decrease their property values. She noted that it would be preferred that the tower be moved further back on the property.

Ms. Peery noted that she and her husband have had discussions with the Waldrons about purchasing their property. Ms. Peery stated that she is also concerned about the long-term effects on adults and children from cell tower signals.

Mr. Steve Lovell of Cloverdale stated that Verizon does things “top shelf” and he is looking forward to the benefits of this tower for the County and its Emergency Services response personnel.

After questioning by Mr. Lovell, it was noted that there would be no FAA-required flashing, aviation-warning light on the top of this cell tower. Mr. Lovell stated that he is in support of this request.

Mr. Gary Peery of Peery Lane stated that his home is the second closest residence to this proposed tower. Mr. Peery stated that over the past week he has presented the Board members with a packet of information regarding his concerns regarding this request. Mr. Peery stated that Verizon has not complied with the County’s ordinances which require that these towers be kept away from and minimize their impact on local citizens. He also stated that the company has submitted misleading photographic renderings as the pictures were taken on a rainy/foggy day prior to the trees losing their leaves. Mr. Peery stated that he does not know “if this was innocuous on their (Verizon’s) part.”

Mr. Peery stated that Verizon should have approached the citizens and allowed them to be involved in the tower’s planning process. He stated that the citizens “need to know” about these requests and the County should strengthen its ordinances to consider the impacts on citizens from these towers and require the company to mitigate the impacts. Mr. Peery further stated that he did not receive notification from the County of the Planning Commission’s public hearing on this request until a few days before the Commission’s meeting.

After discussion, Mr. Peery stated that he is not against the tower and offered alternate locations on the Simmons property—700’ southeast of the proposed location, or northwest toward River Road on the formerly-known Stuart farm. Mr. Peery stated that he questions the benefits that this tower would bring to the area’s residents as there are only approximately 100 homes in the one mile wide target area.

After questioning by Mr. Williamson, Mr. Peery stated that both of his alternate tower sites are located on the Simmons property. After further questioning, Mr. Peery stated that the planes/gliders go over the Simmons’ hayfield near the proposed tower location “at tree-top height.”

Mr. Sanford Stewart of Intermont Farm Lane in Buchanan stated that he owns the Springwood Glider Port and has operated the facility since receiving a Special Exceptions Permit from the County for this use in 1983. Mr. Stewart stated that this facility does have an FAA designation (08VA), is shown on the Cincinnati sectional map as a private airport, and he is required to submit yearly reports to the State on operations and activities at this facility.

Mr. Stewart stated that the proposed tower’s location could provide hazards for departure and approaches at the airport as it would be directly in line with the main runway. Mr. Stewart noted that he supports the landowner’s desire to use the property for this purpose but requests that an alternate location be considered.

After questioning by Dr. Scothorn, Mr. Stewart stated that he believes that the proposed location would cause a conflict for low-flying aircraft in this area.

After questioning by Dr. Scothorn, it was noted that there was no one else present to speak regarding this request. The public hearing was then closed.

Mr. Lockaby then stated that one of the citizens who spoke regarding this request mentioned the possibility of long-term health effects from cell tower signals. He stated that this issue is not a legally permissible consideration for the Board in their decision on this request.

After questioning by Dr. Scothorn, Mrs. Pendleton stated that her Department sends notification letters regarding upcoming rezoning and SEP requests to all adjacent property owners by certified, return-receipt mail prior to the Planning Commission meeting. Mrs. Pendleton stated that she did not recall the exact period when these letters were mailed prior to the Commission meeting but it was in compliance with the County Code.

Mrs. Karen Peery of Meryl's Road stated that some of the pictures used by Verizon in their presentation were taken from her private driveway. Mrs. Peery further noted that she did not receive a public hearing notification letter regarding this request.

Mr. Williamson stated that he thinks that a tower would be a good idea to improve the 4G cellphone capability in this area; however, the tower's potential impact on the airport traffic gives him some concern. He questioned if Verizon "would like an opportunity to mitigate this concern."

Ms. Schweller stated that her client would like an opportunity to determine whether there would be any safety concerns if the tower is located on the recommended site. Ms. Schweller stated that she learned about the close proximity of this airport yesterday and is not an expert in determining whether the cell tower would impact local, private air traffic.

She then requested a deferral of this request's hearing to allow Verizon's engineers and consultants an opportunity to review this information and determine if there are any potential safety considerations. After discussion, Ms. Schweller stated that visibility of the tower on the proposed location is not an issue. She noted that a suitable location for this cell tower has to be found based on the needs of the network and what the impacted landowner agrees to. Ms. Schweller also stated that she understands the comments made by the area residents who would be able to view this tower from their property.

After questioning by Mr. Williamson, Ms. Schweller stated that, if the proposed tower site is moved more than 50', then Verizon would have to "basically start over" with their site review and signal propagation studies. Ms. Schweller requested a six month delay in consideration of this cell tower request by the Board of Supervisors.

After further questioning by Mr. Williamson, Ms. Schweller stated that a delay until the Supervisors' July 2016 meeting would be satisfactory.

After questioning, Mr. Lockaby stated that if, in the Zoning Administrator's opinion, the proposed tower's location is in a similar location to the site considered by the Board today, then no additional public hearing would be required prior to reconsideration in July 2016; however, if the tower is relocated to a site off of the Simmons property, then the request would have to be readvertised for public hearings before the Planning Commission and Board.

Mr. Williamson then made a motion, which was seconded by Mr. Martin, to table the request in the Buchanan Magisterial District from Julie H. Simmons (Verizon Wireless, lessees) for 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 an Agricultural (A-1) Use District to construct and maintain a 199 foot telecommunications tower within a 5,625 square foot lease area, to be accessed from an existing entrance onto a non-exclusive 20' ingress/egress and utility right-of-way, located on a 64.83-acre parcel adjacent to 340 Penn Hollow Road, Buchanan, (State Route 631) approximately 0.6 miles northeast of its intersection with Springwood Road (State Route 630), identified on the Real Property Identification Maps of Botetourt County as Section 51, Parcel 36A, until the Board of Supervisors' July 2016 regular meeting to allow the

applicant an opportunity to evaluate the implications of the nearby private airport and the area's air traffic patterns on the proposed tower location. (Resolution Number 15-12-18)

Mr. Leffel then stated that he understands that to move the tower's location more than 50' would require Verizon to conduct new signal propagation studies; however, if their previous studies indicated that the location specified in the public hearing advertisement is the best location for this tower then this is where it will be located.

Ms. Schweller stated that because the advertised site was chosen does not mean that another site will not work almost as well for this tower's location. She noted that Verizon's radio frequency engineers would be responsible for making this determination.

Mr. Leffel noted that a compromise is needed on the cell tower's location in order to satisfy everyone's concerns.

There being no further discussion, Mr. Williamson's motion to table this request was approved by the following recorded vote:

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

NAYS: None

ABSENT: None

ABSTAINING: None

After questioning by Dr. Scothorn, Mr. Lockaby stated that the Board will take the concerns mentioned by the citizens' at today's hearings into consideration when this issue is reconsidered in July 2016.

Dr. Scothorn stated that he would like to see everyone satisfied with this tower's location but noted that Verizon has been working on this request for three years.

Mr. Williamson stated that he was dissatisfied that Verizon had been reviewing cell tower locations in this area for three years and no one knew that there was a private airport located nearby.

A public hearing was then held on a request in the Amsterdam District from Layman Family, LLC, to rezone, with possible proffered conditions, a 13.42-acre parcel from a Business (B-2) Use District to a Planned Office Park (POP) Use District for business use located at 147 Daleville Centre Drive, Daleville, at its intersection with Valley Road (State Route 779), with additional access via the Roanoke Road (U. S. Route 220)/Layman Lane intersection (as shown on Tax Map 101-93), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 109A.

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

Mrs. Nicole Pendleton, Planning Manager, stated that this rezoning request is being requested to allow the applicant to subdivide this lot so that these separate parcels can be sold. She noted that, under the current B-2 zoning designation, this property cannot be subdivided, as all lots are required to have frontage and access from a State-maintained road.

Mrs. Pendleton stated that this property was conditionally rezoned in 1999 from Agricultural A-1 to Business B-2 and in 2005 an application was received for a two-lot subdivision which also addressed the private road issue. She noted that the 2005 application was denied. She stated that today's rezoning request would eliminate the proffered conditions approved with the property's 1999 rezoning.

After discussion, Mrs. Pendleton noted that the POP district does not have the same access requirements as the Business zoning districts and allows for similar uses as the B-1 and

B-2 zoning districts, but is more restrictive in terms of permissible retail uses. She further noted that there are currently no POP zoning districts in the County.

Mrs. Pendleton stated that the applicant would like to subdivide the parcel into six lots—one containing the existing building, one consisting of the telecommunications tower site, and four new lots.

She then read the proffered conditions as follows: “Development will be in substantial conformance to concept plan shown on plat by McMurry Surveyors, Inc., dated August 27, 2015; Building material for new structures will be brick, concrete, tacit, stone and/or earth tone metal; Common areas, which includes but are not limited to the 50’ private access easement (Daleville Center Drive), parking areas, drive aisles or roadways and sidewalks, will be maintained by property owners through a property owner’s association. Property owners will be assessed a prorated annual fee to be managed by the property owner’s association and used for maintenance and repairs of such areas. The property owner’s association will be governed by Covenants and Restrictions; All lots will be served by existing public water, sewer and utilities. Easements will be granted to each lot; All sidewalks will be concrete; All driveways will be paved with curb and gutter; Existing and proposed parking will be shared between lots through cross access easements established in Covenants and Restrictions document. The Covenants and Restrictions document will be recorded simultaneously with subdivision plat; Access will be from Valley Road (SR779) and Roanoke Road (US220) by existing and proposed 50’ right-of-ways.”

After discussion, Mrs. Pendleton stated that no citizens spoke regarding this request at the Planning Commission meeting. She noted that the Commission members had concerns regarding road maintenance and whether the site’s stormwater detention pond could handle the extra run-off from these new developable lots. Mrs. Pendleton stated that the detention pond could be enlarged, if needed, for future development and, if the pond is not large enough to handle the additional runoff, then lot six could be utilized for this purpose.

After questioning by Mr. Williamson, Mrs. Pendleton stated that, until land is disturbed on one of the new parcels, the capacity of the existing detention pond is not an issue. She further noted that the applicant would be responsible for providing data on whether the detention pond has the capacity to handle any additional runoff from the new lots or if another option is needed.

After questioning, Mr. Chris McMurry, Certified Land Surveyor for Layman Family, LLC, stated that he had no additional information to add to Mrs. Pendleton’s presentation on this request.

After questioning by Mr. Williamson, Mr. Allen Layman stated that this rezoning application as submitted has his full support.

After questioning, it was noted that there was no one else present to speak regarding this request. The public hearing was then closed.

There being no further discussion, on motion by Mr. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this request with the following conditions. Therefore, be it ordained by the Botetourt County Board of Supervisors that the Botetourt County Zoning Ordinance and the Botetourt County Real Property Identification Maps be amended in the following respect and no other: (Resolution Number 15-12-19)

LAYMAN FAMILY, LLC

In the Amsterdam District to rezone a 13.42-acre parcel from a Business (B-2) Use District to a Planned Office Park (POP) Use District for business use located at 147 Daleville Centre Drive, Daleville, at its intersection with Valley Road (State Route 779), with additional access via the Roanoke Road (U. S. Route 220)/Layman Lane intersection (as shown on Tax Map 101-93), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 109A.

1. Development will be in substantial conformance to concept plan shown on plat by McMurry Surveyors, Inc., dated August 27, 2015.
2. Building material for new structures will be brick, concrete, tacit, stone and/or earth tone metal.
3. Common areas, which includes but are not limited to the 50' private access easement (Daleville Centre Drive), parking areas, drive aisles or roadways and sidewalks, will be maintained by property owners through a property owners association. Property owners will be assessed a prorated annual fee to be managed by the property owners association and used for maintenance and repairs of such areas. The property owners association will be governed by Covenants and Restrictions.
4. All lots will be served by existing public water, sewer and utilities. Easements will be granted to each lot.
5. All sidewalks will be concrete.
6. All driveways will be paved with curb and gutter.
7. Existing and proposed parking will be shared between lots through cross access easements established in Covenants and Restrictions document. The Covenants and Restrictions document will be recorded simultaneously with subdivision plat.
8. Access will be from Valley Road (SR779) and Roanoke Road (US220) by existing and proposed 50' right-of-ways.

After discussion with the County Attorney, on motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board tabled indefinitely consideration of a request in the Valley Magisterial District from RYT, LLC, for a text amendment to Section 25-284. District Requirements of Chapter 25 Zoning of the Botetourt County Code to increase the maximum district size of the Neighborhood-type Shopping Center from nine to twelve acres; to rezone, with possible proffered conditions, a 1.781-acre lot from a Business (B-3) and Industrial (M-1) Use Districts to a Shopping Center (SC) Use District; and a Special Exception Permit on 0.833 acres, with possible conditions, for a convenience store, to include fuel sales, located at 2780 Lee Highway (U.S. Route 11), Troutville, on property located in the southern corner of the Lee Highway/Cloverdale Road (Alternate U. S. Route 220) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 176, due to issues with the property's boundaries and deed descriptions. (Resolution Number 15-12-20)

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

NAYS: None

ABSENT: None

ABSTAINING: None

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the meeting was adjourned at 7:05 P. M. (Resolution Number 15-12-21)

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

NAYS: None

ABSENT: None

ABSTAINING: None