

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, November 25, 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. Steve Vest, Library Director, then introduced Ms. Rebecca Smith to the Board. He noted that Ms. Smith was recently hired to work at the Fincastle Library's circulation desk. Mr. Vest noted that Ms. Smith is a native of California and currently lives in Buchanan. He stated that she previously worked for Federal Express and also operated a day-care business for 11 years.

Mr. Assaid welcomed Ms. Smith to employment with Botetourt County.

Ms. Smith thanked Mr. Assaid for his comments.

Mr. Spencer Suter than recognized Ms. Camille Moore with Rescue 7 who passed the paramedic certification test in June 2008. He noted that Ms. Moore has been an employee with Rescue 7 for three years. He noted that achieving this certification takes many hours of study and commended Ms. Moore for achieving this designation. Mr. Suter also noted that Ms. Moore reviews all of the cost recovery program reports for accuracy before they are submitted for collection.

The Board congratulated Ms. Moore on her success in obtaining certification as a paramedic.

Ms. Moore thanked the Board for their comments.

There being no discussion, on motion by Mr. Meredith, and carried by the following recorded vote, the minutes of the regular meeting held on October 28, 2008, were approved as submitted. (Resolution Number 08-11-01)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of additional appropriations. Mr. Tony Zerrilla, Finance Manager, stated that there were three pass through appropriations for the Board's consideration this month for receipt of State funds and reimbursements.

There being no discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board approved the following additional appropriations. (Resolution Number 08-11-02)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Additional appropriation in the amount of \$28,708.73 to Clerk of Circuit Court – Maintenance Contracts, 100-4021600-3320. This is a pass-through of State funds used to pay for records management/indexing system maintenance costs.

Additional appropriation in the amount of \$50 to Volunteer Fire & Rescue – Instruction & Training, 100-4032200-3180. These are funds received from a class held at Troutville Elementary School.

Additional appropriation in the amount of \$8,776.10 to Sheriff – RAID Patrol, 100-4031200-5830. This is a quarterly reimbursement of RAID/BAP (Botetourt Alternative Program) funds.

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 invoices totaled \$1,353,696.33; \$1,183,847.13 in General Fund expenses; \$3,740.06 in Debt Service Fund expenditures; and \$166,109.14 in Utility Fund expenses. He further stated that the Short Accounts Payable invoices totaled \$59,885.46; \$54,493.32 in General Fund expenditures; and \$5,392.14 in Utility Fund invoices.

Mr. Zerrilla noted that large expenditures this month included: \$172,330 for a quarterly budget payment to the Health Department; \$258,823 to Wall Construction for work on the citizen's convenience center; \$123,912 to G & H Construction for the press boxes at James River and Lord Botetourt high schools; and \$103,048 to the Virginia Resources Authority for a debt service payment.

Mr. Assaid noted that payments to 216 election officials are included on this month's accounts payable list. He noted that it cost the County over \$30,000 to conduct the 2008 Presidential election.

Mr. Zerrilla noted that this amount was anticipated during the FY 08-09 budget development process in order to ensure that the election process ran smoothly.

There being no further discussion, on motion by Mr. Assaid, 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 08-11-03)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Spencer Suter, Assistant to the County Administrator, then presented a staff update on upcoming improvements to the County's radio communications system. Mr. Suter stated that the County's current radio communications system was installed in 1999 and has provided almost ten years of excellent communications coverage for fire, rescue, the Sheriff's Department, and the school system. He noted that the system was designed very well and over the years the County has received excellent maintenance services from Professional Communications, Inc. Mr. Suter stated that the County anticipates some system enhancement expenses

over the next three to five years due to technology-driven upgrades to major components as well as Federal Communications Commission (FCC) mandates.

Mr. Suter noted that the County currently has seven channels—3 for fire and rescue, 2 for the Sheriff's Department, one for the school system, and a mutual aid channel that everyone can use. Mr. Suter stated that in excess of 800 radios and over 400 pagers are currently using this radio communications system. He noted that the County has four transmit towers (Caldwell Mountain, Purgatory Mountain, Tinker Mountain, and Big Hill) which provide in-building, portable radio coverage to 98% of the County. Mr. Suter noted that the Fincastle tower is the main hub site which transfers the signals from the four transmit towers to the dispatch center on Back Street in Fincastle. He stated that all of these towers are licensed by the FCC.

After discussion, Mr. Suter stated that, in the current fiscal year, the County received an 80/20 matching grant from the State to replace the existing radio console in the dispatch center. He noted that \$124,000 in State funds will be matched by \$36,000 in County monies for this purchase which will replace the existing ten year old recording system. He noted that the project's request for proposals (RFP) is currently being developed with an anticipated implementation date of May 2009.

Mr. Suter then stated that the next system upgrade is associated with an FCC mandate that all localities convert from a wide band (25 MHz) to narrow band (12.5 MHz) channels by January 1, 2013. He noted that the County has only one wideband channel at this time. Mr. Suter noted that the County is proposing to fund these upgrades, estimated to cost \$465,000, in FY 2011. He stated that approximately \$365,000 will be used to replace the system's components and conduct reprogramming, and up to \$100,000 will be needed to replace the County's current wide band pagers with narrow band equipment. Mr. Suter further stated that after January 1, 2011, no replacement parts for the old equipment will be available.

He noted that another proposed upgrade is to replace the battery supply systems at the County's tower sites in 2010 and 2011. Mr. Suter stated that these battery systems have a life-span of 5 to 7 years and provide 24 hour power supply to the tower's communications equipment should a generator fail. He noted that the total estimated cost for this project is \$18,000.

Mr. Suter stated that another upgrade project is the replacement of microwave transmission equipment in FY 2013, as replacement components will no longer be produced after 2009. He noted that this work is estimated to cost \$350,000. He then noted that the final system improvement is the replacement of the towers' automated alarm systems which diagnose specific problems. Mr. Suter stated that this technology is obsolete and it will become increasingly difficult to find replacement parts in the next few years. He stated that this project is proposed for 2013 and will cost approximately \$55,000.

After discussion, Mr. Suter stated that, in the next four to five years, the County will spend approximately \$880,000 in infrastructure upgrades to the radio communications system. He noted that these are cost estimates and the staff will continue to plan for these upgrades and costs including submittal of grant applications whenever possible.

Mr. Suter noted that Mr. Henry Henderson, President of ProComm, was also present at today's meeting regarding this matter.

After questioning by Mr. Martin, Mr. Suter stated that all of these upgrades will not be completed by 2009. After further questioning by Mr. Martin, Mr. Suter stated that the old pagers will be obsolete in 2013 as they operate on a wideband MHz and will be unusable for any other emergency services entity. He noted that it is possible that some of the other old equipment

could be used by other localities. After further questioning by Mr. Martin, Mr. Suter noted that he cannot predict what grant funds would be available to help fund these radio system improvements; however, the trend is that these funds will continue to be offered.

Mr. Assaid noted that funding of these projects is spread out over several years and the State's economic condition may improve during this time.

Mr. Martin noted that the County's volunteer fire and rescue units do a good job in serving the County's residents.

After questioning by Mr. Austin, Mr. Suter stated that there are approximately 800 radios in use by the Sheriff's Department, school system, and volunteer fire and rescue units at this time. He noted that it is possible that the number of radios used by the volunteer emergency services units could be reduced to save money.

Mr. Suter further noted that the County is looking closely at whether the number of pagers (currently 400) could be reduced in the future. He further noted that the County has previously purchased new pagers with grant funds and, when any new equipment is purchased, the staff ensures that it is upgradeable.

Mr. Clinton thanked Mr. Suter for this good report. He then questioned why the County needed 800 radios and 400 pagers. Mr. Suter noted that the 800 radios include those used by the Sheriff's Department and school staff while the pagers are used to notify volunteer fire and rescue personnel of an incident.

Mr. Clinton then questioned if the County's radio communications frequencies were compatible with other area governments' radio frequencies. Mr. Suter noted that the County's radio communications system operates on a 450 MHz UHF system which provides better signal coverage in mountainous terrain. He noted that Alleghany and Rockbridge Counties also use a 450 MHz system. Mr. Suter stated that the Roanoke and Bedford radio systems operate on a 800 MHz frequency. Mr. Suter stated that when there is a multi-jurisdictional incident the County's emergency command trailer is used to connect the different radio systems together so each locality's response personnel can speak to other jurisdictions' responders on the scene. He further noted that the County also previously received grant funds to install a radio system link between the County and the State Police radio channel. Mr. Suter further stated that the County has a cache of radios which were purchased with grant monies that can be signed out for use by FEMA or other State or federal agency representatives during a major incident to allow them to communicate with County emergency response units.

After further questioning by Mr. Clinton, Mr. Suter stated that if Roanoke County response staff are able to "key" their radios and communicate with the Roanoke County dispatch center while within Botetourt County then Botetourt County's units can talk to them on our radio communications system. Mr. Suter noted that there are no perfect radio communications systems.

After further questioning by Mr. Clinton, Mr. Suter stated that there are Internet connections between all of the dispatch centers in the State and we can link them together and communicate between jurisdictions when needed. He noted that a system test is planned in mid-December. After further questioning by Mr. Clinton regarding the 2013 deadline for installation of a narrow band system, Mr. Suter stated that the effective mandate for this implementation is January 1, 2011, as the system's manufacturers will no longer sell wide band equipment as of that date (2011). He noted, however, that the County has been securing some major system components for spare parts over the past couple of years.

Mr. Austin then thanked Mr. Henderson for the good job that he and his company have done for the County over the past nine years. He noted that their maintenance of the County's radio communications system has been greatly appreciated.

Mr. Henderson thanked Mr. Austin for his comments and said that ProComm appreciates working with the County.

Mr. Burgess stated that the federal government has mandated a national incident management system which provides a unified command system during emergency response incidents. He noted that the County's radio communications system has come a long way in the past 15 years and he commended ProComm, Spencer Suter, and the other staff members who keep this system operational.

Mr. Austin noted that the school bus communications system is very reliable.

Mr. Assaid then commended the staff for the foresight that they have already shown in providing a usable radio communications system and for their long-term planning of these upgrades.

Consideration was then held on a resolution requesting the acceptance of various school access roads into the VDOT Secondary System. Mr. Ron Smith, Public Works Director, stated that the Highway Department allows school access roads to be added to the Secondary System of Highways for maintenance and snow removal purposes. He noted that of the Botetourt school system's twelve access roads, seven are not currently maintained by VDOT.

Mr. Smith stated that the School Board approved a resolution at their November 13, 2008, meeting agreeing to provide the necessary rights-of-way in order for access roads at Buchanan Elementary, Botetourt Technical Education Center, Cloverdale Elementary, Greenfield Elementary, Lord Botetourt High, Read Mountain Middle, and Troutville Elementary schools to be taken into the Highway Department's secondary system. Mr. Smith noted that a copy of the School Board's approved resolution, maps of the proposed road acceptance sites, and a draft resolution for the Supervisors' consideration had been included in their information packets.

Mr. Smith noted that Mr. Scott Woodrum, VDOT's Staff Engineer, was present at today's meeting to answer any questions on this request.

Mr. Austin stated that he initiated this proposal when he questioned whether the new access road at James River High School, which was constructed during the school's recent expansion project, would be maintained by the Highway Department. After questioning by Mr. Austin, Mr. Smith stated that he will check with the Highway Department but it is his understanding that the entire through road at James River, including the new access road, is in VDOT's Secondary System.

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board adopted the following resolution requesting the addition of seven school access roads into the Secondary System of State Highways.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 08-11-04

WHEREAS, the roads described on the attached Botetourt County School Board resolution are fully incorporated herein by reference, and

WHEREAS, the roads described on the attached listing "Attachment A," provide access for school bus traffic for Botetourt County Public Schools, and

WHEREAS, the School Board believes the roads, consisting of varying distances in length as shown on the attached listing "Attachment A," should be accepted and included as part of the secondary system of state highways with the Virginia Department of Transportation, and

WHEREAS, the construction of the roads is complete and meets standards deemed, by the Department of Transportation, appropriate for the traffic anticipated, and

WHEREAS, construction was financed by sources other than those administered by the Virginia Department of Transportation, and

WHEREAS, the School Board of Botetourt County guarantees a right-of-way of 30 feet and additional drainage and slope easements as necessary for maintenance of the roads,

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors, pursuant to Section 33.1-68, Code of Virginia, requests the roads, as set out on the attached listing "Attachment A," be added to the Secondary System of State Highways,

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

Consideration was then held on a resolution requesting the acceptance of Marjorie Lane in Blue Ridge Estates Subdivision into the Secondary System. Mr. Chuck Supan, County Planner/Zoning Administrator, noted that VDoT has reviewed and inspected Marjorie Lane and it is eligible for acceptance into the Secondary System. He noted that two residents of this roadway are present at today's meeting to speak in opposition to the Board's adoption of this resolution.

Mr. Burgess noted that the Highway Department inspects these roads to ensure that they have been constructed to VDoT standards and are ready for acceptance into the Secondary System prior to the acceptance resolution being considered by the Supervisors. He noted that, once the County receives this assurance from the Highway Department, the resolution and other appropriate documentation are prepared for consideration by the Supervisors. Mr. Burgess stated that VDoT has informed the County that both Marjorie Lane and Stoneledge Drive in Stonegate Subdivision are eligible for acceptance into the Secondary System. He noted that any questions regarding these projects should be directed to Mr. Scott Woodrum, VDoT's Staff Engineer, who is present at today's meeting.

Mrs. Sharon Carson of 144 Marjorie Lane then requested that the Board table consideration of this resolution until the developer, Mr. Flip Groggins, is able to complete work on this road and its ditch lines. Mrs. Carson noted that until recently, the road's cul-de-sac was filled with construction debris, rocks, mud, and other trash. She noted that the ditch lines are eroded and mud from the unfinished ditches has washed onto various lots. Mrs. Carson stated that this paved road "has been a filthy mess for the past two years." She then presented the Board members with pictures of various problem areas along the roadway including bales of hay, trash, and construction equipment located in the cul-de-sac.

Mrs. Carson requested that Mr. Groggins be required to clean the surface and correct the area's erosion problems before the road is accepted by the Highway Department. She noted that mud from the newest residential construction site on this road is being tracked onto the paved surface of Marjorie Lane and is then carried onto the residents' driveways and

garages. Mrs. Carson stated that the development's stormwater detention ponds are "smelly and vile and do not drain" and there are many mosquitoes and flies in the area. Mrs. Carson stated that she is concerned that these problems will affect the property values of the development's homes.

Mrs. Carson stated that no repairs or mowing of the ditch lines have been done since this spring which has caused the ditches to wash mud and debris into her yard. She noted that the developer has also made no effort to repair the damages to her yard. Mrs. Carson noted that work on one of the ditches was done last week; however, there are ruts and gouges in the soil under the mesh fabric which lines the ditch.

Mrs. Carson stated that with the State's bad financial condition she does not think that there will be adequate VDOT staff to maintain this road and the ditch lines in the future and; therefore, she wants to ensure that the roadway is constructed correctly before it is taken into Highway Department's maintenance system. She stated that the taxpayers should not be responsible for making the repairs—they are the developer's responsibility. Mrs. Carson requested that the Board deny this request and have this matter returned to the County staff for review so that the repairs can be made in the spring of 2009 when the weather improves.

After questioning by Mr. Martin, Mr. Supan stated that when the County receives a complaint regarding an erosion problem, a staff member reviews the situation and then forwards the matter to the County's Erosion and Sediment Control Administrator for inspection. Mr. Supan noted that the Highway Department has inspected this roadway and has determined that it is ready to be taken into the Secondary System. He further noted that any problems or issues located off of VDOT's right-of-way are the compliance responsibility of the County's E&S Administrator.

Mr. Burgess noted that the E&S Administrator, Shawn Crist, has been to this site many times. He noted that the development's drainage issues are a combined responsibility of the County, the Department of Conservation and Recreation, and the Highway Department. Mr. Burgess suggested that the Board table action on this resolution until the December regular meeting to allow the County to arrange a meeting with VDOT, the developer, and Mr. Crist to determine what, if anything, needs to be done to stabilize and secure this site.

After questioning by Mr. Clinton, Mr. Burgess stated that the E&S bond required of the developer assumes that the work has been done correctly and will keep the site stable over time. Mr. Burgess further stated that the developer is also required to submit a bond to VDOT for the roadway's maintenance costs within the first year. He noted that the E&S bond is still in place but the two bonds work together to ensure that, if there are needed repairs, the money is available for them to be completed. Mr. Burgess noted that it is possible that scheduling of this meeting and any repair work can be done quickly so the Board can consider this resolution again in December. Mr. Burgess stated that the County will try to resolve this matter to everyone's satisfaction.

After questioning by Mr. Clinton, Mr. Supan stated that the E&S bond is usually released after one or two growing seasons have passed to ensure that everything has been stabilized on the site.

Mr. Martin stated that the County needs to hold the developer accountable for his work on this project.

Mr. Burgess stated that he is willing to schedule a meeting of all concerned parties to address these problems.

After questioning by Mr. Assaid, Mr. Supan stated that Mr. Crist inspects the stormwater detention pond for compliance with all local and State regulations.

Mrs. Carson then stated that she has talked to Mr. Crist and the State's erosion and sediment control specialist several times about this detention pond.

Mrs. Dee Ann Tickner of 186 Marjorie Lane then presented the Board with handouts which include photographs of the area and its problems. Mrs. Tickner stated that she wants the street taken into the Secondary System but she does not believe the road's current condition meets VDoT's acceptance requirements. She noted that there are currently seven homes on Marjorie Lane that are valued at over \$2 million and the road's condition affects their property values.

Mrs. Tickner noted that included in her handout were sections from the County's Subdivision Ordinance which pertain to street construction requirements. She noted that this street was paved in May 2006; however, there have been many instances of water runoff and erosion problems as the ditches only consist of dirt and rocks. Mrs. Tickner further noted that the condition of the drainage easement is "atrocious." She stated that the street has not been properly maintained since it was paved and bales of hay were stacked for months in the cul-de-sac. Mrs. Tickner further stated that the detention ponds stay full of water and do not drain properly. She stated that the developer should be held accountable for completion of this work.

Mr. Flip Groggins, developer of Blue Ridge Estates, then presented the Board members with photographs recently taken by his sister, who lives in this subdivision. He noted that the roadway and the erosion control measures have been inspected on several occasions at Mrs. Carson's and Mrs. Tickner's request. Mr. Groggins further stated that he met with Mr. Crist on the site on three occasions to review the project. Mr. Groggins noted that he has also met with the Health Department's inspector regarding the complaints of mosquitoes and the inspector had no concerns about this situation. Mr. Groggins noted that during the summer months the detention ponds were dry several times and they do not always hold water as previously mentioned.

Mr. Groggins stated that once the roads are developed and completed the final erosion and sediment control structures will be installed. He noted that the Highway Department will not accept a road unless it meets their standards. Mr. Groggins noted that he has posted a \$10,000 bond with the Highway Department to cover any maintenance expenses on Marjorie Lane for the next year. Mr. Groggins further noted that he "has no intention of walking away from this site." He noted that the new, unpaved driveway mentioned earlier will be surface-treated and paved in the spring. Mr. Groggins stated that he is proud of this development and will be held accountable by VDoT for his work on this roadway. He noted that sod has been placed in all of the project's ditch lines. Mr. Groggins stated that this road is ready to be accepted into VDoT's maintenance system.

After questioning by Mr. Meredith, Mr. Groggins stated that he does not think that there are any areas along the roadway that would benefit from reseeding in the spring; however, if VDoT staff believe that this seeding is necessary then he will do so.

Mr. Groggins noted that once the road is accepted by the Highway Department, then school buses, postal carriers, and snow removal equipment will be able to use the road.

Mr. Supan stated that, besides himself and Mr. Crist, several inspectors and representatives from the Highway Department and the Department of Conservation and Recreation (DCR)

have reviewed the condition of the road and the stormwater management facilities and they all believe that the road is ready to be accepted by the Highway Department.

After questioning by Mr. Clinton, Mr. Groggins stated that the detention ponds that are currently in place are for the construction phase of this development. Mr. Groggins stated that the ponds are draining as designed.

After further questioning by Mr. Clinton regarding the development's unpaved driveway, Mr. Groggins stated that this driveway will be surface-treated before winter and will be paved in the spring. Mr. Groggins further noted that he is willing to do further seeding if necessary.

After questioning by Mr. Austin, Mr. Groggins stated that he is currently constructing one new home on Marjorie Lane in which his sister will live. After further questioning, Mr. Groggins stated that there are no other houses under construction in this subdivision at this time. After questioning by Mr. Austin, Mr. Groggins stated that Pierson Engineering does all of the road and erosion facility design work for his company.

After questioning by Mr. Meredith, Mr. Groggins stated that this development does not connect to Ammen Road.

After reviewing a picture previously presented by Mrs. Carson, Mr. Groggins stated that he does not know the exact location of this eroded ditch line.

After questioning by Mr. Assaid, Mr. Groggins stated that the pictures that he had earlier presented to the Board were taken by his sister yesterday.

Mr. Austin noted that subdivision developers are required to obtain bonds to correct situations such as those mentioned by Mrs. Carson and Mrs. Tickner.

After questioning by Mr. Martin regarding a picture of the detention pond dated November 19, 2008, Mr. Groggins stated that there is water in the pond at this time; however, the pond was empty several times this past summer. He noted that the pond was inspected by Shawn Crist and a representative from DCR. Mr. Groggins further noted that the pond's purpose is to hold water.

After further questioning by Mr. Martin, Mr. Groggins stated that he does not see mosquitoes from the pond as a problem and neither did the Health Department inspector.

Mr. Woodrum then stated that VDoT's inspection process on Marjorie Lane began in the fall of 2006 and they are aware of Mr. Crist's visits to the site since that time. Mr. Woodrum stated that Mr. Groggins was told to move the bales of hay from the cul-de-sac.

After discussion, Mr. Woodrum stated that VDoT's responsibility on this project pertains to the area located within the right-of-way only and does not include the detention ponds. He noted that their inspections show a good pavement structure and shoulder area along Marjorie Lane. Mr. Woodrum stated that VDoT's specifications require that the road and shoulder area should be able to handle a two year storm for erosion and a 10 year storm for depth. Mr. Woodrum noted that he does agree with Mr. Burgess' suggestion that a meeting of all concerned parties be scheduled to discuss and hopefully resolve this situation.

After questioning by Mr. Austin, Mr. Woodrum stated that VDoT's concerns are only for those areas within the road's right-of-way. He noted that any future new house construction along this street will require an entrance permit from the Highway Department. After further questioning by Mr. Austin, Mr. Woodrum stated that if the Highway Department has not accepted a roadway for maintenance then correction of any problems on the road is not VDoT's responsibility.

After questioning by Mr. Assaid, Mr. Woodrum stated that once the road is accepted into the Secondary System and a developer/contractor tracks debris and mud onto the road then the developer is responsible for cleaning the roadway.

Mr. Burgess further noted that when a builder obtains a building permit for a residential lot, they are required to obtain an "agreement in lieu of" which necessitates their installation and maintenance of certain erosion control measures on the site. He noted that there have been instances where the County had had to issue a stop work order when a developer/contractor is tracking dirt onto a roadway.

Mr. Burgess again recommended that the Board table this matter until the December regular meeting, which is only three weeks away.

Mrs. Carson then stated that there are State regulations that prohibit tracking mud onto "any paved surface" and if it is done then the debris has to be removed on a daily basis by the builder.

After questioning by Mr. Clinton, Mr. Woodrum stated that during VDoT's review of a road being considered for acceptance into the Secondary System they can make suggestions to the County to have the developer correct certain items if there is the potential for these situations to cause future harm to the roadway. Mr. Woodrum stated that if eroded material is coming onto VDoT's right-of-way then they will get involved with the County and the developer to resolve the situation. He noted that VDoT does not delay a road's acceptance for such a reason as they "understand that it is a work in progress." Mr. Woodrum further stated that the situations/concerns discussed today are not an unusual type of situation for the Highway Department in these instances.

Mr. Austin stated that, as the County has a bond for the E&S portion of this project and the Highway Department has a bond for the road's maintenance, he does not see why the County should delay adopting this road acceptance resolution.

Mr. Burgess stated that he "does not think it would hurt to have one coordination meeting" regarding this project "to determine who can do what" and to have any questions on this project answered.

After discussion, Mr. Austin suggested that Mr. Meredith attend this meeting as this roadway is located in the Fincastle district.

There being no further discussion, on motion by Mr. Meredith, and carried by the following recorded vote, the Board tabled consideration of a resolution requesting the acceptance of Marjorie Lane in Blue Ridge Estates Subdivision into the VDoT Secondary System until the December 2006 regular meeting to allow a meeting of all concerned parties, including Mr. Don Meredith, to be scheduled. (Resolution Number 08-11-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a resolution requesting the acceptance of Stoneledge Drive in Stonegate Subdivision, Phase 2, into the VDoT Secondary System. Mr. Chuck Supan, County Planner, stated that VDoT has reviewed this roadway and determined that it is ready to be accepted into the Secondary System. Mr. Supan noted that Mr. Lewis Price has been in contact with his office with concerns about this road's readiness to be accepted by the Highway Department. He noted that Mr. Price was present at today's meeting.

Mr. Lewis Price, of 10 Stoneledge Drive, then stated that he purchased this lot in January 2004 and was informed that he was located in Roanoke County as the county line was in the center of Stoneledge Drive. Mr. Price stated that this boundary was relocated and his property is now located in Botetourt County.

Mr. Price stated that water flows onto his lot and empties into a 24" culvert on his property which is then carried to a drop inlet (DI) at the street. Mr. Price stated that the developer has not admitted that the ditch is owned by the developer and there is no drainage easement recorded on the plat of his property. Mr. Price stated that the culvert is now filled with 7" – 8" of silt and questions who is responsible for cleaning out the pipe if there is no recorded easement on the property.

After questioning by Mr. Austin, Mrs. Dillon, County Attorney, stated that she thinks that the County would have the right to go onto Mr. Price's property to clean out the pipe even though there is no formal drainage easement on the property. After review of a map of Mr. Price's lot, Mr. Austin noted that there is a 15' public utility easement on Mr. Price's plat and he believes that drainage would be included in a PUE.

Mr. Scott Woodrum of the Highway Department stated that he was contacted about this matter and, after an inspection, determined that the pipe drains into a drop inlet on the street. Mr. Woodrum stated that the water does not drain from the DI onto Mr. Price's property.

After questioning by Mr. Austin, Mr. Woodrum stated that, as this pipe is located outside of VDoT's right-of-way; however, if there is an easement, VDoT staff could use it to access the area in order to clean out the pipe.

After discussion, Mr. Price stated that he believed that Roanoke County owned the street right-of-way. He further noted that this pipe has also created a dangerous situation as vehicles have missed the turn at the Stonegate/Stoneledge Drive intersection and driven into the hole at the end of the culvert.

After questioning by Mr. Austin, Mr. Burgess stated that this section of Stonegate Subdivision was originally developed according to Roanoke County's subdivision regulations. He further noted that Kevin Shearer, Botetourt County Engineer, has talked to the Roanoke County Erosion and Sediment Control Administrator about this situation, but he does not know the details of their discussion, or if anything was resolved.

Mr. Price stated that he does not think this street is ready to be taken into the Highway Department's Secondary System until this drainage issue is resolved.

After questioning by Mr. Austin, Mr. Price stated that he has no objection to agreeing to a temporary construction easement being placed on his property to allow this situation to be fixed.

After questioning by Mr. Clinton, Mr. Price stated that all four lots on Stoneledge Drive have homes at the present time.

Mr. Austin stated that he does not see any reason to table this request and suggested that County staff work with Roanoke County to eliminate this safety hazard.

Mr. Burgess stated that he will confer with Roanoke County personnel to see if they are willing to work with Botetourt County staff on resolving this situation.

After questioning by Mr. Clinton, Mr. Burgess stated that the County does not typically do projects of this type—it would be the developer's responsibility to solve this problem.

After discussion by Mr. Austin, Mr. Ron Smith, Public Works Director, stated that it may be necessary to open the drainage ditch and stabilize the ditch lines to improve this situation.

Mr. Assaid thanked Mr. Price for attending the meeting on this matter and stated that the County wants to work with him on resolving this issue.

On motion by Mr. Assaid, and carried by the following recorded vote, the Board adopted the following resolution requesting the acceptance of Stoneledge Drive in Stonegate Subdivision, Phase 2, into the VDoT Secondary System of Highways.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 08-11-06

WHEREAS, the street, Stoneledge Drive in the Stonegate Subdivision, Phase 2, described on the attached Additions Form AM-4.3 fully incorporated herein by reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of Botetourt County; and

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

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

NOW, THEREFORE BE IT RESOLVED, 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 Resident Engineer for the Virginia Department of Transportation.

Mr. Scott Woodrum, VDoT Staff Engineer, then reviewed the Highway Department's monthly report. He noted that the County has received \$450,000 in reimbursement monies from VDoT for the International Parkway extension project. Mr. Woodrum further noted that various land development projects and land use permits were reviewed and or approved in the past month.

He further noted that, at the request of the County's Transportation Safety Commission, a traffic engineering request was submitted in late October to determine whether a four-way Stop sign was needed at the Azalea Road, Camelia Drive, and Belmar Lane intersection. Mr. Woodrum noted that a review is also being conducted of a citizen request that a flashing caution light be installed at the Etzler/Blacksburg Road intersection to warn drivers of the upcoming Stop sign. He then stated that the Highway Department is also reviewing a request from the County Administrator that a traffic signal be installed at the Alternate 220/EastPark Drive intersection. Mr. Woodrum stated that their staff is also reviewing the situation of large trucks coming from the south along Old Fincastle Road that have difficulty turning left onto Pauley Street to access the Gala Industries property. He noted that they are considering solutions including the placement of signs to help trucks better access this area from the north.

After questioning by Mr. Clinton, Mr. Woodrum stated that the Adopt-a-Highway Program is managed from the VDoT's Salem office. After discussion, Mr. Woodrum stated that requests

to adopt a section of roadway for trash pick up services under this program are initiated by citizen and community groups. Mr. Clinton noted that there is a section of Haymakertown Road that has not been adopted by a community organization.

Mr. Assaid then presented Mr. Woodrum with contact information of a Highland Manor Subdivision resident who has requested that additional signs be installed or other options implemented to notify drivers of the 25 mph speed limit in this development.

Mr. Alvin Thacker of Ashley Plantation then requested that a 25 mph speed limit sign be installed on Scarlet Drive.

Mr. Woodrum stated that he would have their staff review both of these requests.

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

The Chairman then called for a 15 minute break.

The Chairman called the meeting back to order at 11:17 A. M.

Consideration was then held on a resolution of endorsement of the County's Recycling Action Plan. Mr. Ron Smith, Public Works Director, stated that the Virginia Department of Environmental Quality (DEQ) requires local governments to recycle a portion of their residential and commercial waste. He noted that Botetourt County has had a formal recycling plan in place since 1992. He noted that the County has a mandated minimum recycling rate of 15% based on the volume of trash produced and the population density. Mr. Smith stated that the County exceeded its recycling goal in 2005 and 2006 but the recycling rate for 2007 was only 14% as the regulations were changed to require that all localities focus their efforts toward residential and commercial recycling instead of industrial recycling. He noted that to address this shortfall, County staff, in consultation with DEQ, has created a Recycling Action Plan (RAP) to increase the volume of recycling. He noted that this RAP is considered an amendment to the Solid Waste Management Plan and the Board is being requested to adopt a resolution amending the Solid Waste Management Plan to include the RAP.

Mr. Smith stated that this Plan outlines several initiatives including increased recycling by the schools, preparation and distribution of a new recycling information pamphlet to be used with the schools' educational programs, and better gathering of commercial recycling data. He noted that the staff will also continue to work with the Citizens Recycling Committee and have previously met with the State's recycling coordinator to obtain input on improvements to our current program.

After questioning by Mr. Assaid, Mr. Smith stated that the Recycling Committee is an ad-hoc group consisting of staff and citizen representatives, including Mr. Don Meredith.

Mr. Smith stated that the Committee previously recommended that the signage and color schemes on the County's recycling bins which are located at various schools be improved to make it easier for citizens determine what items can be recycled. He noted that the County implemented these improvements earlier this year.

After questioning by Mr. Assaid regarding Commonwealth Recycling, which received a Special Exceptions Permit from the County in September, Mr. Smith stated that he will check to see if this new business is willing to work with the County on our recycling program.

Mr. Clinton stated that he reviewed the RAP and, while it meets the State's requirements, he questioned whether the County is "missing some opportunities for innovation." He noted that the recycling market's conditions have changed and glass is no longer accepted for

recycling. He encouraged the staff to look harder at our options. Mr. Clinton stated that he is aware that the County's contract trash haulers have said that curbside recycling services would be expensive; however, he believes the County should look into providing these services in areas of the County where it is feasible to do so.

Mr. Clinton also questioned if the report should be amended to indicate that the County's waste is now being transported to the Salem Trash Transfer Station for disposal. He then questioned if yard waste is being hauled to the transfer station.

Mr. David Moorman, Deputy County Administrator, stated that yard waste will be kept at the landfill and either burned or mulched. He noted that the trash haulers do not usually pick up yard waste in their regular household trash collection operations.

Mr. Clinton encouraged the staff to inform the citizens what they can do to dispose of yard waste.

Mr. Smith stated that there is currently no commercial receiver of glass for recycling in the Roanoke Valley. Mr. Smith noted that he is trying to work with adjacent localities to see if some sort of glass recycling program can be reimplemented in the area; however, it is not practical or feasible to recycle glass in the current economic condition. He stated that they are also obtaining information on grinding and/or mulching glass.

Mr. Alvin Thacker of Ashley Plantation stated that Kanawha County, West Virginia, has a grinder that grinds glass into material that can be used as mulch or for other purposes.

Mr. Clinton noted that such a project could possibly be implemented on a regional basis in this area.

Mr. Smith stated that he will contact the Kanawha County officials to obtain further information on this program. Mr. Smith noted that the County is also working with the Clean Valley Council on ideas or programs that can be implemented to increase residential and commercial recycling rates and he will discuss a possible curbside recycling program with the trash haulers.

After discussion, Mr. Smith stated that the landfill and the new citizens convenience center will accept yard waste and either burn or grind it into mulch.

Mr. Burgess noted that funding for a year-round grinding machine at the landfill was previously removed from the budget because of its high cost. He noted that a regional solution to recycling is needed.

Mr. Clinton noted that the City of Salem picks up their citizens' yard waste.

Mr. Moorman noted that he does not think that the County's Solid Waste ordinance prohibits the trash haulers from providing curbside service on their own but the market conditions have not been suitable in the past to make this option economically viable.

Mr. Austin stated that the County could offer curbside recycling in the future in the more densely populated areas of the County and "eat the costs ourselves."

Mr. Moorman stated that we have to have some opportunity to reuse these materials.

After questioning by Mr. Austin, Mr. Smith stated that the County currently accepts type 1 and 2 plastics, tin, aluminum, cardboard, and mixed paper for recycling. Mr. Austin then suggested that the County have recycling containers placed at all County parks, high schools, and community events to encourage recycling by the residents.

Mr. Smith stated that he has been working with the Parks and Recreation Department for the past few months on placing recycling bins at County parks and he has also been discussing the placement of recycling kiosks in the County's libraries. He further stated that the

County applied for grant funds from Coca-Cola to use in the recycling program but we were not awarded any monies. Mr. Smith noted that he has been working with the Clean Valley Council to bring educators into the schools to talk to the students about recycling. He noted that the County is working on many recycling initiatives at this time.

Mr. Austin stated that “we can educate but we have to offer” as well. Mr. Austin noted that he thinks the County can do more to increase the amount of materials that are recycled.

Mr. Clinton stated that he believes that the recycling program is currently costing the County \$90,000 per year with only a \$1,000 or \$1,200 return of revenues from recycled materials.

Mr. Smith noted that the State of Virginia has a litter/recycling budget of only \$1.2 million.

Mr. Clinton stated that he would like the Recycling Task Force to provide the General Fund Budget Committee with a recommendation on what some of the programs mentioned today will cost the County to implement.

Mr. Assaid stated that the placement of recycling bins at school sports events will have a significant impact on the recycling program and also encourage the students and their parents to recycle at home.

Mr. Smith stated that he has been speaking with the Director of Parks and Recreation over the past few months about placement of recycling bins at County parks and sporting events. He noted that the County would want to obtain some “upscale” bins for these public locations.

Mr. Austin agreed with Mr. Clinton’s suggestion about the recycling committee providing a cost analysis to the Budget Committee on recycling paper, metal, and plastics in the County’s parks and at high school events. He noted that recycling bins will enhance the appearance of the County’s parks.

Mr. Clinton stated that costs for some of the larger issues and programs such as curbside pick up should also be included in this analysis for the Budget Committee’s review.

After questioning by Mr. Austin, Mr. Smith stated that the County’s recyclable materials, including those that are picked up during a curbside recycling program, would be taken to Cycle Systems in Roanoke for processing.

There being no further discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board adopted the following resolution accepting a supplement to the Botetourt County Solid Waste Management Plan known as the “Recycling Action Plan” (RAP).

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 08-11-07

WHEREAS, *Section 10.1-1411 of the Code of Virginia* authorizes the Virginia Waste Management Board to promulgate regulations specifying requirements for local and regional solid waste management planning, and

WHEREAS, the Virginia Waste Management Board has promulgated such regulation entitled, *Solid Waste Planning and Recycling Regulations, Amendment 2 as 9 VAC 20-130-10 et seq.*, effective date November 28, 2007, through the Virginia Department of Environmental Quality, and

WHEREAS, these regulations require every county, city, and incorporated town within the Commonwealth to submit a solid waste management plan by July 1, 2004, and

WHEREAS, Botetourt County has determined that it is in its best interest to submit the Recycling Action Plan as a county plan, and

WHEREAS, Botetourt County has carefully considered the public's comments, and has incorporated them into the plan as is in the best interest of the County, and

WHEREAS, Botetourt County recognizes the annual reporting requirements pursuant to 9 VAC 20-130-165. (Recycling Report) and agrees to provide said report, and

WHEREAS, Botetourt County recognizes its responsibility to amend the plan as required by the regulations as outlined in 9 VAC 20-130-175.

NOW, THEREFORE, BE IT RESOLVED, the Botetourt County Board of Supervisors meeting in regular session on November 25, 2008, does hereby adopt an amendment to the Solid Waste Management Plan known as the **Recycling Action Plan (RAP)**, and further authorizes its submittal to the Virginia Department of Environmental Quality.

Mr. David Moorman, Deputy County Administrator, then presented an update on the ongoing reassessment process. Mr. Moorman stated that Wampler-Eanes Appraisal Group began work on the 2010 reassessment early this fall and continues to monitor real estate sales valuations. He noted that the firm will also monitor these sales through 2009 and, if the property assessment benchmarks need to be adjusted, they will do so. Mr. Moorman noted that 700 parcels have been reviewed so far; however, a majority of the fieldwork will begin in January 2009 and take approximately a year to complete.

Mr. Moorman noted that he had included a copy of the reassessment's schedule in the Board's information packets. He further stated that the land values will be finalized and notices mailed to the property owners in January 2010 with assessing officer hearings scheduled for January/February 2010 and Board of Equalization hearings scheduled in March 2010. Mr. Moorman further noted that the reassessment process is mandated by the State of Virginia and requires localities to periodically adjust real estate values to 100% of fair market value for tax purposes.

Mr. Moorman noted that the assessors will review approximately 20,000 parcels and 1,000 mobile homes throughout the County. He stated that a public service announcement is being issued today explaining the reassessment schedule. Mr. Moorman further noted that representatives from Wampler-Eanes will be available to speak to civic and community groups about their work on the County's reassessment.

Mr. Assaid noted that the County is ahead of schedule on this project. He thanked Mr. Moorman for his update.

Mr. Burgess then provided the Board with various administrative updates. He presented the Board with copies of a recent Roanoke Times story on the County's wine trail and a copy of the latest edition of Blue Ridge Country magazine which included a story on the County's three incorporated towns.

Mr. Burgess noted that Mr. Assaid, Mr. Austin, David Moorman, and himself attended the Virginia Association of Counties annual meeting earlier this month. He noted that meeting topics included the State budget and indications that the budget's deficit in the current biennium will be increased to \$4 billion. Mr. Burgess noted that there is a reluctance to use the State's "rainy day fund" to offset a portion of this shortfall. Mr. Burgess further noted that it is estimated that an additional \$400 - \$500 million in cuts will be made to the biennial budget—many of which will be passed onto local governments.

Mr. Burgess stated that the County has begun implementing budgetary controls on non-essential purchases and there are also plans to slow progress on funding some capital items.

Mr. David Moorman, Deputy County Administrator, stated that he attended a session at the conference on improving energy efficiency in County operations. He noted that the County would first have to "get a handle on what our current energy usage is" before determining what improvements could be implemented. Mr. Moorman stated that Roanoke County has reduced their emissions by 1.5% since 2005. He noted that it is difficult to achieve savings in this situation.

Mr. Moorman also stated that he attended a meeting on sustainable community development at which Secretary of Transportation Pierce Homer spoke. He noted that Secretary Homer stated that, due to the current economy, monies from both the State and federal governments "are in peril." Mr. Moorman noted that the Governor's Office will review and prioritize projects over the next few months which will result in new highway construction being "episodic in nature." Mr. Moorman stated that he also attended a session on improving water quality. He noted that the Department of Conservation and Recreation is drafting new stormwater management regulations which will be much more stringent and more costly for the County to implement and comply with. Mr. Moorman noted that the County will work with VACo and other local government entities to ensure that these regulations are written in a practical manner.

Mr. Assaid stated that he attended a couple of budget-related meetings at the VACo conference. He noted that there was not a lot of "finger pointing" at these meetings because of the State's economic condition. Mr. Assaid noted that he discussed the County-required funding of employees' Virginia Retirement System payments, unfunded mandates, and significant increases in the amounts of Comprehensive Services expenditures that localities have to fund.

Mr. Austin stated that there are rough times ahead for the State; however, he believes Botetourt County is in better economic shape than many other jurisdictions in Virginia. He noted that the County does not have a lot of capital needs over the next few years; however, State funding will be important in the future. Mr. Austin stated that he does not think it is fair for the State to place the burden of additional funding onto the localities.

After questioning by Mr. Clinton, Mr. Burgess stated that approximately 40% of the County budget, including the School portion, is funded by the State. Mr. Burgess stated that the State will implement budget cuts to State agencies and any eventual reductions in school funding will probably be implemented at the administrative level first.

After discussion, Mr. Burgess stated that a lot of localities are having to lay off employees because of the economy and lack of revenues.

After questioning by Mr. Clinton, Mr. Burgess noted that the Highway Department had asked the County to delay the Secondary System Six Year Plan work session until after the General Assembly's deliberations in January/February 2009 so VDoT would have a better idea on what funds would be available in FY 09-10. Mr. Clinton noted that maybe some good will come from the current economic problems which will result in a leaner budget at the State level.

Mr. Burgess then stated that there has been increased usage of the Greenfield Education and Training Center in the past year. He noted that in 2007, 22,579 individuals entered the facility, while in the first 10 months of 2008, this number increased to 36,949.

Mr. Ron Smith, Public Works Director, then noted that approximately 35% of the budget monies allocated for the citizens' convenience center project have been expended. He noted that the retaining walls have been built and the flat slab concrete work is being done at this time.

Mr. Smith stated that the utilities are being installed, the new weighing scales have been fabricated, and staff is reviewing the construction documents for the new scale house. He further stated that the new trash compactor has been fabricated and is ready to be shipped to the site. Mr. Smith noted that paving of the access road should begin next week. He noted that the project is only 10 days behind schedule at this time.

Mr. Assaid then stated that he recently attended the media day event at Smorgon LiteSteel Technologies' new facility in Troutville. He noted that six or seven national trade publications were represented at this event. Mr. Assaid stated that LiteSteel's construction beams are an "incredible product."

Mr. Burgess noted that LiteSteel will hold a grand opening celebration in the spring of 2009. He further noted that the facility is currently going through a "hot conditioning" of its product to ensure that a quality beam is made at this facility. Mr. Burgess further noted that LiteSteel has also requested payment of their Governor's Opportunity Fund monies.

There being no further discussion, the meeting was adjourned for lunch at 12:10 P. M. The Chairman called the meeting back to order at 1:40 P. M.

A public hearing was then held on a request in the Buchanan Magisterial District from Lisé & Grant P. Brinkley, Jr., for a special exception permit for a Rural Home Business in the Agricultural A-1 Use District for a cabinet shop on 17.966 acres located at 1462 Boblett's Gap Road (State Route 643), approximately 0.3 mile north of its intersection with Chair Rock Road (State Route 617), identified on the Real Property Identification Maps of Botetourt County as Section 78 (3), Parcel 4.

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

Mr. Chuck Supan, County Planner/Zoning Administrator, noted that this request was recommended for approval with four conditions as follows: no employees other than Mr. Brinkley and his spouse; hours of operation will be 8:00 A. M. to 4:30 P. M., Monday through Friday; there will be no outside storage of materials; and no additional exterior lighting.

Mr. Supan noted that one adjacent property owner spoke at the Planning Commission meeting with concerns about noise and traffic generated by this request. Mr. Supan stated that, when the details of the proposed business were explained to this person, he had no further objections to the cabinet shop's operation.

After questioning, Mr. Supan noted that there is approximately 500' between the Brinkley's proposed shop and the nearest residence. Mr. Supan noted that Mrs. Brinkley was present at the meeting to answer any questions the Board may have.

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

Mr. Austin stated that he does not anticipate any problems being created by a business of this small size and is in favor of this request.

Mr. Clinton then noted that the hours of operation included in the request's conditions "seem to be restrictive."

Mrs. Brinkley stated that her husband has built cabinets in this shop in the past on a part-time basis and, at times, has worked early in the morning and late at night. She noted that the woodworking shop is located in an enclosed building which contains any noise.

After discussion, Mr. Austin stated that he does not have any problems with expanding the hours of operation of this business, as he believes this particular condition as currently written is too restrictive. After questioning by Mr. Austin, Mrs. Brinkley stated that she would prefer that the hours of operation be extended.

Mr. Austin noted that it is possible that some woodworking equipment could be installed in the future that would be audible from outside of the shop. After discussion, Mr. Supan stated that the hours of operation for the shop's power equipment could be amended to address Mr. Austin's concerns. Mr. Austin then suggested that the hours be extended from 7:00 A. M. to 7:00 P. M. This amended condition was agreeable with Mrs. Brinkley.

There being no further discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board approved a request in the Buchanan Magisterial District from Lisé & Grant P. Brinkley, Jr., for a special exception permit for a Rural Home Business in the Agricultural A-1 Use District for a cabinet shop on 17.966 acres located at 1462 Boblett's Gap Road (State Route 643), approximately 0.3 mile north of its intersection with Chair Rock Road (State Route 617), identified on the Real Property Identification Maps of Botetourt County as Section 78 (3), Parcel 4, with the following amended conditions: (Resolution Number 08-11-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. No employees other than Mr. Brinkley and his spouse.
2. Hours of operation of the shop's power equipment will be 7:00 A. M. to 7:00 P. M., Monday through Friday.
3. There will be no outside storage of materials.
4. No additional exterior lighting.

A public hearing was then held on a request in the Buchanan Magisterial District from James H. and Sharon S. Crumley for a special exception permit for a Bed and Breakfast Inn in the Agricultural A-1 Use District on 123.949 acres located at 2290 Trebark Road (State Route 625), approximately 0.4 mile northwest of its intersection with Buttons Bluff (State Route 690), identified on the Real Property Identification Maps of Botetourt County as Section 50, Parcel 96.

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

Mr. Chuck Supan, County Planner/Zoning Administrator, stated that the Planning Commission recommended approval of this request with four conditions as follows: there will be no outdoor events such as weddings, receptions, or live music; there will be no additional exterior lighting; no pets allowed in the bed and breakfast inn; and no advertising signage will be allowed, with the exception of one small identification sign.

Mr. Supan noted that there was no one present at the Planning Commission to speak in opposition to this request. He noted that Mr. and Mrs. Crumley were present at today's meeting to answer any questions.

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

After questioning by Mr. Assaid, Mrs. Crumley stated that the closest neighbor to this proposed bed and breakfast is their private residence. After further questioning, Mrs. Crumley stated that customers who rent this property will bring in their own food to cook in the kitchen—she will not provide cooked meals or food for these individuals.

After questioning by Mr. Martin, Mrs. Crumley stated that they will rent out the house and the acreage for people who want to hunt, hike, or canoe on the river. She noted that the house is not large enough to hold a wedding reception or other formal events.

After questioning, Mr. Supan stated that the condition regarding no outdoor events or live music was included by his staff due to noise complaints received from adjacent property owners of a bed and breakfast located outside of Fincastle that was approved several years ago. He noted that his office routinely receives complaints regarding amplified music from this specific Fincastle bed and breakfast.

Mr. Clinton stated that the property limits itself because of its size. He noted that the Crumleys are comfortable with the conditions included with this request.

Mr. Meredith stated that this is a lovely endeavor for the use of this property and it is “something we need more of along the river.” Mr. Meredith noted that this site is a great getaway that has access to the James River as well as great hunting opportunities.

There being no further discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board approved a request in the Buchanan Magisterial District from James H. and Sharon S. Crumley for a special exception permit for a Bed and Breakfast Inn in the Agricultural A-1 Use District on 123.949 acres located at 2290 Trebark Road (State Route 625), approximately 0.4 mile northwest of its intersection with Buttons Bluff (State Route 690), identified on the Real Property Identification Maps of Botetourt County as Section 50, Parcel 96, with the following conditions: (Resolution Number 08-11-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. There will be no outdoor events such as weddings, receptions, or live music.
2. There will be no additional exterior lighting.
3. No pets allowed in the bed and breakfast inn.
4. No advertising signage will be allowed, with the exception of one small identification sign.

Mr. Burgess reminded the Board members that the December regular meeting will be held on December 16th—one week early due to the Christmas holiday. He noted that the Board will also hold their 2009 reorganizational meeting at the end of the December regular meeting.

Mr. Supan then noted that, as there are no rezoning or special exception permit requests for the Board’s consideration in December, he and his staff would like to wish the Board a happy Thanksgiving and Christmas.

The Board thanked Mr. Supan for his comments.

There being no further discussion, the meeting was adjourned at 1:55 P. M.