

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, March 23, 2021, at the Botetourt County Administration Center in Daleville, Virginia, beginning at 2:00 P.M.

PRESENT: Members: Dr. Donald M. Scothorn, Chairman
Dr. Richard G. Bailey, Vice-Chairman
Mr. Steve Clinton
Mrs. Amy S. White
Mr. Billy W. Martin, Sr. (arrived at 12:40 P. M.)

ABSENT: Members: None

Others present at the meeting:

Mr. Michael Lockaby, County Attorney
Mr. David Moorman, Deputy County Administrator
(left at 5:00 P. M.)
Mr. Gary Larrowe, County Administrator

The Chairman called the meeting to order at 12:31 P.M.

On motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Board went into Closed Session pursuant to the Code of Virginia, 1950, as amended, to discuss the following: Section 2.2-3711.A. 3, Acquisition or disposition of real property for economic development purposes where discussion in open session would adversely affect the County's bargaining position or negotiating strategy namely concerning the Amsterdam (Greenfield) and Blue Ridge districts; and Section 2.2-3711.A. 5, Discussion on prospective businesses or industries or the expansion of existing businesses or industries where no previous announcement has been made of their interest in locating or expanding facilities in the community in the Amsterdam (Greenfield) and Blue Ridge Districts. (Resolution Number 21-03-01)

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

NAYS: None

ABSENT: None ABSTAINING: None

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

On motion by Dr. Scothorn, seconded by Dr. Bailey, 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 21-03-02)

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

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.

Dr. Scothorn then welcomed those present to the meeting

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

Chief of Fire and EMS Jason Ferguson then introduced Mrs. Taylor Lunsford to the Board. He noted that Mrs. Lunsford was hired earlier this month as the County's full-time Recruitment and Retention Specialist. He noted that Mrs. Lunsford's job will include finding

ways to recruit new volunteers for the fire departments and rescue squads and working on ways to retain the current crew members.

Chief Ferguson stated that Mrs. Lunsford is from the Blue Ridge area and previously worked for six years in marketing and volunteer leadership/coordination. He noted that she also served with the Fincastle Volunteer Fire Department for several years.

Mrs. Lunsford stated that she is very excited to work for the County and help the community where she can.

The Board welcomed Mrs. Lunsford to employment with Botetourt County.

Chief Ferguson then stated that a new Buchanan Fire Chief has been appointed. He noted that this is a two year term which expired in December 2020. Chief Ferguson stated that the previous chief (John Crouch) was asked to extend his term until a new chief could be appointed.

Chief Ferguson stated that applications were obtained for this vacancy and interviews held. He noted that Mr. Ray Sloan, former Board of Supervisors member, was appointed and accepted this position last Monday. He noted that Mr. Scott Williamson is Buchanan's Deputy Chief.

Chief Ferguson stated that the County is excited for this change in leadership which will be a positive outlook for the future of the Buchanan Fire Department.

After questioning by Dr. Scothorn, Mr. Michael Lockaby, County Attorney then explained the State regulations pertaining to consideration by local governments of the removal/relocation process for historical monuments. Mr. Lockaby stated that, prior to removing/relocating any publicly-owned monument/memorial, the County is required to publish a notice of its intent to hold a public hearing on this issue at least 30 days before the hearing.

Mr. Lockaby stated that this notice was advertised and today the County is in the midst of a listening process on what to do with the Confederate Monument located in front of the Circuit Courthouse in Fincastle. He noted that after the hearing, the Board can decide to take no action on this matter and leave the monument in its current location or relocate it to another site.

He noted that a citizens committee was formed to research this issue and present a report to the Board for final consideration. He noted that the Committee's report was presented, and its recommendation to relocate the monument was accepted, at the Supervisors' January meeting and County staff was directed to advertise for today's public hearing. Mr. Lockaby stated that, if the Board makes a decision regarding the monument after today's public hearing, the Board is required, for a period of 30 days, to offer the monument/memorial through a Request for Proposals process (RFP) for relocation and placement to any museum, historical society, government, or military battlefield.

Mr. Lockaby noted that the Board is required to advertise this request for RFPs even if they do not act on any proposals received.

After questioning by Dr. Scothorn, Mr. Lockaby stated that the RFP is only open for responses from museums, historical societies, governments, or military battlefields.

Dr. Scothorn thanked Mr. Lockaby for this information.

Dr. Scothorn then opened the floor for public comment. He noted that speakers would be allowed three minutes to offer comments on any topic. Dr. Scothorn reminded those present

that a public hearing is scheduled for 3:45 today on the proposal to relocate the Confederate monument.

Mr. Bob Frydrych of Country Club Road stated that he is speaking regarding the refusal of the administration to allow him to speak publicly. He noted that the issue is ambulances that stop in school zones while transporting patients experiencing emergencies to local hospitals. Mr. Frydrych stated that he had a stroke and was being transported in a County ambulance to the hospital when the ambulance stopped in the school zone at Lord Botetourt High School for several minutes while school vehicular traffic was being let out of their parking lot

Mr. Frydrych stated that it is imperative that these ambulance transport rules for school zones be changed. He noted that there are many elderly residents in the County and this situation impacts everyone. Mr. Frydrych stated that if the County “keeps pushing the issue he will push back.”

Ms. Tenney Mudge of Rockbridge County stated that the County has a bright future and, if it does not already regret the day Rocky Forge came to town, it will. She stated that this project will cause fire damage, create infrasound, cause the death of eagles and other birds, will cause the destruction of a designated wildlife corridor, and will only create 5 – 7 new jobs in the County.

She stated that this project is a threat to what the neighbors desire most -- a scenic view and enjoyment of a natural environment.

Ms. Mudge stated that the lifespan of these turbines is only 20 – 25 years. She stated that Rocky Forge’s decommissioning plan is not set and, according to the company, the project is not economically viable at a tower height of 550’. Ms. Mudge stated that the company has submitted incomplete site plans to the County for review, they are behind schedule, the company’s website is out of date, and the turbines have not been ordered.

She stated that there has been an inept approach by Apex on this project and this does not bode well for the future. Ms. Mudge noted that “green is not green if it is not done right” and, if Apex is not doing it right now, then they will not in the future. She stated that the Board should terminate the company’s SEP.

Mr. Edward Schulz of Springwood Road stated that there is currently a large AEP power line through his property that he has to view every day. He noted that the Rocky Forge site was reportedly chosen because of its isolation and impact on the least amount of people. Mr. Schulz stated that these towers will be seen for miles as they are proposed to be over 600’.

Mr. Schultz stated that this project is not beneficial to the people who live in this area. He noted that County tax money or permitting fees are all that the County will receive from this project and he does not see the benefit of this request.

Mr. Schultz stated that there will also be impacts on hawks, eagles, and from clearcutting the turbine sites. He noted that people move to this area because of the beauty.

Ms. Melissa Hundley of Clifton Forge stated that her family owns 850 acres which is a designated conservation easement at the bottom of North Mountain where these turbines will be located. She noted that this wind farm project will change this area forever.

Ms. Hundley then read a message from Dottie Moreland, an 80 year old friend in West Virginia, regarding turbines placed near her family’s property. She stated that Ms. Moreland lives on a private road with other relatives and they felt safe on their property, “then along came the windmills.” She noted that, at first, the windmills were far away with some located on another mountain and she could see their lights blinking at night. Ms. Hundley quoted that the

windmills “kept coming closer and closer, across from the back of my house on Saddle Mountain.”

Ms. Hundley stated that before the windmills, Mrs. Moreland loved sitting on her porch and enjoying the peace and quiet and watching/listening to the animals and birds but now she has to view and hear the turbines. She noted that Mrs. Moreland said that the noise is annoying and terrible and sometimes it sounds like an airplane or helicopter, or a clanging, humming, buzzing sound. She noted that this noise has disrupted Mrs. Moreland’s sleep, caused headaches and anxiety attacks, and disturbed her mental health and they are now constructing windmills closer to her home.

Ms. Hundley said that Mrs. Moreland and other area residents wrote to the West Virginia Public Service Commission with their concerns but the Commission did not care about the residents’ rights. She said that these officials do not live in the area so it does not affect them and they do not care about the citizens’ lives. Ms. Hundley further stated that Mrs. Moreland said that “allowing this industry in has caused serious conflicts between friends and family.”

Ms. Hundley noted that Mrs. Moreland said to tell the Board to “not do this to the citizens you serve.”

Mr. Ricky Anderson of Little Timber Ridge Road stated that he grew up in Virginia and has family in Oklahoma. He noted that corporations want money. Mr. Anderson stated that in Oklahoma there were turbine failures after many years of operation and the structures have not yet been removed. He noted that these abandoned turbines have an impact on the soil/land.

Mr. Anderson stated that he will be able to view the North Mountain turbines from his family’s property in Gala and it will cause “turmoil” for his family to visit their homeplace.

Mr. Anderson stated that there is also a natural gas pipeline across the mountain where the turbines will be located. He noted that the shipping costs for coal are low and, questioned since we have gas and coal to create electricity, why do we need turbines. Mr. Anderson stated that “this will kill coal and gas jobs” and consumers will be charged instead of the corporations.

Mr. Anderson further noted that oil is used to lubricate the turbine blades and there is always the possibility of a spill which would damage the environment.

Mrs. Jean Claunch of Mount Moriah Road stated that she has lived in her home for 50 years and has enjoyed the view of North Mountain. Mrs. Claunch stated that she hopes that the next generation will enjoy the same view.

Mr. Eric Claunch of Eagle Rock stated that the current Apex construction schedule in the site plan’s third submittal lists September 2022 as the Rocky Forge commercial operation date even though the Power Purchase Agreement (PPA) with the State and Dominion Energy ends December 31, 2021.

Mr. Claunch quoted from the agreement that, “if, for any reason, ... (ii) the PPA is timely executed but Rocky Forge fails to achieve COD by December 31, 2021, ... the Capacity Target shall automatically be reduced to 345 MW, all of which shall be for solar capacity.” Mr. Claunch stated that he understands that the County will only receive revenue from this project based on the amount of power generated/sold to customers. He noted that without an active PPA there is no one to buy this product. Mr. Claunch stated that the County should not approve the project without a return on investment.

Mr. Claunch noted that the site plan documents sent to the County are public documents and after viewing them he is “shocked by the lack of accuracy and detail.” He further noted that even the third plan submittal is “non-serious.” Mr. Claunch stated that Apex also ignored a

request from the Director of Community Development for the cost breakdowns for manhours and crane-hours for each stage of decommissioning. Mr. Claunch requested that the Board cancel the SEP as there are dozens of omissions in Apex's project submittal documents.

Mr. Neal Treger of Turnpike Road in Rockbridge County then questioned why, if you are an environmentalist are you in favor of this project. He noted that there will be destruction caused by the construction of 22 miles of roadways to access these turbines and there is a risk of fire if the turbines fail. He noted that this does not make sense from a taxpayer's perspective as the County will end up being responsible for dismantling these turbines.

Mr. Treger stated that the turbines will kill birds and impact the area's wildlife corridor. He stated that he does not understand how County residents can support this project if their neighbors in an adjoining County oppose it. He noted that he also has environmental concerns and concerns about the required lighting installed on these turbines to comply with Federal Aviation Administration (FAA) standards.

Mr. Treger stated that the company has not been forthcoming with their analysis of this project and they have misrepresented themselves in a public form and in their submissions to the County which are incomplete. He noted that, if they have the expertise, they should have correct documentation for submittal to the County.

Ms. Michelle Ludwig of Rockbridge County stated that there are many negatives about this project. She noted that "on paper it looks good" but questioned whether the County considered how much revenue will be lost when people move out of the County because of this wind farm. She asked that the Board look at the turbines and think about how they would feel if it was their property and their backyard.

After questioning by Dr. Scothorn, it was noted that there was no one else present to speak.

After discussion, on motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the following consent agenda item: (Resolution Number 21-03-03)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Approval of minutes of the regular meeting held on February 23, 2021

Consideration was then held on approval of transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there were two transfers, 3 pass-through appropriations, and 2 regular appropriations for the Board's consideration.

He noted that these were for donations, expenditure reimbursements, miscellaneous receipts, funding for the Greenfield utilization study project, and funding for the continuation of the tax software implementation project.

There being no discussion, on motion by Mr. Clinton, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 21-03-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$528.95 to Central Purchasing – Store Supplies, 100-4012530-12530-6021-000, from various departments as follows for store supplies usage:

\$ 12.00	Comm. Devel. - Office Supplies, 100-4081200-81200-6001-000
\$188.00	Board of Superv.-Other Suppl., 100-4011100-11010-6014-000
\$ 89.80	Co. Admin. – Office Supplies, 100-4012110-12110-6001-000
\$ 44.90	Treasurer – Office Supplies, 100-4012410-12410-6001-000
\$ 49.39	Comm. of Rev. – Office Suppl., 100-4012310-12310-6001-000
\$108.86	Finance – Office Supplies, 100-4012430-12430-6001-000
\$ 36.00	Parks & Rec. – Office Supplies, 100-4071100-71100-6001-000

Transfer \$305.92 to Central Purchasing – Pool Car Transfers, 100-4012530-12530-6020-000, from various departments as follows for fuel usage:

\$ 41.06	Treasurer – Fuel, 100-4012410-12410-6008-000
\$ 3.77	Maintenance – Fuel, 100-4043000-43000-6008-000
\$ 9.86	Technology Svces. – Fuel, 100-4012510-12510-6008-000
\$ 9.69	County Administrator – Fuel, 100-4012110-12110-6008-000
\$ 18.69	Comm. Devel. – Fuel, 100-4081200-81200-6008-000
\$ 15.34	Economic Devel. – Fuel, 100-4081500-81500-6008-000
\$150.00	Van Program – Fuel, 100-4071500-71500-6008-000
\$ 57.51	Fire & EMS – Fuel, 100-4035500-35500-6008-000

Additional appropriation in the amount of \$505.00 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. These are for the receipt of donations.

Additional appropriation in the amount of \$3,937.23 to the following Sheriff's Department accounts: \$2,886.32 to Subsistence & Lodging, 100-4031200-31200-5530; \$890.35 to Firing Range, 100-4031200-31200-6005; and \$160.56 to Vehicle Supplies, 100-4031200-31200-6009. These are reimbursed funds received for extradition costs and the sale of brass scrap.

Additional appropriation in the amount of \$4,225.66 to the following Correction & Detention accounts: \$2,893.45 to Medical & Lab Supplies, 100-4033100-33100-6004; \$732.21 to Uniforms – 100-4033100-33100-6011; and \$600.00 to Food Supplies, 100-4033100-33100-6002. These are medical co-pays and Craig County reimbursements, contract payments, and Social Security Incentive payments.

Additional appropriation in the amount of \$12,616.20 to CIP – Greenfield Utilization Study, 100-4094000-43000-8012-602. This is to cover expenditures to date for this project.

Additional appropriation in the amount of \$51,202.00 to CIP – Tax Software, 100-4094000-12510-8009-102. This appropriation will cover expenditures to date, including database server software (\$45,210.00), which was not accounted for in the original CIP budget for this project.

Consideration was then held on a request for an additional appropriation for the purchase of a new ambulance. Chief of Fire and EMS Jason Ferguson stated that, during the FY 21 budget development process, his department requested funding for one new replacement ambulance as per their capital outlay replacement program. He noted that, due to the COVID pandemic, these funds were removed from the current budget with the intent to again include funding for a new ambulance in the FY 22 budget.

Chief Ferguson stated that he is present today to request an additional appropriation in the amount of \$278,000 to replace a 2016 ambulance with over 127,000 miles. He noted that, due to the fabrication/delivery schedule, if this ambulance were ordered today, it would be late fall/early winter before it is delivered. Chief Ferguson further noted that the Department is currently considering applying for grant funds for this vehicle's purchase and, if the application is successful, matching funds to complete the purchase would be requested in the FY 22 budget.

Mr. Martin remarked on the \$278,000 price tag for a new ambulance compared to the cost of less than \$100,000 when he served as a fire/rescue volunteer.

Chief Ferguson stated that the County does plan to reuse an existing stretcher from a current ambulance into this new vehicle. He noted that use of this existing equipment in the new ambulance would save the County \$20,000.

After questioning by Mrs. White, Chief Ferguson stated that the life span of an ambulance is optimally about 5 years and 100,000 miles. He noted that five of the County's 9 ambulances exceed 104,000 miles at this time. He further noted that oil changes are completed on these vehicles each month due to the number of miles accumulated monthly. Chief Ferguson noted that each emergency call results in approximately 50 miles being added to the vehicle's odometer.

After questioning by Dr. Bailey, Chief Ferguson stated that the ambulance to be replaced will be sold and these monies allocated to the Fire and EMS Capital Reserve Fund for future equipment purchases.

After questioning by Mr. Clinton, Chief Ferguson stated that the warranty on ambulances usually expires when the odometer reaches 100,000 miles. Chief Ferguson stated that the County has rechassis'd ambulances in the past with many challenges, including electrical system issues. He noted that the cost savings are not worth the extra difficulties.

Mr. Clinton stated that it is hard to envision the number of miles that each ambulance accumulates yearly and it is remarkable how busy the County's Fire and EMS staff are.

After questioning by Mr. Clinton regarding submittal of a grant application this year instead of waiting until next year, Chief Ferguson stated that utilizing the grant process for funding for replacement ambulances is not a guarantee that the monies will be available if there are a large number of applications received in any given year. He further noted that the County may be in a "good place" with the upcoming grant cycle as many localities used CARES Act monies in 2020 and 2021 for ambulance purchases so there may be fewer applications submitted next year.

After questioning by Mrs. White, Chief Ferguson stated that the retired ambulance will be posted on the Govdeals website for sale and any funds obtained will be brought before the Board for consideration of allocation into the Fire and EMS Capital Reserve Fund.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Clinton, and carried by the following recorded vote the Board approved an additional appropriation in the amount \$278,000 to Capital Outlay-Motor Vehicles-Vehicle Equipment, 100-4035500-35500-8005-000, for the purchase of a new ambulance. (Resolution Number 21-03-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of the Accounts Payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payable totaled \$956,039.50.

He noted that this month's large expenditures included \$47,749 to DLX Enterprises, LLC, for two rapid deployment shelters and two heating/cooling units for the Department of Fire and EMS and \$89,344 to Dell Computers for a server, hard drive, power supply, and storage array for the Technology Services Department.

There being no discussion, on motion by Dr. Bailey, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the Accounts Payable and ratified the Short Accounts Payable List as submitted. (Resolution Number 21-03-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of the FY 21 budget categorical appropriation resolution. Mr. Tony Zerrilla, Director of Finance, stated that, due to the impacts associated with the pandemic, the County implemented quarterly budget categorical appropriations for FY 21.

He noted that, in the first stage, approximately 30% of the County's budget and 18% of the School budget were appropriated; in the second quarter, the cumulative appropriation was 55% of the County and Schools budgets; and in the third segment, a 25% appropriation addition to the 55% previously allocated was approved; which brought the cumulative appropriation of the County's and School's budgets to 80% of the total FY 21 adopted budget amount.

Mr. Zerrilla stated that he is requesting today that the Board approve the fourth quarterly appropriation in the amount of \$17,616,873 which represents the final 20% of the adopted FY 21 budget.

There being no discussion, on motion by Dr. Bailey, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the FY 21 budget categorical appropriation resolution as follows:

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 21-03-07

WHEREAS, the General Fund, School Budgets, and Tax Levies have been approved for Fiscal Year 2020 - 2021,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Botetourt County hereby make the following categorical appropriations for Fiscal Year 2020 - 2021 for the functions, as indicated; and the Treasurer of Botetourt County is authorized to transfer local funds, as needed, not to exceed \$25,690,881 to the School Operating Fund.

100-4011100 - 11010	Board of Supervisors	47,090
100-4012110 - 12110	County Administrator	122,159
100-4012220 - 12220	Human Resources	70,684
100-4012310 - 12310	Commissioner of Revenue	88,292
100-4012410 - 12410	Treasurer	111,708
100-4012430 - 12430	Financial Services	68,645
100-4012510 - 12510	Technology Services	245,614
100-4012530 - 12530	Central Purchasing	29,573
100-4012560 - 12560	Central Garage	20,593
100-4013300 - 13300	Electoral Board/Registrar	79,618
100-4021100 - 21100	Circuit Court	13,873
100-4021200 - 21200	General District Court	4,791
100-4021300 - 21300	Magistrate	595
100-4021500 - 21500	Juvenile & Domestic Relations Court	3,368
100-4021600 - 21600	Clerk of Circuit Court	151,594
100-4022100 - 22100	Commonwealth's Attorney	172,234
100-4031200 - 31200	Sheriff	1,102,603
100-4031400 - 31400	Dispatch	187,963

100-4033100 - 33100	Correction & Detention	1,010,022
100-4033200 - 33200	Juvenile Detention Center	35,000
100-4035100 - 35100	Animal Control	140,528
100-4035500 - 35500	Fire & EMS	1,082,803
100-4035600 - 35600	Emergency Communications	68,328
100-4042400 - 42400	Division of Waste Management	83,931
100-4043000 - 43000	Maint. of General Bldgs. & Grounds	212,975
100-4051000 - 51100	Local Health Department	68,164
100-4053000 - 53000	Social Services	288,824
100-4053500 - 53500	Children's Services Act (CSA)	310,779
100-4081200 - 81200	Community Development	236,381
100-4071100 - 71100	Recreation & Facilities	243,352
100-4071300 - 71300	Botetourt Sports Complex	76,384
100-4071500 - 71500	Van Program	20,559
100-4073100 - 73100	Library	260,542
100-4081200 - 81240	Virginia's Blue Ridge	30,641
100-4081500 - 81500	Economic Development	92,823
100-4083000 - 83000	Cooperative Extension Program	13,283
100-4091000 - 91000	Wellness Program	5,053
100-4094000 -	Capital Projects	53,749
	TOTAL GENERAL FUND	6,855,118
100-4095000 -	Debt Service - County/VPSA	244,467
	TOTAL DEBT SERVICE FUNDS	244,467
220-4050000 -	School Operations	10,517,288
	TOTAL SCHOOL FUND	10,517,288
	TOTAL ALL FUNDS	17,616,873

Consideration was then held on approval of School Capital Reserve Fund expenditures for roof repairs and HVAC control system replacements. Mr. Brandon Lee, the School's Director of Business and Finance, stated that the School Board is requesting approval of the use of Capital Reserve Funds for three projects: HVAC control system replacements at Eagle Rock Elementary and the School Board Office, and gym roof replacement at Central Academy Middle School.

He noted that their maintenance staff can no longer obtain replacement parts for these two HVAC systems and have had to result to "tricking the systems" into operating by turning them off and on. Mr. Lee further stated that the shingle roof section of the CAMS gymnasium has been leaking for some time and needs to be replaced. He noted that it has become hazardous for their maintenance staff to get on the roof to make repairs.

After questioning by Dr. Bailey, Mr. Lee stated that the Eagle Rock HVAC system is approximately 45 years old as he believes it is the same system installed when the building was constructed. Mr. Lee stated that he does not know when the School Board office's HVAC system was last upgraded but it is quite old.

After further questioning by Dr. Bailey, Mr. Lee stated that only the shingle roof portion of the CAMS gymnasium is being requested for replacement. He noted that this project's quote is less than \$47,000; however, they are requesting an amount not to exceed \$47,000 be approved in the event that the contractor finds further roof-related problems once the shingles are removed.

After questioning by Mr. Clinton, Mr. Lee stated that he has only been with the school system for three years and no HVAC control systems have been replaced during that time. He noted that the new control systems will include new technology.

After questioning by Mr. Clinton on the amount of roof damage at CAMS, Mr. Lee stated that buckets are used to catch leaks in the gymnasium when it rains.

After questioning by Dr. Scothorn, Mr. Lee stated that he is not aware of the length of the warranty on the replacement HVAC systems.

Superintendent of Schools John Russ then stated that these systems will have a 10 year warranty.

After questioning by Dr. Scothorn, Mr. Lee stated that the new shingle roof should last 25+ years.

There being no further discussion, on motion by Dr. Bailey, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the use of School Capital Reserve Funds in the amount of \$56,856.50 for HVAC control system replacements at Eagle Rock Elementary School; in the amount of \$24,087.40 for HVAC control system replacements at the School Board Office; and an amount not to exceed \$47,000 for the gym roof replacement at Central Academy Middle School. (Resolution Number 21-03-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A staff update was then given on the Apex Rocky Forge project. Mrs. Nicole Pendleton, Director of Community Development, stated that her office received documentation regarding the Apex on-site construction plans in December; however, the site plan documents for the off-site road improvements were not included in that package. She noted that, after review of the documentation, staff notified Apex via letter that the application had been deemed incomplete and included a listing of the required plan submittal components.

Mrs. Pendleton stated that the revised site plan was submitted on February 23 and March 4, 2021, and, after review, the staff again deemed the application incomplete.

Mrs. Pendleton noted that the third resubmittal, along with the first submittal of the off-site road construction plans, was received on March 15 and staff notified Apex on March 18 that the application for on-site construction plans was deemed substantially complete and would be processed for substantive review. She noted that this means that the required items were present for review by staff but it does not mean that they were in compliance with codes and regulations.

She stated that the off-site construction plans have been resubmitted and staff will begin their review upon payment of the required fees.

After discussion, Mrs. Pendleton stated that the on-site plans have been forwarded to other governing agencies (VDoT, Fire/EMS, etc.) who will have 45 days to complete their review and forward comments to County staff. She noted that, following receipt of agency comments, the Zoning Administrator is required to act on the site plan within 35 days.

Mrs. Pendleton noted that staff now is conducting further review of the on-site plans. She noted that, once returned to the applicant for revisions, the review clock is stopped and would resume upon resubmittals; however, the State Code only allows a total of 90 days for County review/comment on the site plan after it is accepted as complete. Mrs. Pendleton stated

that no site work for which any County permits are required can be done until all permits are received/approved by the County, until the Special Exception Permit's conditions have been addressed, and all required sureties are accepted and approved.

After questioning by Mrs. White, Mrs. Pendleton stated that the external agencies required to review these site plans include VDoT and the County's Fire/EMS Department and, after the building permit application is submitted, the Health Department could be involved in these reviews as well.

Mr. Clinton stated that it would be helpful if a timeline graphic for the various aspects of this project could be developed.

Mr. Charlie Johnson, Mr. Karlos Povisils, and Mr. Charles Kennedy with Apex Clean Energy were then noted as being present at the meeting.

Mr. Johnson then gave a PowerPoint presentation on this project. He noted that the project's capacity is 77 megawatts (MW) and Apex has chosen to purchase 14 General Electric 158 wind turbines (5.5 MW) at a total structure height of 612'. He noted that Apex is currently renegotiating the Power Purchase Agreement (PPA) with the State of Virginia and Dominion Energy.

Mr. Johnson stated that the project will provide enough energy to power 21,000 homes and will have an economic benefit of \$20+ million in local and State taxes. He noted that these taxes are based on the capital cost of the project.

Mr. Johnson stated that they are currently clearing trees from the site due to requirements in the Virginia Department of Environmental Quality permit that requires this work to be done when bats are not hibernating. He noted that his clearing work is permitted by the State, not the County.

Mr. Johnson noted that they hope to receive the full notice to proceed in June 2021 in order to begin construction of the project with commercial operations anticipated to begin in October 2022.

After questioning by Mr. Clinton, Mr. Johnson stated that they are in the process of renegotiating their PPA with the State and Dominion Energy.

Regarding recent approvals, Mr. Johnson stated that in October 2020, Apex received a permit modification from the Virginia Department of Environmental Quality which allows newer technology to be installed on this site and authorizes them to construct and operate the Rocky Forge wind project. He noted that they also received required permits/authorizations from the Army Corps of Engineers (March 2021), the Virginia Marine Resource Commission (February 2021), and the Federal Aviation Administration (January 2021).

Mr. Johnson stated that a lot of work has been done by County staff on this project and noted that their most recent meeting to discuss the site plans was last Friday.

He then displayed an aerial map showing the location of the 14 turbines, site access roads, the interconnection point, and the project's electrical substation, as well as a project construction milestone timeline. Mr. Johnson noted that clearing has to be completed by the end of March and they continue to work with the County staff on site plan submittals.

After questioning by Mr. Clinton regarding this project's site plan submittals and approval delays, Mr. Johnson stated that this is the first site plan submittal to the County under its new Wind Energy Ordinance, so it takes time for staff to review Apex's documentation to ascertain whether it complies with the Ordinance's numerous provisions.

Mr. Clinton stated that in the initial plan the date of site plan submittal and approval was March 2021 and this date is now anticipated to be May 26, 2021. Mr. Clinton questioned how much has this project's schedule been compressed.

Mr. Johnson stated that, if they had had their way, these construction site plans would have been submitted 2 months ago; however, there are "a lot of pieces" to this application process and they provide staff as much time as they can when possible.

Mrs. White stated that it is "worrisome" that it took three submittals from Apex before the County would accept the on-site construction plans and questioned if this is typical.

Mr. Povich stated that, due to the level of detail required in the County's ordinance, it is not surprising that several plan submittals were necessary. Mr. Povich stated that he has worked with Mr. Johnson on this project since 2017. He noted that every locality's wind ordinance is different, a lot of the information comes together at the last minute, and there are many items that have to be completed before construction can begin. Mr. Povich stated that every change results in an amendment to the site plan. He noted that the turbines have to be placed in very specific locations.

Mr. Clinton stated that the citizens expect Apex to have factored these last minute changes into their plans/schedules.

Mr. Povich stated that there are certain requirements for each turbine and this is a complex project located on top of a mountain. He noted that there are bridges that need to be upgraded to handle larger loads, issues with winter weather, etc., that impact their project schedule.

Dr. Scothorn stated that the Board wants to ensure that the public is prepared for this project. He noted that technology frequently changes and the County is requesting that Apex let the County know as soon as possible so the information can be provided to the public.

Mr. Povich stated that they are working toward beginning work this summer including clearing and grading so Dominion Energy can begin work on the electrical system's interconnection, as well as construction of access roads, bridge/creek crossings, etc. He noted that later this year they plan to begin pouring the turbines' foundations with the substations and the turbines scheduled for delivery next summer for a commercial operation start date of October 2022.

Mr. Povich then introduced Mr. Chris Weatherford to the Board. He noted that Mr. Weatherford is Apex's Director of Project Management.

Mr. Weatherford then displayed pictures of a generic wind farm substation, switch yard, turbine foundations, and the collection system for underground cables that connect the turbines. He noted that road construction is the first step in the process.

Mr. Weatherford displayed another photograph and stated that each turbine has 3 blades which connect to a hub and a nacelle. He displayed a photograph showing the length of the turbine blades which require special trucks for delivery. He further noted that a crane will be needed to lift the blades from the trucks for connection to the turbine's hub.

After discussion, Mr. Weatherford noted that site restoration work will be conducted near the end of the project and at this time is scheduled for August through November 2022.

After questioning by Dr. Bailey, Mr. Johnson stated that Apex is currently conducting negotiations with General Electric on the purchase of these turbines. After further questioning by Dr. Bailey, Mr. Johnson stated that the needed rights-of-way with the other adjacent landowners have been signed and VDOT is reviewing the road construction plans.

Mr. Martin stated that there were occurrences in Texas last month where turbine blades froze due to severe winter weather.

Mr. Johnson noted that Apex has wind farms in Texas where these types of long-term, severe winter weather events are rare. He noted that in Virginia they take into account the expectation of icing conditions based on the MET tower data that they have been collecting on this site over the past five years. Mr. Johnson stated that the temperatures in Texas last month do occur in Virginia and there would be times when they would need to shut down the turbines during cold weather or icing conditions on the blades.

Mrs. White then stated that Apex has previously said that the public support for their project is overwhelming. She noted that several speakers earlier today expressed concerns about who would clean up the site at the end of the project, the life cycle of the turbines/blades, etc., and asked if Mr. Johnson has answers to those comments.

Mr. Johnson stated that the County's Wind Energy Ordinance does require Apex to have an in depth decommissioning plan. He noted that the County ordinance is strict in a good way and also requires the company to provide a bond for 125% of the decommissioning costs.

After questioning by Mrs. White regarding the size of each turbine's base, Mr. Povich stated that each will be 10' deep, 70' in diameter, and contain 650 yards of concrete.

After questioning by Dr. Bailey, Mr. Povich stated that a geotechnical test is conducted at each turbine site.

After questioning by Mr. Martin regarding comments concerning impacts to bats, eagles, and other wildlife, Mr. Johnson stated that Apex has to go through two levels of review—State and federal. He noted that, at the State level, this environmental review is through the Virginia Department of Environmental Quality's Permit by Rule (PBR) process. He noted that this review was approved. Mr. Johnson stated that the second (federal) level is through the Fish and Wildlife Service and they also found no effect on the area's protected wildlife from this wind farm project.

Dr. Scothorn encouraged Apex to do everything possible to inform the public about this project's status throughout this process.

After questioning by Mrs. White regarding Apex's freezing/icing protocols or types of chemicals used to deice the blades, Mr. Povich stated that when icing conditions occur, the turbines are shut down. He noted that no deicing chemicals are used.

After further discussion by Mrs. White, Mr. Johnson stated that he believes he answered many of the questions posed by citizens earlier in the meeting regarding taxes, the County's requirements for the site plans/building permit, and the background and research that they have done for this project.

Mr. Johnson noted that they want to complete this project as fast as they can and are willing to work with Mrs. Pendleton and her staff on a project that the County can be proud of.

There being no further discussion, the Board thanked Apex for their presentation.

Dr. Scothorn then stated that during the earlier public comment portion of the meeting, he forgot to ask if there were any citizens on the telephone who wished to speak. He apologized for this oversight and noted that those individuals would be allowed to speak at this time.

A lady from Rockbridge Baths, Virginia (name was unintelligible, possibly "Molly Petty"), then stated that she had sent the Board a letter about the rock outcroppings on Apex's site.

She noted that Apex's plan lacks details on the soil's stability. She stated that it will take a lot of blasting and a lot of concrete to support these turbines and the risk of landslide is high.

She also questioned where will the cleared trees be disposed of—over the edge of the mountain—and how will the site be kept clear in the future—with chemicals? She stated that blasting on this site will forever change the topography of North Mountain and impact the watershed. She stated that the change has already begun with tree removal along the roadway accessing the site. She noted that the removal of these trees is exposing the creek to direct sunlight which will impact fish, plants, and other wildlife.

The lady stated that it was previously said that power generated by this wind farm would power more homes than are located in the County and now it is said that the energy produced is "small potatoes." She noted that the Board "has bent over backwards" to help Apex through this application/permitting process.

Mr. Jeff Scott of Lexington then stated that the County should be worried about approving these building permits and the resulting impact on the environment and the County's citizens. Mr. Scott questioned if the County's staff have the expertise to review the information submitted by Apex. Mr. Scott stated that he would imagine that a significant amount of this information is outside the purview of County staff and it is unfair for the County to put this burden on these individuals.

Mr. Scott then stated that Apex's Operations and Maintenance Plan is woefully inadequate. He noted that a turbine fire due to lack of maintenance could spread across the entire mountain.

Mr. Scott noted that he is a retired software engineer and stated that Apex's emergency action plan shows no coordination with the County's Fire and EMS Department.

Mr. Scott questioned if the Board is sure that this is the company that they want to do this project.

After questioning by Dr. Scothorn, it was noted that there was no one else on the telephone who wished to speak.

A public hearing was then held on a request to relocate the Blue Ridge precinct polling location in the Blue Ridge Magisterial District from the old Colonial Elementary School to Colonial Baptist Church. Mrs. Traci Clark, Director of Elections and General Registrar, stated that this is the first of two hearings requesting the relocation of polling places in the Blue Ridge District due to the relocation of Colonial Elementary School.

Mrs. Clark stated that she has been looking for new polling place locations since discussion on constructing the new school began in 2018.

She noted that the proposed new Blue Ridge Precinct polling place is Colonial Baptist Church. She noted that this site has a nice, separate gymnasium facility with more than adequate parking and more convenient area for the poll workers to conduct curbside voting.

After questioning by Dr. Bailey on the State's restrictions on what facilities can be used for polling sites, Mrs. Clark stated that there are no other locations in the Blue Ridge Precinct that could accommodate the precinct's 2,600 voters. She noted that, if the Board approves this polling place change, then the request will be forwarded to the State Department of Elections for final review/approval.

After questioning by Mr. Martin, Mrs. Clark stated that the new polling place is approximately a mile from the current site (old Colonial Elementary School).

After questioning by Mrs. White, Mrs. Clark stated that these new polling places, if approved, will be used in the June primary elections.

After questioning by Dr. Scothorn, it was noted that there was no one present at the meeting or on the telephone who wished to speak. The public hearing was then closed.

After discussion, on motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the relocation of the Blue Ridge precinct's polling place from the old Colonial Elementary School to Colonial Baptist Church. (Resolution Number 21-03-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on a request to relocate the Rainbow Forest precinct polling location in the Blue Ridge Magisterial District from Rainbow Forest Baptist Church to the new Colonial Elementary School. Mrs. Traci Clark, Director of Elections and General Registrar, stated that the current polling place in the Rainbow Forest Precinct is the Rainbow Forest Church's youth facility. She noted that it is a nice location but there are some specific issues with the site.

Mrs. Clark stated that the proposed polling place is the new Colonial Elementary School which is larger and has more parking.

After discussion, Mrs. Clark stated that they prefer to use school facilities for voting locations when possible.

After questioning by Dr. Scothorn, it was noted that there was no one present at the meeting or on the telephone who wished to speak. The public hearing was then closed.

After discussion, on motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the relocation of the Rainbow Forest precinct's polling location from Rainbow Forest Baptist Church to the new Colonial Elementary School. (Resolution Number 21-03-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Dr. Scothorn then thanked Dr. Beth Leffel and Chief of Fire and EMS Jason Ferguson for all their efforts to get the County's citizens vaccinated for COVID-19. He noted that many of his patients have expressed their appreciation for the ability to obtain these shots.

A public hearing was then held on the proposal to relocate the Confederate Monument to another site in Courthouse Square.

Mr. Clinton stated that Dr. Beth Leffel served as the Secretary of the Monuments and Memorials Committee and will give a brief summary of the Committee's recommendations.

Dr. Leffel stated that it was her pleasure to work with the County throughout the pandemic and vaccination process and thanked the Health Department for arranging vaccination clinics in the County. She noted that one clinic gave 1,400 shots in 3 days.

Dr. Leffel stated that the Monuments and Memorials Committee consisted of a variety of County individuals including representatives from historical-related groups, local government,

veterans' groups, and high school students. She noted that the Committee's primary recommendation, after approximately six months of studying the matter, was that the Confederate Monument, including the cannon, be moved from its current location in front of the Circuit Courthouse to another site in Courthouse Square.

Dr. Leffel stated that three sites were originally considered: Courthouse Square, next to the old jail, and a small County-owned parcel off of Madine Way. She stated that some Committee members favored a site near the old jail but a few others preferred a site near the Botetourt County Historical Society's museum. She noted that the Committee also recommended that a plaque be installed to give context to the memorial.

Dr. Scothorn stated that the Board members have not seen a rendering of the Courthouse renovation's design.

Mr. Clinton noted that this design is still a work in progress.

Dr. Scothorn then opened the hearing for public comment.

Mr. Dan Phelps of Blake Road in Buchanan stated that he is a member of the Botetourt Artillery group. Mr. Phelps noted that he wrote an article three years ago on this monument which is a "memorial and a headstone."

Mr. Phelps referenced the Port Gibson battle during the Civil War in Vicksburg, Mississippi, where the Botetourt Artillery fought. He noted that this group is commemorated on the battle's historical monument in Mississippi. Mr. Phelps stated that it was reported that Confederate General Green said during the battle that the "Botetourt Artillery was in a sea of blue."

Mr. Phelps stated that, if this monument is moved to the old jail site, there could be a brick walkway and plaques installed to enhance the site.

Mr. Clinton thanked Mr. Phelps for his comments and his recommendation contextualizing this site. He noted that one of the Committee's goals is to put the monument in a location to bring these types of nuisances to the public's knowledge.

Colonel Carter Gill of Trinity Road in Troutville stated that he is retired from the Air Force, is a Vietnam veteran who flew 35 combat missions, has been a County resident for 40 years, and has also worked at the County's polls.

Colonel Gill stated that he has a Confederate heritage and his ancestors, including a great, great grandfather, fought in the "War of Northern Aggression." He noted that removal of this monument will degrade our Southern culture and the Board should defer the decision to relocate this monument to the descendants of the Botetourt citizens whose names are on the monument. He noted that these individuals fought for the County and citizens' rights.

Colonel Gill stated that Botetourt County residents will defend this monument and the sacrifice that those individuals made in the war. He stated that the Board should not hide this monument; it should be put in a prominent place where it can be easily seen by all who visit the Courthouse.

Mr. Chris McCloud of Tinkerview Circle in Cloverdale stated that he is a member of the Sons of Confederate Veterans. Mr. McCloud stated that the monument should be left where it is and the Board should "stop playing with history." He noted that, if this monument is moved, it will put other monuments/memorials in jeopardy.

He stated that the way in which the Committee was formed was discriminatory. Mr. McCloud further stated that he also thinks that a disrespectful manner was shown by a Board of Supervisors member who was quoted in yesterday's Roanoke Times article about this monument.

He noted that the citizens should decide this monument's location and, if the Board does not trust the citizens, then a special election is needed as the Board "works for the citizens."

Mr. Robert Frydrych of Country Club Road stated that he was "late" in participating in the discussion on this monument relocation project. Mr. Frydrych stated that he spent years living in both New York and Virginia and he "is not sure what he is"—a northerner or a southerner.

He stated that the Board has to start making decisions that make sense. Mr. Frydrych stated that the "State gives the Board the right to do nothing or do something" regarding this monument. Mr. Frydrych stated that it should be left where it is. He noted that we are "changing American ways and it is not going in a good way."

Mr. Linnie Gregory of The Glebe in Daleville stated that the Board consists of intelligent members but their intelligence is not greater than the County's citizens who elected them or those that erected this monument many years ago.

Mr. Gregory stated that the County's slogan is "honoring the past, searching the future." He said that the Board should honor this monument, the soldiers it represents, and their families. Mr. Gregory stated that the monument should be left where it is.

Mr. Claude Campbell of Peachtree Valley Drive stated that he is part White and part Indian and his people have been discriminated against for many years. He noted that some people say that they are offended by this monument and this is another story. Mr. Campbell stated that it is a disgrace and he would also like to see a statue of Powhatan installed but it has not been done.

Mr. Campbell then stated that the statute should be left alone and noted that he is sad to see these statues being taken down in the State.

Mr. Campbell stated that his ancestors have been in Virginia for thousands of years and many of his cousins live the same way that they did 100 years ago. He further stated that his great, great grandfather joined the Confederate Army and fought in many battles.

Mr. Campbell stated that many localities in the country are spending millions of dollars to change the names of schools who were named for Confederate soldiers. Mr. Campbell also noted that Virginia Military Institute took down General Stonewall Jackson's statue 6 months after a Black man was appointed as the facility's Superintendent.

Mr. Danny Goad of Read Mountain Road stated that he has one question for the Board and a comment. Mr. Goad stated that, when this issue was first discussed in June 2020, the Board questioned the ownership of the monument and tasked the County Attorney with searching for an answer. He questioned if this information had been found.

Mr. Goad then stated that this monument represents the fallen dead of Botetourt County who fought and died for our County.

Mr. Goad stated that his comment is regarding why the County is looking at this issue in the first place. Mr. Goad stated that his "heart broke" in June 2020 when, with all of the other upheaval in the country, this issue was brought up under the auspices that some people were offended and something needed to be done. Mr. Goad stated that he hears no mention of this today and is disheartened that the Board would bring up this issue for the purpose of gaining this property for building a courthouse.

Mr. Goad stated that there is a lot of upheaval in the County and the Board is using it to accomplish an unmentioned problem.

He stated that this monument represents our fallen soldiers. He questioned "do we not love our neighbor" and stated that this Board has an obligation to love their neighbor.

After questioning by Dr. Scothorn, Mr. Clinton then reviewed the dynamics which brought this issue up for consideration. Mr. Clinton stated that this issue was determined worthy of discussion which is why the Monuments and Memorials Committee was appointed.

Mr. Clinton stated that the original question was does this monument belong in front of the County's "halls of justice." He noted that the argument on this issue can be, and is still being, made. Mr. Clinton stated that the court pertains to today's judicial system and the Confederate Monument has no connection to it; it is incongruous.

After discussion, Mr. Clinton stated that the Committee discussed all of these issues and in respect decided to recommend that the monument be moved intact to another site within Courthouse Square that is accessible to the public. He noted that a monument properly sited evokes, reflects, remembers, and reveres its purpose. Mr. Clinton stated that the County can create a site that offers the same type of opportunity for future generations and offer an occasion to learn from the past.

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

Dr. Scothorn stated that the County is following State regulations regarding consideration of an historical monument's removal or relocation. He noted that, as per the State Code, the next step after today's public hearing is the issuance of a Request for Proposals (RFP) offering the monument/memorial to any "museum, historical society, government, or military battlefield." He noted that this RFP requires a 30 day response period from those organizations.

Dr. Scothorn then asked that County Attorney respond to Mr. Goad's question regarding research on ownership of the monument.

Mr. Lockaby stated that he did research this issue in the Circuit Court Clerk's records. He stated that in 1903 the Virginia General Assembly authorized the County to erect this monument in Courthouse Square. He noted that a citizens committee took on this project and the Board of Supervisors at that time allowed the monument to be erected.

Mr. Lockaby stated that he found no titling paperwork for this monument.

Dr. Bailey then made a motion to authorize staff to issue a Request for Proposals (RFP) to offer the monument/memorial to any museum, historical society, government, or military battlefield for a period of 30 days with any proposals received to be brought back before the Board of Supervisors for consideration. He noted that, if none, or none that are acceptable are received, the Board will then make a final decision on this monument.

After discussion by Mr. Clinton on the Board voting yes or no on accepting the Committee's recommendation to relocate the monument, Mr. Lockaby stated that the Board could decide not to move the monument at all. He noted that, by issuing the RFP, it means that the Board has decided either to take action or defer a final decision until a later date.

After further questioning by Mr. Clinton as to whether the issuance of an RFP is a "stand-alone" matter, Mr. Lockaby stated that the Board's decision on moving the monument would take place after any RFP responses are received as it would give the Board a proposal to consider as to whether to allow the monument to be moved elsewhere.

Mr. Clinton stated that, if the Board decides to not move the monument, then a RFP would not need to be issued; however, if the Board wants to keep their options open, then they should issue the RFP.

Dr. Scothorn stated that there is also the possibility of damage to the monument during the Courthouse's renovation project if it remains in its current location. He noted that architec-

tural renderings of the Courthouse's proposed redesign are not yet available. Dr. Scothorn noted that if they were complete, it would allow the Board to see the architect's proposed recommendation for a new location and layout.

Dr. Scothorn suggested that the Board table a decision on relocating the monument to another site within Courthouse Square until the members have a chance to view the architect's proposed rendering/design.

Dr. Bailey then withdrew his earlier motion.

On motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board tabled a decision on relocating the Confederate Monument to another site within Courthouse Square until the architect's proposed Circuit Courthouse rendering/ design is completed and reviewed by the Board. (Resolution Number 21-03-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a resolution in support of improvements to I-81 in the area of Exit 168. Mr. Cody Sexton, Assistant to the County Administrator, noted that a revised resolution had been presented to the Board earlier today.

He noted that this resolution supports additional funding for improvements to I-81 Exit 168 in Buchanan. Mr. Sexton stated that the Governor, the Commonwealth Transportation Board, and the Virginia General Assembly have created and funded an I-81 Corridor Improvement Plan and Improvement Fund to construct \$2 billion in improvements along this roadway. He further stated, however, that this Plan does not include funding for the area at and around Exit 168 which has seen numerous accidents over the years.

Mr. Sexton stated that this resolution requests \$200 million in funding for safety improvements in the Exit 168 area.

Mr. Sexton noted that the revised resolution includes language pertaining to the impacts of diverting traffic onto Route 11 through Buchanan during accidents on the Interstate which impact the County's Fire/EMS call response ability due to congestion on local roadways.

Mrs. White stated that in 1998 she had just moved back to the County and wanted to attend the Buchanan Fireman's Fourth of July Carnival. She noted that there was a terrible crash on I-81 in this area on that day which caused several deaths. Mrs. White stated that there have been multiple fatalities in this section of I-81 and many other accidents that caused Interstate traffic to be diverted through the Town of Buchanan.

She noted that the Buchanan Fire Department is located on Main Street (Route 11) and, when this traffic diversion occurs, there is no way that the Department can respond to emergency calls in a timely manner due to the roadway's congestion. She further noted that the Town's businesses are also impacted when Interstate traffic is diverted onto Route 11. Mrs. White stated that there are also issues with Interstate traffic encountering agricultural traffic on the narrow, curving Secondary System roadways in the northern part of the County.

Mrs. White noted that since October 2019 there have been meetings with State legislators, VDoT representatives, and County officials requesting improvements to I-81. She noted that this proposed project will have no lingering costs or physical impact on the County's budget going forward and she supports this revised resolution.

Dr. Scothorn stated that the Board has been requesting improvements to I-81 for years and each accident on I-81 in the Exit 168 area, and there have been many, is a problem for the County, its emergency response agencies, and the citizens and causes severe impacts on Route 11.

Mr. Clinton stated that he remembers the July 1998 accident and thinks about this accident every time he drives through the Exit 168 area. Mr. Clinton stated that approximately 28% of the vehicles using this section of I-81 consist of truck traffic which exceeds the roadway's design capability for these types of vehicles.

Mr. Clinton noted that it was difficult to design the interstate through this narrow pass in the 1960's and the problems have gotten worse with the increase in traffic over the past 50+ years. He stated that I-81 averages 8 – 10 fatalities per year which is twice the rate of I-95 and the urban sections of I-64. Mr. Clinton noted that the evidence and traffic safety issues are known and, with more truck traffic per year as a percentage of the total traffic volume, safety improvements are needed.

Mr. Clinton stated that there are an average of 15,000 trucks using this section of I-81 daily and he supports this resolution.

Mrs. White stated that this road's condition reflects on the entire region.

There being no further discussion, on motion by Mrs. White, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board adopted the following resolution supporting additional funding for Interstate 81 and Exit 168.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 21-03-12

WHEREAS, the Botetourt County Board of Supervisors is committed to advocating for and ensuring the long-term provision of superior transportation infrastructure both in the County and the region; and,

WHEREAS, Interstate 81 is a major north-south corridor in Botetourt County and western Virginia for the movement of both people and freight, providing major economic benefit to the County and the state; and,

WHEREAS, the capacity and reliability of Interstate 81 continues to decline with ever increasing truck traffic and demand for the safe and timely transportation of goods and services; and,

WHEREAS, businesses and consumers are dependent on the reliable functioning of Interstate 81 for the benefit of the local and regional economy; and,

WHEREAS, Exit 168 on Interstate 81 serves as a gateway to both Botetourt County and the Town of Buchanan and is a vital access point for both commerce and leisure travel; and,

WHEREAS, no major widening or capacity adding projects have been performed on Interstate 81 in Botetourt County or around Exit 168; and,

WHEREAS, the Commonwealth Transportation Board (CTB) adopted the Interstate 81 Corridor Improvement Plan in December 2018, identifying \$2 billion worth of projects for the interstate corridor; and,

WHEREAS, the General Assembly and Governor Northam created the Interstate 81 Corridor Improvement Fund in 2019 to construct the projects identified in the Plan; and,

WHEREAS, the planned improvements still leave crucial gaps in increased capacity and safety on the corridor, notably Exit 168 and through the S-curves around MM 167-169

which have experienced numerous accidents over the years including instances of loss of life; and,

WHEREAS, when incidents occur in this area, it necessitates traffic being diverted onto U. S. Route 11 and other narrow Secondary System roadways and forces Interstate traffic through the Town of Buchanan and the Buchanan area causing local traffic congestion issues which impacts the County EMS Department's ability of mobilize and respond to incidents during said detour; and,

WHEREAS, widening, capacity, and safety improvements on Interstate 81 at and around Exit 168 would cost approximately \$200 million to plan, design, and build;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors thanks Governor Ralph Northam, Secretary of Transportation Shannon Valentine, the Commonwealth Transportation Board, and the members of the Virginia General Assembly for the currently funded plan of projects on Interstate 81; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors now hereby requests that approximately \$200 million be allocated to solve the remaining funding gaps to more fully benefit the businesses and travelling public and improve the safety on Interstate 81 in the area of Exit 168; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the County's legislative representatives, the Commonwealth Transportation Board, and the Virginia Department of Transportation's Salem District Engineer.

The Chairman then called for a 10 minute break.

The Chairman called the meeting back to order at 5:01 P. M.

Consideration was then held on approval of a revised Parks & Recreation Facility Use Agreement and updated fees. Mr. Chris McDonald, Recreation Manager, then participated in the meeting virtually.

He stated that the Recreation Department staff reviewed and updated the County's parks pavilion/field rental use policy to reflect COVID-19 requirements and adjusted rental fees to make them comparable to those charged by surrounding localities.

He noted that this revised policy pertains to the County's outdoor facilities, ballfields, and pavilions and the policy and fees have been endorsed by the Parks and Recreation Commission.

Mr. McDonald stated that the Department has been in contact with various travel ball teams that would like to use the County's facilities four to five times per month from March through December. He noted that the proposed policy restricts travel teams' use of individual County facilities to no more than 6 at a time. After discussion, he also noted that the County previously did not offer ½ day rentals of its facilities; however, this is now being proposed in the policy revisions.

Dr. Scothorn noted that this policy appears to be straight forward.

There being no further discussion, on motion by Dr. Bailey, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the revised Botetourt County Parks and Recreation Pavilion/Field Rental Use Policy and fee schedule as submitted, effective immediately. (Resolution Number 21-03-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

An update was given on the recent activities of the Emergency Communication Committee.

Mr. Larrowe noted that the Committee has not met since the last Supervisors meeting but they have worked to move forward with negotiations with Morcom on a contract for the radio system analysis study. He also noted that Morcom has 120 days to complete this study.

An update was given on the Circuit Courthouse Study Committee. Dr. Bailey stated that the Committee has not met since the last Board meeting. He noted that the Circuit Courthouse's architects are in the design phase and a recent memo was received from the Deputy County Administrator regarding possibly scheduling a Committee meeting next week.

He noted that the Committee hopes to receive a first rendering of the building's redesign and a revised project timeline at this meeting. Dr. Bailey stated that they hope to provide this information to the Board in the next few weeks.

Dr. Bailey then noted that today is National Agriculture Day and gave a "shout out" to all the County's farmers.

Consideration was then held on an appointment to fill a vacancy on the Board of Zoning Appeals.

Dr. Bailey stated that he would like to recommend Mr. Darren Hill to fill the Fincastle District vacancy on the BZA. He noted that Mr. Hill is a long-time County resident, owns the Leffel property east of Eagle Rock, and has agreed to serve in this position.

There being no discussion, on motion by Dr. Bailey, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board recommended the appointment of Mr. Darren P. Hill, 591 Leffel Lane, Eagle Rock, to fill a vacancy as the Fincastle District representative on the Board of Zoning Appeals for a term to expire on March 31, 2023. (Resolution Number 21-03-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman then adjourned the meeting at 5:08 P. M. until 6:00 P. M.

The Chairman called the meeting back to order at 6:06 P. M.

A public hearing was then held on proposed text amendments to Chapter 25 Zoning, Article II. District Regulations Generally, Division 11. Business District B-2, Section 25-242. Permitted Uses, Section 25-243. Uses Permissible by Special Exception, and Division 6. Special Development Approvals, Article VI. Definitions, Section 25-601. Definitions in accordance with Chapter 25, Zoning, Division 6. Special Development Approvals, Section 25-583 Zoning Ordinance text or map amendment—Owner initiated. The Board authorized this text amendment for consideration by the Planning Commission for the purpose of amending the Code for clarification of certain types of community hardware stores. The proposed amendments are as follows: Section 25-242. Permitted Uses to rename the use "Hardware/Lumber" to "Hardware Store" for clarification of the use; Section 25-243. Uses permissible by special exception to add the use "Lumber and Building Supplies Sales"; and Section 25-601. Definitions to add definitions for "Hardware Store" and "Lumber and Building Supplies Sales".

It was noted that the Planning Commission had recommended approval of these amendments.

Mr. Drew Pearson, County Planner, stated that these text amendments are being requested to clarify the definitions of "hardware store" and "lumber and building supplies sales" in the Zoning Ordinance. He noted that these amendments were initiated by a request from Mr. Jonathan Young with Yelhas Property, LLC, who, later in today's meeting, is requesting a Special Exceptions Permit to allow lumber and building supplies sales at his new solar electricity installation business (Advanced Racking) at 4919 Catawba Road (former Nannie's Market property).

He noted that there are currently no definitions for "hardware store" and "lumber and building supplies sales" in the Zoning Ordinance and staff worked with Mr. Young to create these definitions to more clearly explain the differences between these two uses. He noted that the ordinance also does not adequately define Mr. Young's proposed use of this property.

Mr. Pearson stated that staff is also proposing an amendment to add "lumber and building supplies sales," which is currently a permitted use in the B-3 district, as a SEP use in the B-2 Use District.

After discussion, Mr. Pearson noted that the staff has not received any opposition to these text amendments from the public.

After questioning by Mr. Clinton as to whether these proposed definitions will have any significant impact on retail sales businesses and whether "wholesale sales" should be included, Mr. Pearson stated that staff is not recommending that this be done. He noted that when the permitted use category, which includes uses similar to "hardware/lumber," was read in its entirety, only retail sales uses were allowed. Mr. Pearson further noted that a "hardware store" commonly serves the local community and sells a broader range of items such as paints, plumbing, appliances, garden/animal supplies, etc.

Mr. Pearson noted that, when staff researched "lumber and building supplies sales" in other localities' Zoning Ordinances, the definition referred to businesses such as 84 Lumber which sell specific building materials at wholesale or directly to contractors as a part of the broader market that they serve.

After questioning by Mr. Clinton, Mr. Pearson stated that a wholesale lumber supply store could operate in a B-2 Use District with a SEP.

After questioning by Dr. Scothorn as to how many B-2 zoned businesses in the County these new definitions would affect, Mr. Pearson stated that the amendments would not impact any existing businesses. Mr. Pearson stated that the definitions are proposed to more clearly define the use and add "lumber and building supplies sales" as an additional SEP use in the B-2 District.

Mr. Pearson noted that Mr. Young does not appear to be present at the meeting to answer any questions regarding his request. He further stated that the main purpose of these text amendments is to provide clarification of these two types of business uses and allow an option for a SEP request for this proposed solar business.

Mr. Pearson stated that Mr. Young does not own enough property to rezone the property to a B-3 Use which requires a minimum of 7 acres. He further stated that these text amendments were the only way to allow this business use on Mr. Young's two parcels which total 1.66 acres.

After questioning by Dr. Bailey, Mr. Pearson stated that he understands that the old gasoline/fuel tanks on this property were previously remediated and Mr. Young is planning to remove the old gas pump canopy from the property.

After further questioning by Dr. Bailey, Mr. Pearson stated that no citizen comments in opposition to these text amendments or Mr. Young's SEP were received by his office.

After questioning by Mrs. White, Mr. Pearson stated that these text amendments would not affect any current businesses and would provide an additional use allowed by SEP in the B-2 Use District.

After questioning by Dr. Scothorn, it was noted that there was no one present at the meeting or on the telephone to speak regarding this request. The public hearing was then closed.

There being no further discussion, on motion by Mr. Clinton, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved text amendments to Chapter 25 Zoning, Article II. District Regulations Generally, Division 11. Business District B-2, Section 25-242. Permitted Uses, Section 25-243. Uses Permissible by Special Exception, and Division 6. Special Development Approvals, Article VI. Definitions, Section 25-601. Definitions in accordance with Chapter 25 Zoning, Division 6. Special Development Approvals, Section 25-583 Zoning Ordinance text or map amendment—Owner initiated of the Botetourt County Code for clarification of certain types of community hardware stores as follows: (Resolution Number 21-03-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

BOTETOURT COUNTY CODE

CHAPTER 25. ZONING

* * *

Article II. District Regulations Generally

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Division 11. Business District (B-2)

Section 25-241. (Same)

Section 25-242. Permitted uses.

The following uses are permitted by right, subject to compliance with all other requirements of this chapter, and all other applicable regulations.

(1) (Same)

(2) Commercial uses serving the needs of a community, having characteristics similar to, hotels, motels, indoor theaters, restaurants, drive-in eating establishments, retail stores and shops such as and having characteristics similar to: wearing apparel, home appliance sales and services, toys, electronics, furniture, fabric, groceries, hardware/~~lumber store~~, automotive supplies, home furnishings, department stores, fitness center, and business services. Only merchandise intended to be sold at retail on the premises shall be stocked.

(3) through (11) (Same)

Section 25-243. Uses permissible by special exception.

The following uses may be permitted by the board of supervisors as special exception uses, subject to compliance with all other requirements of this chapter, and all other applicable regulations.

(1) through (20) (Same)

(21) Lumber and Building Supplies Sales

* * *

Section 25-601. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section. Any word, term or phrase used in this chapter not defined below shall have the meaning ascribed to the word in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the zoning administrator, established customs or practices of the County of Botetourt, Virginia justify a different or additional meaning. Further, for the purpose of this chapter, certain words and terms are to be interpreted as follows:

* * *

***Hardware Store:* A store primarily engaged in the retail sale of products such as paints, builder's hardware, plumbing and electrical supplies, tools, household wares and appliances, garden and nursery supplies, and animal supplies.**

* * *

***Lumber and Building Supplies Sales:* A business engaged in both the retail and wholesale sale of products that are essential to the construction of buildings or structures, such as lumber, concrete, bricks, roofing materials, siding, plumbing, electrical, HVAC equipment, solar, windows, doors, and insulation.**

A public hearing was then held on a request in the Amsterdam Magisterial District from Yelhas Property, LLC, and Yekhas Property, LLC, for a Special Exception Permit, with possible conditions, in the Business B-2 Use District in accordance with Section 25-583. Special Exceptions and Section 25-243. Uses Permissible by Special Exception to allow the use "Lumber and Building Supplies Sales" at 4919 Catawba Road (Route 779), approximately 200 feet from the intersection of Haymakertown Road (Route 666), identified on the Real Property Identification Maps of Botetourt County as Section 86, Parcels 11B and 14A.

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

Mr. Drew Pearson, County Planner, stated that, as discussed in the previous Zoning Ordinance text amendments public hearing, Mr. Jonathan Young owns two parcels on Route 779 zoned for Business B-2 Use and consisting of 1.66 acres. He noted that there are other B-2 uses in this area as well as A-1 and Agricultural-Residential zoned properties consisting of single family dwellings and agricultural uses.

Mr. Pearson stated that Mr. Young would like to locate his business, Advanced Racking, LLC, in the former Nannie's Market building. He noted that this is a solar design and service business which consults with clients, which are mostly tailored around commercial and industrial solar projects, on the best hardware and installation process for specific projects. He noted that this property would allow this business to include retail sales and open a service division, including the installation of solar components, and include a showroom and education center for solar energy installations.

After discussion, Mr. Pearson stated that, with this site's change of use, the applicant will have to go through the site plan review process with the Community Development Department's

staff. He noted that part of this process will include the removal of much of the site's asphalt and designation of a specific driveway/entrance road into the parcel. Mr. Pearson then displayed the applicant's concept plan for this property.

Mr. Pearson noted that the applicant intends to combine both lots into one parcel, have a wooden fence installed around the equipment/vehicle storage lot, and have two entrances onto the property—visitor parking area, and gated access to the storage lot. He stated that the existing building will be remodeled and the site brought into compliance with the current Zoning Ordinance's standards.

Mr. Pearson then read the conditions proposed for this request: The property must be developed in substantial conformance to the concept site plan included in the application; the SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance; and all other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the SEP approval exempt a project from any local, state or federal development required, except where allowed by the Zoning Ordinance.

Mr. Pearson stated that there was no opposition to this request at the Planning Commission meeting and noted that the applicant is not present at this hearing.

After questioning by Mr. Clinton on the height of the storage racks, Mr. Pearson stated that he does not have this information but, based on his discussions with Mr. Young, the racks "will be smaller in nature." Mr. Pearson stated that most of the racking for the commercial projects would be shipped directly to the work site from the manufacturer and would not be stored on Mr. Young's property.

After questioning by Dr. Bailey, Mr. Pearson stated that this site would have to comply with the County's lighting, noise, etc., ordinances since there are single family homes located across Catawba Road from this property. He noted that the site is only allowed to have 0.2 foot candles of light at the property line adjacent to Catawba Road and the outdoor lighting must be directed downward.

After further questioning by Dr. Bailey regarding whether there would be any after-hours deliveries, Mr. Pearson stated that the ordinance does not include provisions regarding after-hours deliveries. He noted that, if the Board members have any concerns about such deliveries, they could include a condition to this effect.

After questioning by Mrs. White, Mr. Pearson stated that the applicants do not plan to live in the single family dwelling located on lot 14A; this residence is used by a long-term renter.

After discussion by Dr. Scothorn, Mr. Pearson stated that staff routinely includes a condition regarding compliance with the County's Noise Ordinance with SEP requests.

After questioning by Dr. Scothorn, it was noted that there was no one present at the meeting or on the telephone to speak regarding this request. The public hearing was then closed.

On motion by Mr. Clinton, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved a request in the Amsterdam Magisterial District from Yelhas Property, LLC, and Yekhas Property, LLC, for a Special Exception Permit in the Business B-2 Use District in accordance with Section 25-583. Special Exceptions and Section 25-243. Uses Permissible by Special Exception to allow the use "Lumber and Building Supplies Sales" at 4919 Catawba Road (Route 779), approximately 200 feet from the intersection of Haymakertown Road (Route

666), identified on the Real Property Identification Maps of Botetourt County as Section 86, Parcels 11B and 14A, with the following conditions: (Resolution Number 21-03-16)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. The property must be developed in substantial conformance to the concept site plan included in the application.
2. The SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance.
3. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the SEP approval exempt a project from any local, state, or federal development required, except where allowed by the Zoning Ordinance.

There being no further discussion, the Chairman then adjourned the meeting at 6:34 P. M. until 6:45 P. M. on Thursday, March 25, 2021, for a joint meeting with the Botetourt County Economic Development Authority.