

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, September 23, 2008, in Rooms 226, 227, and 228 of the Greenfield Education and Training Center, in Daleville, Virginia, beginning at 9:00 A. M.

PRESENT: Members: Mr. Don A. Assaid, Chairman
Mr. Don L. Meredith, Vice-Chairman
Mr. Stephen P. Clinton
Mr. Terry L. Austin
Mr. Billy W. Martin, Sr.

ABSENT: Members: None

Others present at the meeting:

Mrs. Elizabeth Dillon, County Attorney
Mr. David Moorman, Deputy County Administrator
Mr. Gerald A. Burgess, County Administrator

The Chairman called the meeting to order at 9:00 A. M.

The Chairman then asked for a moment of silence. He then asked that everyone stand and recite the pledge of allegiance.

Mr. Danny Petty, Maintenance Supervisor, then introduced Mr. Doug Marsh to the Board. He noted that Mr. Marsh began work yesterday as a new Maintenance Technician for the County. Mr. Petty stated that Mr. Marsh will be responsible for maintenance at the new Public Safety Building. He noted that Mr. Marsh lives in Craig County, has been an electrician for 28 years, and has achieved the "Master Electrician" designation.

Mr. Assaid then welcomed Mr. Marsh to employment with Botetourt County.

Mr. Marsh thanked Mr. Assaid for his comments.

Mr. Burgess then stated that County staff are encouraged to obtain professional certifications in their field of expertise. He noted that Mr. Pete Peters, Parks and Recreation Director, and Mrs. Mary Ellen Barger, Recreation Programs Coordinator, have been studying for the last two years to obtain certification as "Certified Parks and Recreation Professionals," which they have now achieved. Mr. Burgess noted that Mr. Mark Moore, Assistant Recreation Director, had obtained this certification prior to his employment with the County.

The Board congratulated Mr. Peters and Mrs. Barger for their efforts in obtaining these certifications.

Mrs. Barger and Mr. Peters then thanked the Board for their comments.

Consideration was then held on approval of minutes of the regular meeting held on August 26, 2008.

Mr. Assaid stated that he had one change to page 9, paragraph 1 regarding discussion on the VRS pick-up plan resolution. Mr. Assaid noted that the second sentence in this paragraph should read, "He noted that 18% - 19% of every employee's salary had to be paid by the County in one recent year."

There being no further discussion, on motion by Mr. Assaid, and carried by the following recorded vote, the minutes of the regular meeting held on August 26, 2008, were approved with the following correction: (Resolution Number 08-09-01)

Page 9, paragraph 1, sentence 2, should now read, "He noted that 18% - 19% of every employee's salary had to be paid by the County in one recent year."

AYES: Mr. Assaid, Mr. Martin, Mr. Austin, Mr. Clinton, Mr. Meredith

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on requests for transfers and additional appropriations. Mr. Tony Zerrilla, Finance Manager, noted that there were two transfers and five pass-through appropriations for the Board's consideration this month. He noted that the transfer of \$150,000 from the Utility Operating Fund to the Undesignated Fund Balance is a return of funds originally transferred to the Utility Operating Fund in September 2007. Mr. Zerrilla further noted that the appropriations are for federal grants, receipt of funds, donations, insurance proceeds, and cost reimbursements received by the County.

There being no discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 08-09-02)

AYES: Mr. Assaid, Mr. Martin, Mr. Austin, Mr. Clinton, Mr. Meredith

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$853.87 to Central Purchasing – Store Supplies, 100-4012530-6021, from various departments as follows for store supplies usage:

- \$333.25 County Administrator – Marketing, 100-4012110-5840
- \$.60 County Administrator – Office Supplies, 100-4012110-6001
- \$ 12.50 Deputy County Admin. – Office Supplies, 100-4012121-6001
- \$.30 Treasurer – Office Supplies, 100-4012410-6001
- \$ 4.55 Financial Services – Office Supplies, 100-4012430-6001
- \$ 13.85 Maintenance – Office Supplies, 100-4043000-6001
- \$ 53.40 Purchasing – Office Supplies, 100-4012530-6001
- \$ 32.60 Central Garage – Office Supplies, 100-4012560-6001
- \$ 62.50 Electoral Board/Registrar – Office Supplies, 100-4013300-6001
- \$ 30.70 Magistrate – Office Supplies, 100-4021300-6001
- \$ 42.64 Inspections – Office Supplies, 100-4034000-6001
- \$ 47.17 Sheriff - Office Supplies, 100-4031200-6001
- \$ 47.17 Correction & Detention – Office Supplies, 100-4033100-6001
- \$ 45.10 Engineering – Office Supplies, 100-4044100-6001
- \$ 21.60 Emergency Services - Office Supplies, 100-4035500-6001
- \$ 97.90 Planning & Zoning – Office Supplies, 100-4081100-6001
- \$ 8.04 Management Systems – Office Supplies, 100-4012510-6001

Transfer \$150,000 from Utility Operating Fund, 502, to General Fund – Undesignated Fund Balance. This is a transfer to the General Fund of funds transferred to the Utility Operating Fund in September 2007.

Additional appropriation in the amount of \$3,582 to the following Emergency Services Department accounts: \$3,357 to Part-Time Wages – Regular, 100-4035500-1300; and \$225 to Capital Outlay - Other Capital. This is a federal grant for volunteer recruitment and retention.

Additional appropriation in the amount of \$1,068 to Sheriff's Department – Firing Range Expenses, 100-4031200-6015. These are funds received for the sale of brass casings.

Additional appropriation in the amount of \$158.65 to Animal Control – Professional Services, 100-4035100-3100. These are donation funds from the State designated for dog and cat spaying and neutering programs. A payment of these funds is included on the Accounts Payable list to the League for Animal Protection.

Additional appropriation in the amount of \$508.09 to Maintenance – Repair and Maintenance – Equipment, 100-4043000-3311. These are insurance proceeds for lightning damage to Greenfield ETC equipment.

Additional appropriation in the amount of \$2,221.44 to Correction & Detention-Professional Services, 100-4033100-3100. This is a reimbursement of inmate medical co-payments.

Consideration was then held on approval of the Accounts Payable list and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Finance Manager, stated that this month's accounts payable total was \$1,910,329.77; \$740,151.56 in General Fund invoices; \$808,264.69 in Debt Service Fund expenditures; and \$361,913.52 in Utility Fund invoices. He noted that this month's Short Accounts Payable total was \$79,404.32; \$73,703.40 in General Fund expenditures; and \$5,700.92 in Utility Fund invoices.

Mr. Zerrilla noted that this month's large expenditures included \$123,049 to G&H Contracting for work on the press boxes/concession stands at James River and Lord Botetourt high schools; \$808,525 to the Virginia Resources Authority for a debt service payment on the new regional jail; and \$274,372 to VRA for a debt service payment from the Utility Fund.

There being no further discussion, on motion by Mr. Austin, 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 08-09-03)

AYES: Mr. Assaid, Mr. Martin, Mr. Austin, Mr. Clinton, Mr. Meredith

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Spencer Suter, Assistant to the County Administrator, then gave a presentation on the results of the recent Fire and Rescue Strategic Planning Retreat. Mr. Suter stated that in February 2008, the Board received an update report by Mr. Will Aiken (Aiken and Associates) on the most recent Fire and EMS Strategic Plan. He noted that this plan included many new options for the County to consider which were consolidated as recommendations for use by the County and the volunteer fire and rescue units.

Mr. Suter noted that a Strategic Planning Retreat to discuss these recommendations was scheduled at Greenfield Elementary School on July 26 which was attended by County staff, two Board of Supervisors members, Rescue 7 staff, and representatives from most of the County's volunteer fire and rescue units. He noted that Mr. Stacy Tanaka, President of the Botetourt County Rescue Association, was present at today's meeting.

Mr. Suter stated that at this retreat, which was moderated by two representatives of Aiken and Associates, discussions on various issues of concern were held and some key resolutions and consensus decisions were reached by those in attendance. He noted that for the first time the County's emergency services units also created a cohesive mission statement which reads as follows, "The combined agencies of Botetourt County Emergency Services will provide prompt and professional services to our community in order to protect citizens, property, and the environment."

After discussion, Mr. Suter stated that another objective of this retreat was to put the group's recommendations into five main priority groups: training; standardization of operating procedures, equipment, training, etc.; recruitment and retention; funding; and improving incident response. He noted that all of these recommendations point back to their ultimate goal of improving emergency response in the County.

Mr. Suter noted that a follow-up meeting is scheduled for early October to address each of these main objectives and develop recommendations that will be presented to the Fire and Rescue Steering Team (FARST) for consideration in time for the FY 2011 budget consideration.

Mr. Suter thanked the Board members, County staff, and the fire and rescue volunteers for attending this retreat.

Mr. Clinton stated that he attended this retreat and was pleased by the camaraderie among the volunteers and the cooperative efforts made between the County's paid and volunteer fire and rescue units. He noted that there was a uniform, joint sense of the problems that needed to be addressed and this was very gratifying to see.

Mr. Suter stated that it takes a lot of work each day to keep these good relations continuing.

Mr. Austin stated that he was pleased to see the large number of volunteers in attendance at this retreat and their desire to work and succeed at this project. He noted that all of the attendees were very positive in their comments and outlook. He further noted that the FARST committee has been a very successful endeavor and thanked Mr. Suter and Mr. David Firestone for all of their assistance. Mr. Austin stated that the actions of the FARST Committee have benefited all of the County's residents.

Mr. Suter then noted that Mr. Tim Keyser, President of the Firemen's Association, had planned to be at today's Board meeting; however, a last-minute situation occurred which prohibited him from attending.

Mr. Burgess stated that the hard part of this process now is moving forward. He noted that the group "came together" pretty quickly to set the priorities; however, the details are going to be a lot of hard work. He noted that the "greatest thing that the County has going for it is its volunteers." Mr. Burgess noted that the volunteers are very self-reliant. He stated that it would be a huge expense on the taxpayers if the County did not have volunteer fire and rescue units.

Mr. Assaid stated that he appreciated all of their work on the Strategic Plan and the retreat and thanked Mr. Suter for his work on this report.

Mr. Bob Bagnoli of Daleville stated the esprit de corps and good quality service in the County's fire and rescue community is reflected in this Strategic Plan and the citizens have commented on how wonderful the service is.

A staff presentation was then given on plans for the Upper James River Blueway Trail. Mr. Burgess noted that the County's Tourism Strategic Plan was adopted by the Board in July 2006 and among the Plan's goal, strategies, and objectives was to "develop, implement, and evaluate visitor attraction and activity packages tailored to targeted interests." Mr. Burgess noted the County has already developed and implemented packages related to sports marketing and cultural activities, including arts and shopping, and have initiatives in the planning stages that pertain to small conferences/retreats and history/heritage activities in the County.

He stated that some of the County's greatest assets are the numerous outdoor recreational opportunities and Tourism Coordinator Kevin Costello recently assembled an Upper James River Advisory Committee to consider ways to promote the James River. Mr. Burgess noted that this committee included individuals interested in preserving and promoting the entire Botetourt County length of the river. He stated that the committee has completed a draft Blueway Strategic Plan that can form the basis of a water-based trail system on the James River to provide opportunities for recreation, conservation, tourism, and education, while preserving the natural, historic, and cultural resources along the river.

Mr. Costello stated that a key objective of the Tourism Strategic Plan is to develop and implement scenic and outdoor recreation opportunities in the County. He noted that in this instance this includes small boat and paddling routes along the river as well as land-based

attractions. Mr. Costello stated that this project includes the identification of current infrastructure and uses along the river, such as the six existing Department of Game and Inland Fisheries (DGIF) boat ramps, two local outfitting companies that are currently providing services and boats for people who want to float on the river, etc. He noted that other items that can be incorporated into the Blueway Trail package are listings of restaurants, historical sites, and other recreational opportunities along the river. Mr. Costello noted that the program's primary target is the "local user."

Mr. Costello noted that the DGIF, the Department of Conservation and Recreation (DCR), the Virginia Tourism Corporation, and other groups would be asked to assist the County in marketing the Blueway Trail. Mr. Costello further noted that the County and the Committee would work together to develop a brand for the Trail, develop information to be included on the County's web site, install kiosks and signs, create an informational brochure, and work with the DGIF to develop and improve access points along the river. Mr. Costello stated that he will also determine if there are additional assets along the river that could be added to their marketing information. He noted that this Blueway Trail is a significant economic and community development opportunity for the County. Mr. Costello stated that the plan proposes to increase local and non-local access to the James River and provide opportunities to collaborate with our State partners to market the Blueway Trail.

Mr. Austin then commended the committee and Mr. Costello for their work on this proposal. He noted that the James River is "a diamond in the rough" for the County's tourism efforts. Mr. Austin stated that the primary benefit--the river--is already in place; however, the County needs to improve on and market its assets to improve our returns.

Mr. Clinton stated that this is a great idea and "it is something obvious that we should be doing." After questioning by Mr. Clinton regarding the James' scenic river designation, Mr. Costello stated that a seven mile stretch of the James River near Springwood is currently designated as a scenic river. Mr. Costello further stated that the entire 45 mile length of the river located in the County would not qualify for this designation because of electrical lines that cross the river in various locations, among other reasons. Mr. Costello stated that the committee's efforts are to preserve the river for future generations.

Mr. Clinton stated that there is a lot of great history on the river and the Blueway Trail proposal has a lot of potential for the County and its residents. After further questioning by Mr. Clinton, Mr. Costello stated that the proposal includes the placement of kiosks at the public boat ramps to provide additional information about the river and the adjacent areas.

Mr. Clinton then questioned if there was any opportunity for additional water releases from Lake Moomaw in Bath County to increase the river's flow levels. He noted that the river is currently experiencing low flows due to the lack of rainfall.

Mr. Burgess noted that this issue would have to be discussed with the U. S. Army Corps of Engineers.

Mr. Costello stated that some committee members are very interested in preservation, improving water quality, and addressing other conservation issues that affect the James River and they will work with other organizations to improve the river's water quality and its fishery.

Mr. Austin stated that the river through Buchanan is being used a lot and the parking lot for the access point off of Lowe Street is full on the weekends with boaters and fishermen. He noted that there is currently a regenerated interest in the river which is a good thing.

Mr. Burgess noted that the river and its assets need to be marketed to people from outside of the County so they are aware of what is available here.

There being no further discussion, the Board thanked Mr. Costello for his report. He then left the meeting at this time.

Mr. Dan Collins, Residency Administrator with the Virginia Department of Transportation was then present to speak to the Board. Mr. Collins then reviewed his monthly report. He noted that Hayes, Seay, Mattern & Mattern (HSMM) held a meeting last Thursday with various stakeholders in the Exit 150 improvement project. He further noted that the safety improvements to create two northbound, left-hand turn lanes from Route 11 onto Route 220 have been completed. After questioning, Mr. Collins noted that he is not sure when this area will be repaved.

Mr. Collins stated that some contracts for work on various Six Year Plan projects have been awarded. He noted that the curve and intersection improvements on Route 652 at the Laymantown and Humbert Road intersections have been completed. Mr. Collins stated that 11 new land use permits were issued in the past month. Mr. Collins then noted that Mr. Clinton had previously requested a speed study on Route 630 (Blacksburg Road) and VDoT's traffic engineering study results indicate that vehicles are in "reasonable compliance" with the established speed limits and there have been only a limited number of accidents since 2004; therefore, no reduction in the speed limit is recommended at this time. Mr. Collins also noted that "Not Recommended for Tractor Trailer" signs have been posted on Route 621 (Roaring Run Road).

After discussion, Mr. Collins noted that the citizens' request for a four-way Stop sign on Azalea Road has been submitted to their Traffic Engineering Department for consideration. He further noted that the speed study on Route 655 (Old Fincastle Road) has been completed and the results indicate that the current 55/45 mph limits should be retained; however, some advisory signs, object markers, chevrons, and bridge warning signs will be placed at certain points on this roadway to slow down drivers.

Mr. Meredith stated that these study results "are very upsetting" to him as he believes the speed limit should be reduced on this narrow, curving roadway. Mr. Meredith stated that he has had three people die in accidents on this road near his home and there were two additional accidents in this immediate vicinity last week.

Mr. Assaid then questioned what period of time is the "accident history" on a roadway considered in the Traffic Engineering department's considerations of speed limit reduction requests. Mr. Collins noted that he does not know how many years of accident history are considered in the department's speed study deliberations. Mr. Collins further noted that they obtain their accident data from the State Police and the Sheriff's Department. Mr. Collins stated that VDoT will review the impact that the new warning signs have on the accident levels on Route 655 and, if necessary, another speed study request can be submitted in a few months.

Regarding the School administration's request for a school speed limit zone on Route 460 at the Webster Brick Road intersection, Mr. Collins noted that according to the State Code, the school must be adjacent to the route in question and the school zone has to be within 600' of the school's property line and neither of these provisions are met at this intersection. He noted that VDoT is working on other possible solutions to notify drivers on Route 460 that school buses are entering and exiting Route 738 to access Colonial Elementary School.

Mr. Assaid then stated that he has received complaints from residents of Azalea Road about drivers using this street as a cut-through to avoid the stoplight at the Route 220/779 inter-

section and the vehicles are exceeding the posted speed limit. He noted that this has resulted in the earlier-mentioned request for a four-way stop sign on Azalea Road.

Mr. Assaid then thanked Mr. Collins for attending the Exit 150 meeting and the County's recent Transportation Safety Commission meeting. Mr. Assaid stated that he thought that VDoT was "thinking outside the box" in developing suggested improvements to Exit 150. He noted that some great ideas were discussed by those in attendance at this meeting. Mr. Assaid further noted that a representative from the TravelCenters of America facility was also present at the meeting. Mr. Assaid stated that discussions on improvements to this intersection have been occurring for years and one solution needs to be chosen and acted on.

Mr. Martin then discussed restricting tractor-trailers from using Exit 150A. Mr. Collins noted that there are signs along the interstate encouraging tractor-trailer drivers to use Exit 150B to access the truck stop. He noted that permission would have to be obtained from the Federal Highway Administration (FHA) to restrict trucks from using Exit 150A. Mr. Martin stated that he thinks that "something stronger than signs" is needed to discourage trucks from using this off-ramp.

Mr. Collins stated that the FHA has to approve any project or proposal that affects this intersection; however, he thinks that they are going to address this situation in some fashion.

Mr. Assaid stated that options including closing the exit and limiting truck access were options discussed at last week's meeting.

Mr. Martin then questioned if VDoT makes exceptions to their regulations in situations such as the school speed limit zone designation at the Route 460/738 intersection. He noted that there have been several accidents in the immediate area.

Mr. Collins stated that their Traffic Engineering Department reviews these requests along with the area's accident data; however, he does not know of any exceptions that could be made in this situation. Mr. Collins noted that they will work with the school administration staff to find ways to help this situation.

Mr. Austin stated that he enjoyed the Exit 150 meeting last Thursday night. He noted that Mr. Scott Hodge of Hayes, Seay, Mattern & Mattern, did a great job of mediating this meeting. He noted that "a lot of good ideas were put on the table for design consideration" and he believes that this is the right approach to finding a solution to the problems at Exit 150.

Mr. Meredith asked that Mr. Collins contact him regarding rescheduling their tour of various highway-related sites in the northern part of the County. Mr. Collins stated that he will provide Mr. Meredith with available dates for this meeting.

After questioning by Mr. Austin regarding an issue on Greenfield Street (Route 673), Mr. Collins stated that he has forwarded this request for improvements to the contractor.

After questioning by Mr. Clinton regarding a roadway slurry seal project near Lord Botetourt High School, Mr. Collins stated that he does not know why the contractor on this project only placed sealant on a portion of the roadway. He noted that the contractor is not planning to return to finish this project.

After further questioning by Mr. Clinton regarding maintenance work on the shoulders along Glebe Road, Mr. Collins stated that these problems should be corrected shortly.

Mr. Bob Bagnoli of Daleville then stated that a yellow flashing warning light is needed on Route 220 northbound near the Appalachian Trail crossing to warn drivers when the Botetourt Commons traffic signal is changing to red. He noted that the traffic backs up the hill at this light and drivers going north on 220 cannot see the backup until they crest the hill.

After discussion on the speed limit in this area, Mr. Assaid stated that, if drivers are obeying the 35 mph speed limit, then they should not have an issue with stopping in time at this light.

Mr. Clinton stated that he agrees with Mr. Bagnoli's request. He noted that VDoT did study this same request a few years ago and their traffic data indicated that flashing yellow warning lights were not needed.

After questioning by Mr. Collins, and discussion with the other Board members, Mr. Assaid requested that VDoT's Traffic Engineering Department review the area of Route 220 northbound at the Botetourt Commons stoplight to determine if flashing yellow lights are needed to warn drivers of the upcoming stoplight.

Mr. Assaid thanked Mr. Collins for attending today's Board meeting and the recent Transportation Safety Commission meeting.

There being no further discussion, Mr. Collins then left the meeting at this time.

Consideration was then held on resolutions to accept Lexington Court in Meadows of Ashley Subdivision, Phase 2; and Frontier Way and Settler's Road in Santillane Subdivision, Phases 1 and 2, into the State Secondary System. Mr. Chuck Supan, County Planner/Zoning Administrator, stated that these streets have been inspected and are in compliance with VDoT's street construction requirements. He requested that the Board adopt resolutions requesting that all three of these streets be accepted into the State Secondary System.

On motion by Mr. Clinton, and carried by the following recorded vote, the Board adopted the following resolution requesting the acceptance of Lexington Court in Meadows of Ashley Subdivision, Phase 2, into the State Secondary System.

AYES: Mr. Assaid, Mr. Martin, Mr. Austin, Mr. Clinton, Mr. Meredith

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 08-09-04

WHEREAS, the street, Lexington Court in the Meadows of Ashley Subdivision, Phase 2, described on the attached Additions Form AM-4.3, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Botetourt County, and,

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has advised this Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and,

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

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described on the attached Additions AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and,

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

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

On motion by Mr. Austin, and carried by the following recorded vote, the Board adopted the following resolution requesting the acceptance of Frontier Way and Settler's Road in Santillane Subdivision, Phases 1 and 2, into the State Secondary System.

AYES: Mr. Assaid, Mr. Martin, Mr. Austin, Mr. Clinton, Mr. Meredith

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 08-09-05

WHEREAS, the streets, Frontier Way and Settlers Road in the Santillane Subdivision, Phases 1 and 2, described on the attached Additions Form AM-4.3 fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Botetourt County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and,

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

NOW, THEREFORE BE IT RESOLVED that this Board requests the Virginia Department of Transportation to add the streets described on the attached Additions AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and,

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

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

Consideration was then held on the County's acceptance of a sewer line conveyance from Mr. William Cleaveland (On Faith, LLC). Mr. Ron Smith, Public Works Manager, stated that all developers are required to deed their sewer systems to the County upon completion of construction. He noted that in accordance with a July 24, 2008, agreement, Mr. William Cleaveland is conveying ownership and maintenance of the 528' sewer line located along and under Alternate Route 220 near the Botetourt Athletic Club to the County.

He noted that these lines were constructed in accordance with County specifications and have been inspected by County staff and found to be acceptable. Mr. Smith noted that the County Attorney prepared the deed of conveyance which has been signed by Mr. Cleaveland. He requested that the Board accept this deed for the sewer lines and infrastructure from Mr. Cleaveland and authorize the County Administrator to sign the document on the Board's behalf.

Mr. Assaid stated that this conveyance "has been a long time coming" as the County had to work with VDoT and two property owners on this very complicated situation.

There being no further discussion, on motion by Mr. Assaid, and carried by the following recorded vote, the Board accepted the sewer line conveyance from Mr. William Cleaveland (On Faith, LLC), and authorized the County Administrator to sign the deed on the Board's behalf.

(Resolution Number 08-09-06)

AYES: Mr. Assaid, Mr. Martin, Mr. Austin, Mr. Clinton, Mr. Meredith

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman then called for a 10 minute break.

The Chairman called the meeting back to order at 10:05 A. M.

Consideration was then held on Board meeting times for calendar year 2009. Mr. Burgess noted that, as per the Board's previous discussions, an advertisement was placed in The Fincastle Herald, notice was included on the County's web site, and articles have been published in both local newspapers regarding the Board's request for citizen comments on their proposal to change the time of the Supervisors' regular monthly meetings. He noted that all correspondence received has been forwarded to the Board members for their consideration.

Mr. Burgess noted that the Board's options in this matter are to continue with the present schedule of starting the meeting at 9:00 A. M. and conducting the rezoning public hearings at 1:30 P. M. or change to a 2:00 P. M. start time with 6:00 P. M. designated for rezoning/land use hearings. He further noted that the meetings will continue to be held on the fourth Tuesday of each month. Mr. Burgess noted that a decision on this issue is needed today to allow Virginia Western Community College to set their 2009 class schedule for the Education and Training Center and so the County can secure this meeting space as of January 1, 2009.

Mr. Assaid then noted that he had been presented with a letter this morning from Mr. Edwin McCoy, Editor of The Fincastle Herald. He then read Mr. McCoy's letter which preferred that the Board retain their existing meeting times.

Mr. Assaid stated that this issue was not advertised as a public hearing; however, he would allow any citizen in the audience who wished to speak the opportunity to do so.

Mr. Bob Bagnoli of Daleville noted that Mr. McCoy's editorial in last week's newspaper stated that no matter when the Supervisors' meetings were held, no one would attend. Mr. Bagnoli stated that he disagrees with this assumption. He noted that "people are apathetic" but it is important to make the hearings available to the most people possible. Mr. Bagnoli noted that the Board is making it tougher for people to attend the meetings by having them during the day when most people work. He noted that some elderly citizens cannot attend the evening meetings but some can. He stated that changing the meeting times demonstrates that the Board does care about the citizens' input into its deliberations.

Mr. Bagnoli stated that the Board and Planning Commission are truly dedicated to doing the best for the County and if citizens do not attend the evening meetings it is their loss and the Board's; however, if the public hearing's are changed to 6:00 P. M. the Board would have tried to accommodate the citizens' needs. He noted that a democratic government means free and equal participation and having the Board meetings at night makes this more possible.

Mr. Austin stated that he served on the Planning Commission for four years before being elected to the Board of Supervisors. He noted that people only attended meetings that affected them personally and some of these public hearings went quite late in the evening. Mr. Austin then stated that he has served on the Board for ten years and has missed only one meeting. He noted, however, that he has missed several vacation opportunities and work-related meetings because of his need to attend the Board's meetings. He then noted that school sports events are usually held on Tuesday nights and his son is now playing baseball. Mr. Austin stated that many times he puts the Board meetings ahead of his work but he does not think he will put the meetings ahead of his personal life if the meeting times are changed unless it is for an issue that has a great deal of interest. Mr. Austin stated that his priorities will be with his family and he does not see the benefits of changing the meeting times. He stated that "people

will attend when the issue affects them” and he does not see the benefit of changing the current schedule.

Mr. Austin stated that, if night meetings are held, then County staff will have to stay late which necessitates them receiving compensatory time. He stated that “it works as it is and if it is working why change it.” Mr. Austin stated that he has to make a choice and it will probably be with his family at nights.

Mr. Meredith stated that he feels the same way as Mr. Austin in this matter. Mr. Meredith stated that he has talked to many County residents about this proposal and only had one person who thought that night meetings might be a good idea to try to see if any additional citizens would attend the meetings. He noted that the Board has tried the afternoon/evening meeting schedule in the past and it did not work out. Mr. Meredith noted that if an issue affects people then they will attend the public hearing. He then stated that many people cannot drive at night because of vision and health issues. Mr. Meredith also noted that the County staff would be affected by this change.

Mr. Meredith stated that the arrangement the Board has now is working and people seem to be happy about the current meeting schedule. Mr. Meredith stated that he will vote on this issue the way the residents of his district prefer and he would be “hard pressed” to vote to change the meeting times.

After questioning by Mr. Assaid, Mr. Burgess stated that the last time that the Board’s meetings were held in the afternoon/evening was in the late 1970’s/early 1980’s.

Mr. Martin stated that his intent in originally requesting that evening meetings be held was so that the Board could hold occasional or special meetings at night on controversial issues. He noted that, personally, he would rather have daytime meetings as he has vision problems in one eye. Mr. Martin stated that he suggested evening meetings be held as he wants what he feels is best for the citizens that he serves.

Mr. Martin stated that The Roanoke Times conducted an unscientific survey on evening versus daytime meetings and of the 72 respondents, 65 said that they would rather have evening Supervisors meetings. Mr. Martin noted that he has also received calls and e-mails from citizens who are opposed to evening meetings but he believes that this is a way to get more people to attend the Supervisors meetings and provide input for the Board to consider in making their decisions.

Mr. Martin then noted that other area governments conduct evening meetings, e.g., Roanoke City, Roanoke County, Rockbridge, Salem, Pulaski County, etc., and questioned “if this is such a bad decision why do all of these local governments have evening meetings.” Mr. Martin stated that he is trying to give his constituents the opportunity to come to the meetings and provide input. Mr. Martin noted that he would like to see the Board try this new schedule and noted that “he is doing this for the people.”

Mr. Clinton stated that this proposal is a simple matter of making the Board meetings available to as many people as possible. He noted that this is based on the idea of open government. Mr. Clinton stated that every other local government meeting in the Roanoke Valley and other County groups such as the Parks and Recreation Commission have evening meetings and “there are ways to accommodate this issue.” Mr. Clinton stated that he is in favor of trying the new schedule.

Mr. Assaid stated that a lot of dynamics in the County have changed in the 30 years since the Supervisors last held afternoon/evening meetings. He noted that Botetourt is a rural County and has many elderly residents; however, the Board should allow working people, who

may be more involved in the issues, the opportunity to have a say. Mr. Assaid stated that "it is asking a lot for people in this day and time, with the current economic conditions, to take time off from work." He noted that the Board owes it to the citizens and we should encourage them to attend and have input in their local government's actions. Mr. Assaid stated that he is in favor of this change and, if it does not work out, the Board can always change its schedule again. Mr. Assaid further noted that if a rezoning public hearing goes on into the late evening hours, the Board could table the matter and reconsider the request at another time.

Mr. Joe Benavides of 2831 Roanoke Road then stated that he moved to the County two years ago from Bedford County. Mr. Benavides stated that he thinks the County should do a better job of advertising the Board meetings and noted that he is in favor of evening meetings being held.

Mr. Rex Kelly, former Mayor of Buchanan, stated that he was mayor for 12 years at Buchanan Town Council's night meetings. He noted that the Town's meeting attendance is similar to the Board's--only one or two citizens attend the meetings part of the time. Mr. Kelly stated that, if people are not interested in what is going on, they are not going to attend local government meetings. He noted that it is not going to do the Board any good to make this meeting time change. Mr. Kelly stated that most people have plenty to do after they get home from work and changing the Supervisors meeting time to the evening hours is not going to change the situation.

Mr. Alvin Thacker of Ashley Plantation Subdivision then stated that he moved to the County from Fairfax. Mr. Thacker stated that Fairfax's public government meetings "had a good crowd." He suggested that the Board better publicize the agendas for their meetings as it is difficult to find out what items are being considered by the Board at its next meeting.

Mr. Thacker then stated that some of the Board's recent decisions may affect his water bill and he is a representative of the Ashley Plantation Homeowners Association.

Mr. Assaid stated that the Supervisors' agenda is placed on the County's website before the meeting is held each month.

Mr. Thacker then questioned, "how many people view a government website." He suggested that the agenda be published in The Roanoke Times.

Mr. Austin, after discussion with Mr. Jay Conley of The Roanoke Times, stated that in the "Virginia" section of the Times' Sunday edition, a listing is printed of local government meetings in the upcoming week.

Mr. Austin then stated that he had received an e-mail from Ms. Debbie Nicholson in support of changing the Board meeting time.

Mr. Martin stated that publicizing the agenda is a good thing; however, the Board members do not receive their meeting packets until Thursday before the meeting. After questioning by Mr. Martin, Mr. Burgess stated that the Board can change their meeting schedule as long as this room is available on the Education and Training Center's calendar for the County's use. He noted that, typically, the Board's meeting times are set for the year at the reorganizational meeting which is held in late December or early January. Mr. Burgess noted that meeting consistency is important and he does not encourage the Board to frequently change the date/time of its regular meetings.

Mr. Burgess stated that the County sends a draft agenda via e-mail to The Fincastle Herald and The Roanoke Times on the Friday before the Board's information packets are delivered, which gives the newspapers an opportunity to publish stories about the upcoming meeting a week early. Mr. Burgess noted, however, that a draft agenda can be changed/amended up

until the packets are sent out on Thursday afternoon and, if an item is listed on a “draft” agenda and then removed for some reason before the actual meeting, citizens who may be interested in that particular item would be upset when they attended the meeting and found out that it was not being considered by the Board after all. He stated that the public hearing advertisements are placed in the same section of The Herald every month.

After discussion, Mr. Burgess stated that an informed and active citizenry has responsibilities, too. He noted that the County could make the legal notices in a larger type size for publication. He further noted that, based on the recent Citizens Survey, County residents do use the County’s web site frequently. Mr. Burgess stated that after the draft agenda is sent to the newspapers there are instances where pre-articles on stories of interest at the upcoming Board meetings are published. After questioning, he noted that the County is charged a fee for any notice or advertisement that is placed that is not an actual article.

Mr. Martin stated that many people do not have access to computers and it would be advantageous to have information on the Board’s upcoming agenda included in the local newspapers if at all possible so the citizens would be aware of the meeting’s time, location, and discussion topics. He noted that it is important for the citizens to be able to attend and participate in Supervisors meetings.

Mr. Clinton stated that, whether the citizens respond to this opportunity or not, at least the Board provided them with a chance to be involved in local government. Mr. Clinton noted that he believes that publicizing the Board’s agenda would be a great reason to spend the money.

Mr. Burgess stated that the word “draft” would have to be included in any early publication of the Board’s agenda as there are items that are added or removed from consideration at the last minute.

Mr. Bagnoli then stated that the Board may not need as large a meeting room as it currently uses each month.

Mr. Burgess noted that the economy over the past few months has been slow which has reduced the number of rezoning and special exceptions applications; therefore, the Board has not heard many land use public hearing requests during that period.

After questioning by Mr. Meredith, Mr. Bagnoli stated that he does not expect to see any increases in attendance at the Board’s meetings if they are held in the evenings; however, any participation the Board receives from the taxpayers is important. After further questioning by Mr. Meredith, Mr. Bagnoli stated that the Board may have additional citizens attend their meetings if they are held at night but the Board should not expect them to be vocal on issues “right off the bat.” Mr. Bagnoli stated that if residents do not attend the Board’s evening sessions then “it is their (the residents’) loss.”

Mr. Austin stated that he is “pretty accessible to the public” now and has had taxpayers come by his office or stop him when he is out in public to discuss issues of concern. Mr. Austin stated that, when these instances occur, he suggests they attend the Board’s meeting to express their comments but they do not. Mr. Austin stated that he does not think that the Board will see very dramatic changes in the public attendance figures at evening meetings. He noted that this proposal “is a great thought”--wanting the public to think that the Board is doing everything they can to accommodate the public and obtain their input--but he does not see that there will be a positive change.

Mr. Austin then stated that, besides night meetings creating a personal conflict in his schedule, they will also impact the publication of stories about the Board meeting in The Fincastle Herald. He noted that changing to Tuesday afternoon/evening meetings will also delay the availability of this information to the public by one week. Mr. Austin stated that it is important that the public receive information about actions taken or discussed at the Board meetings as soon as possible after they conclude. He noted that with the current meeting schedule, the Herald has time to publish in their Wednesday edition a basic, lead story about the Board's actions; however, with the 2PM and 6PM Tuesday schedule, the citizens will receive news about the meeting more than a week after the fact. He noted that this issue is a primary concern for him.

Mr. Bagnoli stated that he writes a lot of letters to the editor of The Herald and people have commented to him that they do not write letters or attend the Board's meetings as they are afraid to talk in public or that Mr. Bagnoli's letters have expressed their same concerns.

Mr. Thacker stated that a lot of people operate under the impression that the Board is going to vote the way that they feel so why should they attend the meeting. He noted that people perceive issues as a "no brainer."

Mr. Assaid stated that when the Board members relay information received from their constituents, it does not have the same affect as if those residents had attended and spoken at a meeting. Mr. Assaid noted that he attended the community meeting held a few years ago on the proposed Traditional Neighborhood District development at the Route 220/665 intersection. He noted that several attendees at that meeting said that that rezoning request was a "done deal" and there was no need for the citizens to attend the Supervisors' public hearing to speak in opposition to the proposal. Mr. Assaid further noted that he spoke up at that meeting and told the residents that that was not the case which resulted in a large contingent of citizens opposing this request attending the Board's public hearing. Mr. Assaid stated that, if a lot of citizens had come to the Walgreen's public hearing, then the Board may have voted differently on this proposal.

Regarding the comments made by the impact this proposal would have on The Herald's publication schedule, Mr. Assaid stated that he does not agree with the argument that the citizens need to know immediately after the meeting what action the Board took on various issues.

Mr. Austin stated that in changing the meeting time, he does not believe that there will be many citizens who attend the meeting to speak and; therefore, consideration needs to be given to people who rely on The Fincastle Herald to receive their information on the Board's decisions. Mr. Austin stated that he does not wholly depend on citizen comments either pro or con regarding rezonings or other issues in his decision-making process--he also depends on the information provided to him. Mr. Austin stated that he does not agree with the views of every citizen who calls him on an issue.

Mr. Assaid stated that, if the Board is not firm in where they stand on a project and it could go one way or another, then he listens to the citizens comments on both sides of the issue before making a decision. He noted that citizens' comments have a big impact.

Mr. Clinton stated that it is "a combination of numbers and the argument presented on the issue" that determines how he votes on a request. He noted that one individual may make a good point that no one else has thought of and this could change his mind on how to vote on an issue and the more open the Board makes the meetings the better. Mr. Clinton further stated that the Board needs to encourage people to attend the meetings and when this has occurred in the past, there has been robust participation, especially during rezoning requests.

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board changed the schedule of their regular monthly meetings effective January 1, 2009, to begin at 2:00 P. M. for consideration of general business issues, with rezonings and other land use public hearings to begin at 6:00 P. M. on the fourth Tuesday of each month. (Resolution Number 08-09-07)

AYES: Mr. Assaid, Mr. Martin, Mr. Clinton

NAYS: Mr. Austin, Mr. Meredith

ABSENT: None

ABSTAINING: None

Mr. Assaid noted that the County does need to do a better job of advertising Supervisors meetings and making the public more aware of the items to be discussed, which may, in turn, encourage more public participation.

Mr. Thacker then stated that the residents of Ashley Plantation feel like they are the “whipping boy” for some of the decisions made by the Board.

Mr. Assaid stated that he would like to hear in more detail at a later time Mr. Thacker’s reasons for making this statement.

Consideration was then held on a request for advertisement of a public hearing on proposed amendments to the TND and PUD sections of the County Zoning Ordinance. Mr. David Moorman, Deputy County Administrator, stated that amendments to the County’s Traditional Neighborhood District and Planned Unit Development District ordinances have been considered over the past few months by a study committee, County staff, Mr. Milton Herd of Herd Planning and Design, and the County Attorney (both Mr. Heartwell and Mrs. Dillon). He noted that these amendments are now ready for advertisement of a public hearing before the Planning Commission and Board of Supervisors in October

Mr. Moorman then noted that the staff is requesting that the Board exclude provisions of the Subdivision Ordinance as shown in their agenda item information that are not related to the TND/PUD ordinances from this public hearing request. Mr. Moorman noted that the Board should have received a copy of the proposed amendments under separate cover last week.

Mr. Assaid thanked Mr. Austin for serving on this committee. He noted that a lot of discussions and hard work went into development of these proposed amendments and some of the changes are very good.

Mr. Burgess stated that, if any of the three Supervisors members who did not serve on the committee would like to meet with County staff to discuss these proposed amendments in further detail, to please let him know and a meeting will be arranged. He noted that this was a tremendous committee and he thanked the members for their efforts. Mr. Burgess then noted that the committee consisted of two Supervisors and two Planning Commission members, developers, a land appraiser, County staff, the County Attorney, two citizen representatives, one of which previously lived in a TND, and Mr. Milton Herd.

Mr. Assaid stated that Mr. Herd did a great job and his previous experience working with the County on updates to the Zoning Ordinance and Comprehensive Plan was very helpful. He noted that this input made the ordinances better.

After further discussion, on motion by Mr. Assaid and carried by the following recorded vote, the Board authorized the staff to advertise for a public hearing on proposed amendments to Chapter 21. Subdivisions and Chapter 25. Zoning of the Botetourt County Code at their October regular meeting, excluding provisions of the Subdivision Ordinance that are not directly related to the TND/PUD ordinances. (Resolution Number 08-09-08)

AYES: Mr. Assaid, Mr. Martin, Mr. Austin, Mr. Clinton, Mr. Meredith

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a resolution of support for a Health Department planning grant. Mr. Ron Smith, Public Works Manager, noted that the first phase of the update to the County's Water and Wastewater Plan is scheduled to be completed by the end of this year. He noted that this process has been sufficient, so far, to confirm the County's existing plans to interconnect several County-owned water systems, e.g., Greenfield, Forest Lake (HUB), Vista Park, and EastPark. Mr. Smith stated that the first step in this process is the preparation of a Preliminary Engineering Report (PER) to determine if the concept is feasible by using hydraulic modeling, developing preliminary plans, determining which easements and rights-of-way are needed, and developing a preliminary construction cost estimate. He noted that it is estimated that the PER will cost \$50,000 to prepare.

Mr. Smith stated that this PER is eligible for a \$25,000 planning grant from the Virginia Department of Health. He noted that the applications are ranked on a points system based on need and consolidation opportunities and then funds are awarded to the projects with the highest point total and the allocations continue down the list until all available funds are committed. Mr. Smith stated that, due to the grant's deadlines, the County's application was submitted on August 28, subject to Board of Supervisors' authorization. He noted that, should a grant be awarded to the County, this matter will be brought back to the Board for approval prior to acceptance of the grant funds.

After discussion, Mr. Smith noted that funding for the balance of the cost is available in the current Utility CIP-Water/Sewer Improvements account; however, if the grant is not received, the project will be considered within the FY 2009-10 CIP budget process. Mr. Smith then requested that the Board adopt the resolution of support for this planning grant application as attached to the agenda item.

After questioning by Mr. Assaid, Mr. Smith stated that the County's low-to-moderate income levels are a part of this grant award review process; however, there is not a lot of activity in this grant program at this time and he believes that now is a good time for the County to apply for these funds. Mr. Smith stated that the staff feels that this application submittal is worth trying for.

There being no further discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board approved the following resolution of support for a Virginia Department of Health planning grant application in the amount of \$25,000.

AYES: Mr. Assaid, Mr. Clinton, Mr. Martin, Mr. Austin, Mr. Meredith

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 08-09-09

WHEREAS, Botetourt County owns and operates a water utility serving portions of Botetourt County, Virginia; and,

WHEREAS, the County has a need to undertake a preliminary engineering project for the purpose of interconnecting several systems as planned in the County's Water and Sewer Plan; and,

WHEREAS, the Virginia Department of Health-Office of Drinking Water offers planning grants for certain projects; and,

WHEREAS, the County anticipates the cost of the preliminary engineering project to be approximately \$50,000;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Botetourt County hereby votes to seek funding from the Office of Drinking Water in the amount of \$25,000; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors of Botetourt County authorizes the County Administrator to submit a Virginia Department of Health planning grant application for the project indicated above and authorizes the County Administrator to sign any and all documents to accept such funding contingent upon review and concurrence by the Board of Supervisors and the County Attorney.

After discussion, on motion by Mr. Assaid, and carried by the following recorded vote, the Board ratified the appointment of Mr. Larry Cadd as an at-large member of the Blue Ridge Behavioral Healthcare Board of Directors for a three year term to expire on December 31, 2011. (Resolution Number 08-09-10)

AYES: Mr. Assaid, Mr. Clinton, Mr. Martin, Mr. Austin, Mr. Meredith

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Burgess then noted that the County had been requested by the Virginia Association of Counties to designate a voting delegate and alternate delegate for the Association's annual meeting in November. He noted that Mr. Assaid and Mr. Austin are representing the County at this year's meeting.

After discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board designated Mr. Don Assaid as the County's Voting Delegate and Mr. Terry Austin as the Alternate Delegate for the Virginia Association of Counties annual meeting in November. (Resolution Number 08-09-11)

AYES: Mr. Assaid, Mr. Clinton, Mr. Martin, Mr. Austin, Mr. Meredith

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Austin, and carried by the following recorded vote, the Board went into Closed Session at 11:05 A. M. to receive advice of counsel on pending litigation regarding a water service area issue and to discuss a claim for electric service payments as per Section 2.2-3711(A)(7) of the Code of Virginia of 1950, as amended. (Resolution Number 08-09-12)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman then called the meeting back to order at 1:32 P. M.

On motion by Mr. Austin, 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 08-09-13)

AYES: Mr. Martin, Mr. Austin, Mr. Assaid, Mr. Meredith, Mr. Clinton (Mr. Clinton voted on only the portion of the closed session discussion pertaining to a claim for electric service payments.)

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 Valley Magisterial District from Merle W. and Angelia S. Wood, Trustees, (John and Theresa Huffman, lessees) for a Special Exception Permit for a recycling drop off center in an Industrial M-2 Use District on a 1.159 acre portion of a 1.832 acre parcel located at 155 North Commerce Street, approximately 0.15 miles from the intersection of Route 832 (North Commerce Street) and Route 822 (Industrial Drive), identified on the Real Property Identification Maps of Botetourt County as Section 106, Parcel 150B.

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

Mr. Chuck Supan, County Planner/Zoning Administrator, stated that this request is for a recycling drop-off center to be located in an existing 4,400 square foot building in the Botetourt Industrial Park behind the Pepsi-Cola facility. He noted that there are two buildings located on this 1.832 acre site. Mr. Supan stated that the building on the right-hand side of the lot is proposed to be used for this recycling drop-off facility.

Mr. Supan then read the three conditions included with this request as follows: there will be no exterior storage of materials on the ground - the only exterior storage will be in one enclosed box trailer parked outside of the building; there will be no additional exterior lighting; and, no inoperable vehicles or appliances will be stored on the property.

Mr. John Huffman, President of Commonwealth Recycling, was then present to speak regarding this request. Mr. Huffman stated that this proposed business will accept precious and semi-precious metals such as copper, lead, aluminum, brass, platinum, stainless steel, and recycle lead batteries. He noted that no silver or gold will be accepted for recycling. Mr. Huffman stated that they would pay by the pound for these items at the current market rates.

After questioning by Mr. Austin, Mr. Huffman stated that his father-in-law has been operating a recycling business for approximately 30 years in Wytheville and he has decided to start a similar business in Botetourt County.

After questioning by Mr. Clinton, Mr. Huffman stated that all cardboard will be placed into a vertical baler and compressed into 48" X 60" bales for shipping to a processing facility. After further questioning by Mr. Clinton, Mr. Huffman stated that the machine exerts 10 tons of pressure when compressing the cardboard into bales.

After questioning by Mr. Assaid, Mr. Huffman stated that lead batteries from cars, tractors, etc., will be shipped off-site for recycling.

After questioning by Mr. Austin, Mr. Huffman stated that he would not accept old cars or appliances but he will take their motors and/or compressors. Mr. Huffman further noted that he would not take the metal that surrounds the appliances but would take their motors and compressors.

Mr. Alvin Thacker of Ashley Plantation then questioned if Mr. Huffman would obtain identification information from his customers.

Mr. Huffman stated that State law requires him to obtain ID from every customer, except those bringing in aluminum cans, for his record-keeping purposes.

After questioning by Mr. Assaid regarding outside storage, Mr. Huffman stated that a 53' trailer will be parked outside of the building to store aluminum cans.

After further questioning by Mr. Assaid regarding site security, Mr. Huffman stated that this property is not fenced and does not have a security system. Mr. Assaid noted that there have been many news stories in the past few months regarding thefts of metals such as copper and platinum and questioned what security measures would be put in place at this business.

Mr. Huffman stated that there is an existing dusk-to-dawn light on the building now but he did not intend to have any additional outside lighting installed on this property.

Mr. Assaid stated that this proposed business could present a security problem for the County and the Sheriff's Department.

Mr. Huffman noted that the site's existing exterior lights illuminate the entire lot.

Mr. Burgess then noted that the Sheriff's Department has a Crime Prevention Unit that can offer advice on security improvements for Mr. Huffman's proposed business. Mr. Burgess asked that Mr. Huffman contact his office and he would be provided with the contact information for the Sheriff's Crime Prevention Specialist.

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

Mr. Clinton then questioned if this proposed use is making a market for materials that the County normally takes through its recycling program.

Mr. Burgess stated that the County does accept white goods (appliances) at the landfill; however, he does not see a connection with Mr. Huffman's proposed business. He noted that the materials that Mr. Huffman recycles are not included in the County's recycling program and vice versa.

After further questioning by Mr. Clinton, Mr. Burgess noted that most of the County's recyclable materials are sent to Cycle Systems in Roanoke for processing.

Mr. Assaid stated that this proposed business will help the County's citizens and take materials out of the waste stream.

After questioning by Mr. Martin, Mr. Huffman stated that, at least in the beginning, customers will bring their recyclable metals to his business location. He noted that, if the business becomes successful, he may offer pick-up services.

There being no further discussion, on motion by Mr. Assaid, and carried by the following recorded vote, the Board approved a request in the Valley Magisterial District from Merle W. and Angelia S. Wood, Trustees, (John and Theresa Huffman, lessees) for a Special Exception Permit for a recycling drop off center in an Industrial M-2 Use District on a 1.159 acre portion of a 1.832 acre parcel located at 155 North Commerce Street, approximately 0.15 miles from the intersection of Route 832 (North Commerce Street) and Route 822 (Industrial Drive), identified on the Real Property Identification Maps of Botetourt County as Section 106, Parcel 150B, with the following conditions: (Resolution Number 08-09-14)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

1. There will be no exterior storage of materials on the ground. The only exterior storage will be in one enclosed box trailer parked outside of the building.
2. There will be no additional exterior lighting.
3. No inoperable vehicles or appliances will be stored on the property.

There being no further discussion, the meeting was adjourned at 1:45 P. M.