

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, August 24, 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.

ABSENT: Members: None

Others present at the meeting:

Mr. Michael Lockaby, County Attorney (left at 5:00 P. M.)
Mr. Mark Popovich, County Attorney (arrived at 5:15 P. M.)
Mr. David Moorman, Deputy County Administrator
Mr. Gary Larrowe, County Administrator

The Chairman called the meeting to order at 12:35 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. 1, Discussion on personnel matters pertaining to the Fire and EMS Department; 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), Buchanan, Fincastle, and Valley districts; 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 (Jack Smith Park), and Fincastle Districts; and Section 2.2-3711.A. 8, Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice pertaining to provision of public utility services in the Fincastle District. (Resolution Number 21-08-01)

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

NAYS: None

ABSENT: Dr. Scothorn

ABSTAINING: None

The Chairman called the meeting back to order at 2:07 P.M.

On motion by Dr. Scothorn, seconded by Mrs. White, 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 21-08-02)

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.

Dr. Scothorn then asked for a moment of silence.

A presentation was then held on receipt of regional EMS awards. Chief Jason Ferguson then introduced Mr. Steve Simon, Executive Director of the Western Virginia Emergency Medical Services Council and the Council's Area Representative, Mr. Gene Dalton.

Mr. Simon stated that, after a nominating process, four individuals from the County received awards from the Western Virginia EMS Council in 2020. He noted that these individuals will be submitted for consideration of receipt of the Governor's EMS Awards which will be presented in November.

Chief Ferguson stated that 2020 was quite a year and his department and staff experienced challenging times. He noted that these award winners are people who seized the opportunity to make changes to improve the County's emergency response system.

Mr. Simon stated that the first award to be presented is for the Outstanding Telecommunications Supervisor. Chief Ferguson then presented this award to Ms. Nicole Manspile, who is the Sheriff's Department's Communications Supervisor.

Ms. Manspile stated that she is dedicating this award to all of the County's 911 dispatchers. She noted that they are "the heroes behind all of the heroes."

The Board congratulated Ms. Manspile for receipt of this award.

Mr. Simon then presented the award for Outstanding Contribution to Emergency Preparedness and Response to Daniel Murray the County's Emergency Manager.

Mr. Simon then presented the award for Outstanding Contributions to EMS from a Physician to the Department's Operational Medical Director, Dr. Carol Bernier, for her forward-thinking advances in pre-hospital medicine, as well as her dedication through numerous roles in the EMS community.

He then stated that the County's receipt of the Outstanding Agency Award shows that the agency is top-notch, "doing all the right things," thinking forward, and planning strategically for the future. Mr. Simon stated the County has an outstanding organization. He then presented this award to Chief Ferguson and all of the members of the County's Department of Fire and EMS.

Chief Ferguson stated that this award broadcasts the entire organization's, both career and volunteer personnel, dedication and commitment to serving the public. He noted that they have tried to pursue all opportunities to better themselves.

Chief Ferguson noted that Troutville Chief Zach Beckner is also present and previously received regional EMS and Governor's awards for Outstanding Telecommunicator.

Dr. Scothorn stated that Chief Ferguson is always thinking about what is happening next and he and his personnel well deserve this award. The Board congratulated all of the County's award winners.

The Board then recognized Mr. Garland Humphries' service to the County.

Mrs. Amy White, Mrs. Mandy Adkins, Director of Parks and Recreation, and Mr. Garland Humphries, Buchanan District representative on the Parks and Recreation Commission, then came forward.

Mrs. White stated Mr. Humphries has been invited to today's meeting to recognize his 22 years of service on the Parks and Recreation Commission. She then read the following proclamation:

WHEREAS, Garland Humphries served as the Buchanan District representative on the Botetourt County Parks and Recreation Commission from December 21, 1999, until August 31, 2021, which included serving numerous terms as the Commission's Chairman; and,

WHEREAS, Mr. Humphries has been a diligent and faithful servant to all citizens of Botetourt County but especially for those in the Buchanan District; and,

WHEREAS, Mr. Humphries coached multiple recreation teams and has been instrumental in assisting with the Buchanan Booster Club for more than two decades providing thousands of children residing in northern Botetourt County an opportunity to participate in athletics; and,

WHEREAS, Mr. Humphries was an integral mentor and coach to many members of the 2010 James River High School state basketball championship team, including his son Ethan Humphries; and,

WHEREAS, during Mr. Humphries' tenure, Botetourt County commenced major renovations to numerous athletic facilities including building the state-of-the-art Botetourt Sports Complex which has welcomed thousands of guests to the County for tournament play; and,

WHEREAS, Mr. Humphries was instrumental in providing oversight and execution of the Recreation Incentive Fund which has led to over \$1.5 million worth of improvements to County property; and,

WHEREAS, Mr. Humphries deeply treasures Botetourt County and its people and his passion and sincere dedication to provide quality recreation for all of its citizens is to be admired and appreciated;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Botetourt County, on its own behalf and on behalf of the Parks and Recreation Department, the Parks and Recreation Commission, and the citizens of Botetourt County, extends its appreciation and gratitude for Mr. Garland Humphries' dedication and commitment to grow and promote recreation for the residents of Botetourt County.

Mrs. White then presented Mr. Humphries with a framed copy of this proclamation.

Mrs. White stated that she grew up knowing Mr. Humphries and watched the growth of sports at Buchanan Elementary School through his efforts. She further noted that Mr. Humphries was a positive change and positive impact for the community.

Ms. Adkins then thanked Mr. Humphries for his support and dedication to the community and her personally during her first few months with the County.

Mr. Humphries thanked the Board for this recognition. He noted that it has been a privilege representing the people of the Buchanan District, the Commission, and the County. Mr. Humphries stated that it has been great knowing all of these people and thanked the Board for this presentation.

Ms. Adkins then presented a gift from the Commission to Mr. Humphries.

Mrs. White then asked that Mrs. Debbie Painter and Ms. Ashley Clark come forward.

Dr. Scothorn stated that these individuals have helped the Buchanan community grow through their ownership of the North Star Restaurant and they are present today to be recognized for their efforts.

Mrs. White then read the following proclamation:

WHEREAS, Debbie Painter has served the Buchanan community for more than two decades as owner and operator of the North Star Restaurant, a beloved local eatery; and

WHEREAS, Debbie Painter began working at the North Star Restaurant in 1977 and has served generations of customers during her long career with the establishment, treating her customers like family; and

WHEREAS, as owner and operator for 24 years, Debbie Painter helped the North Star Restaurant maintain its commitment to serving high quality meals and remain a local landmark and community meeting place for residents of the Town of Buchanan and Botetourt County; and

WHEREAS, upon her retirement, Debbie Painter sold the North Star Restaurant to Ashley Clark, an employee for more than 20 years whose mother worked at the restaurant, ensuring that the restaurant maintains its local charm;

NOW, THEREFORE BE IT RESOLVED that the Botetourt County Board of Supervisors recognizes Debbie Painter for her dedicated years of service to the citizens and visitors of Botetourt County and that Debbie Painter be commended on the occasion of her retirement as owner and operator of the North Star Restaurant; and, be it

RESOLVED FURTHER, that the Botetourt County Board of Supervisors presents this Resolution to Debbie Painter as an expression of our admiration and appreciation for her commitment and contributions to the Buchanan, Virginia, community.

Mrs. White then presented Mrs. Painter with a framed copy of this proclamation and stated that the North Star restaurant has been an area institution for a long time. She noted that the County is good about recognizing big economic development announcements but less so in recognizing our smaller businesses. She noted that small businesses make their community thrive and are a good example for other businesses to follow.

After discussion, Mrs. White then congratulated Ms. Ashley Clark and thanked her for taking on the opportunity to continue this business. Mrs. White also wished Ms. Clark the best. She noted that the Board and the community appreciate both of these ladies and stated that they are “the heart of the community.”

Mrs. Painter stated that it has been a long, hard struggle to operate this business. Mrs. Painter noted that she still visits and helps out in the restaurant a few hours during the week. Mrs. Painter stated that she appreciates the Board’s support over the years and thanked them for the proclamation.

Consideration was then held on approval of a resolution requesting the placement of a Virginia Department of Historical Resources marker for Mr. Norvel LaFayette Ray Lee near the U. S. Route 220/Route 622 intersection in the Gala area.

Mr. Clinton then introduced Mr. Ken Conklin, who has written a biography of Mr. Lee, who was a native of the Eagle Rock area, and his accomplishments. Mr. Clinton then stated that a critic commented that Mr. Conklin’s book was a “masterpiece.” He noted that this is an exceptional book about an exceptional man.

Mr. Conklin commended the Board for considering this resolution to request that the Virginia Department of Historical Resources place a marker in the Gala area to recognize Mr. Lee’s accomplishments.

Mr. Conklin then gave a PowerPoint presentation on this proposal. He noted that Ms. Judy Barnett brought the story of Mr. Lee to the attention of the Botetourt County Historical Society and Mr. Ed McCoy, former editor of The Fincastle Herald during the 2016 Rio Olympics. Mr. Conklin noted that The Herald published a front page story about Mr. Lee in August 2016 and this article sent him “on a journey of a lifetime.”

Mr. Conklin noted that Mr. Lee won a gold medal in boxing during the 1952 Helsinki Olympics and then displayed a picture of Mr. Lee on the medal stand. Mr. Conklin stated that Mr. Lee was the first Black person from Virginia to win an Olympic gold medal. He noted that Mr. Lee was also on the 1948 Olympic team as an alternate.

After discussion, Mr. Conklin stated that Mr. Lee, who was born in 1924 in the Lick Run area north of Eagle Rock, was also a World War 2 veteran and, while on a trip home to visit his parents, he was arrested on the train between Covington and Clifton Forge for sitting in the White section. Mr. Conklin stated that this case ended up before the Virginia Supreme Court of Appeals which ruled in Mr. Lee's favor. He noted that Mr. Lee was a graduate of Academy Hill School in Fincastle.

Mr. Conklin then displayed a photograph of Mr. Lee's mother's gravestone in the Rising Mount Zion Baptist Church's cemetery in Gala. Mr. Conklin stated that he also researched the school system's records from the 1930's and 1940's and found Mr. Lee's grade records from June 1942. He noted that Mr. Lee was an A student who had a speech impediment. He noted that it was obvious that the teachers cared very much about their students and he does not think the teachers of the Jim Crow era were satisfactorily recognized for their efforts.

Mr. Conklin then displayed photographs of Mr. Lee's family, all of whom received advanced degrees and worked in education. Mr. Conklin then read some of Mr. Lee's accomplishments including that he attended Howard University, joined the ROTC and retired as a Colonel, was sent to Africa as a goodwill ambassador in 1964 by the U. S. Department of State, was involved in the Special Olympics, etc.

After discussion, Mr. Conklin noted that he met Mr. Lee's younger brother, George, who lives in Maryland in 2018 and displayed a photograph taken during that visit of several of his family members.

Mr. Conklin then displayed a map of the Gala area which shows the approximate location of Mr. Lee's parent's home, the Rising Mount Zion Baptist Church, and two potential locations for the historic marker. Mr. Conklin stated that he is working with Reverend Nelson Harris of Roanoke on the application for this marker and they are proposing that it be placed in location #2 on the map which is near the Route 220/Route 622 (Gala Loop Road) intersection.

He then displayed a 1953 photograph of a luncheon at the White House with President Dwight Eisenhower, Mr. Lee, and several prominent athletes including Joe DiMaggio.

The Board thanked Mr. Conklin for his presentation.

Mr. Clinton noted that Reverend Harris, former Roanoke City Mayor, is working on the fundraising activities for this marker which has an approximate cost of \$2,000.

There being no further discussion, on motion by Mr. Clinton, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the following resolution requesting the placement of a Virginia Department of Historical Resources marker for Mr. Norvel LaFalette Ray Lee near the U. S. Route 220/Route 622 intersection in the Gala area.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 21-08-03

WHEREAS, Mr. Norvel LaFalette Ray Lee was born on September 22, 1924, in Eagle Rock located in Botetourt County and graduated from Academy Hill School in Fincastle; and,

WHEREAS, Mr. Lee received military training at the prestigious Tuskegee Institute, serving his country in the Army Air Forces in the Pacific during WWII, and retired at the rank of Lieutenant Colonel from the U. S. Air Force Reserves in 1982; and,

WHEREAS, Mr. Lee attended Howard University where he received a bachelor's degree and later obtained a master's degree in adult education from Federal City College; and

WHEREAS, Mr. Lee fought for civil rights in America and equality for all and in 1949 won a landmark civil rights case regarding segregation on passenger trains in Virginia; and,

WHEREAS, Mr. Lee was also a talented boxer and won the national Amateur Athletic Union (AAU) heavyweight title in 1950 and 1951, won national Golden Gloves titles in 1950 and 1952 and went on to earn an Olympic gold medal in boxing at the 1952 XV Olympiad in Helsinki, Finland, and a silver medal at the 1955 Pan American Games in Mexico City; he served as the chairman of the District of Columbia's Boxing Commission from 1964 to 1968 and the Commission's chief judge; and was elected to the District of Columbia's Boxing Hall of Fame; and

WHEREAS, Mr. Lee devoted his life to serving others and his country in the military; he shaped the lives of students by improving education and mentoring youth that he counseled in Washington, D.C., as well as working in adult education; in 1969 Lee became director of adult and continuing education at Federal City College and in 1974 he joined the Baltimore City public school system as coordinator of community and adult education; Lee was also the president of the National Child Day Care Association; and in 1979 he joined the D.C. Office of Emergency Preparedness, retiring in 1991 as its radiological defense officer; and

WHEREAS, Mr. Lee also served as a Washington, D.C., cab driver for 30 years and was president of the Diplomat Cab Association; Lee lived to the age of 67, passing away in Bethesda, Maryland, on August 19, 1992;

NOW, THEREFORE, BE IT RESOLVED, that Botetourt County, in accordance with Section 33.2-213 of the *Code of Virginia*, does hereby request that Mr. Norvel LaFalette Ray Lee be recognized by the Virginia Department of Historic Resources (VDHR) through the erection of a historical marker celebrating his life and contributions to Botetourt County and the United States of America to be located along the east side of U. S. Route 220, near the intersection with State Route 622, approximately 2 miles from Lee's childhood home.

BE IT FURTHER RESOLVED, that Botetourt County will work with the Virginia Department of Historic Resources and the Virginia Department of Transportation (VDOT) to construct and erect the monument to pay tribute to the legacy of this great native of Botetourt County.

Dr. Scothorn then opened the public comment session.

Mr. Danny Goad of Read Mountain Road then stated that he has two questions about the Mallinckrodt Pharmaceuticals' bankruptcy resolution to be considered by the Board later today.

He questioned how the County's citizens are harmed by this particular company and how will this settlement be distributed to the County residents who were harmed by opioids.

Dr. Scothorn stated that Mr. Goad's questions will be answered when this item is discussed by the Board.

Consideration was then held on approval of the July 27, 2021, minutes.

Mr. Martin noted that there is a typo on page 1. He noted that the motion to go into Closed Session shows him as “Dr. Martin” and requests that this be corrected.

On motion by Mr. Martin, seconded by Mr. Clinton, and carried by the following recorded vote, the Board approved the minutes of the regular meeting held on July 27, 2021, with an amendment on page one to correct “Dr. Martin” to “Mr. Martin” in the motion to go into Closed Session. (Resolution Number 21-08-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of a resolution regarding Mallinckrodt Pharmaceuticals’ bankruptcy. Mr. Mike Lockaby, County Attorney, stated that the County retained outside counsel several years ago regarding upcoming opioid lawsuits in the State and country. He noted that this counsel commissioned a study by a statistical expert which showed that the impacts in terms of cost to the County’s government “were into seven figures.” He stated that as a result, the County and others brought suit against various opioid manufacturers and distributors.

Mr. Lockaby stated that the Department of Social Services, Sheriff’s Department, community services boards, Comprehensive Services, and others dealt with huge impacts because of illegal opioid use. He noted that these lawsuits cascaded into bankruptcies of several pharmaceutical companies.

After discussion, Mr. Lockaby stated that the County is anticipated to receive approximately \$60,000 from the Mallinckrodt bankruptcy and several other pharmaceutical companies are entering settlements to these lawsuits. He further stated that the funds from the bankruptcies will come directly to the County.

Mr. Lockaby noted that the settlements will be received by both localities and the State; however, they will be allocated into one large fund which will be overseen by the Virginia Opioid Abatement Authority. He noted that this Authority is similar to the State’s Tobacco Commission which oversees the allocation of funds received from the federal tobacco suit settled many years ago to funding economic development-related projects.

Mr. Lockaby stated that 15% of the settlement funds will be designated to the State’s General Fund, 15% will be provided to each locality’s General Fund, and 70% will be put into a trust fund from which grants to localities and non-profit organizations will be provided for projects that deal with substance abuse.

Mr. Lockaby stated that at this time he is requesting the Board’s authorization to vote in favor of the Mallinckrodt bankruptcy plan and to sign any settlement documents on the County’s behalf.

There being no discussion, on motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Board authorized the County Attorney to vote in favor of the Mallinckrodt Pharmaceuticals’ bankruptcy plan and to sign any settlement documents on the County’s behalf. (Resolution Number 21-08-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of requests for transfers, additional appropriations, and a reappropriation of funds. Mr. Tony Zerrilla, Director of Finance, stated that there was one transfer, 9 pass-through appropriations, and 2 regular appropriations for the Board's consideration.

He noted that the transfer is for the County's match of donations received for the Greenfield Preservation Fund, and the appropriations are for reimbursed costs, miscellaneous receipts, insurance refunds, discrete funds, and receipt of Virginia Department of Emergency Management grant monies for a mobile generator for use by Fire and EMS to be installed at Lord Botetourt High School (appropriations #6 and #11).

There being no discussion, on motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 21-08-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$625.00 from General Fund – Fund 100 - Undesignated Fund to Greenfield Preservation Fund – Fund 240. This provides a current match of recent private donations received into the Preservation Fund.

Additional appropriation in the amount of \$29.71 to the following Sheriff's Department accounts: \$21.00 to Office Supplies, 100-4031200-31200-6001; and 8.71 to Wages – Overtime, 100-4031200-31200-1200. These are reimbursed costs relating to FOIA requests and a restitution of funds.

Additional appropriation in the amount of \$2,516.93 to the following Sheriff's Department accounts: \$553.04 to Vehicle Supplies, 100-4031200-31200-6009; \$43.89 to Subsistence & Lodging, 100-4031200-31200-5530; and \$1,920.00 to Forest Patrol Salaries, 100-4031200-31200-1900. These funds are for extradition reimbursement, National Forest Patrol reimbursement, and a vehicle fee.

Additional appropriation in the amount of \$7,162.26 to the following Correction & Detention accounts: \$488.33 to Uniforms, 100-4033100-33100-6011; \$50.00 to Office Supplies, 100-4033100-33100-6001; \$34.00 to Food Supplies, 100-4033100-33100-6002; and \$6,589.93 to Medical & Lab Supplies, 100-4033100-33100-6004. These are for uniform contracts, reimbursed office supplies, miscellaneous receipts, and reimbursements from Craig County and medical co-pays.

Additional appropriation in the amount of \$3,721.72 to Waste Management – Salaries and Wages, 100-4042400-42400-1100. These are funds received from County Waste as a reimbursement of landfill operational support services performed by County personnel.

Additional appropriation in the amount of \$210.00 to Library – Convention & Education, 100-4073100-73100-5540-000. This is for scholarship funding received from the Library of Virginia.

Additional appropriation in the amount of \$59,400.00 to Fire & EMS – Capital Outlay – Machinery & Equipment, 100-4035500-35500-8001-000. This appropriates funding for a grant award from the Virginia Department of Emergency Management to be applied towards the cost of a mobile generator. The County portion of the cost of this equipment and its installation is included in appropriation # 11.

Additional appropriation in the amount of \$70,830.01 to the Courthouse/Courtroom Security Fund – Fund 217. This provides authorization to expend these funds based upon predetermined expenditure guidelines.

Additional appropriation in the amount of \$141,895.00 to the Traffic Safety Program Fund – Fund 206. This provides authorization to expend these funds based upon predetermined expenditure guidelines.

Additional appropriation in the amount of \$32,880.28 to Van Program Fund - Fund 209. This provides authorization to expend these funds based upon predetermined expenditure guidelines.

Additional appropriation in the amount of \$23,800.00 to Transfer to EDA, 100-4091800-91800-3800-000. These funds are for infrastructure repair work in Greenfield.

Additional appropriation in the amount of \$38,167.72 to Fire & EMS – Capital Outlay – Machinery & Equipment, 100-4035500-35500-8001-000. This is the County portion of the cost of the mobile generator (see appropriation # 6) and the cost of installation at Lord Botetourt High School.

Mr. Zerrilla then stated that the Board is also being asked to approve a supplemental appropriation resolution for a project’s budgeted appropriation that expired on June 30, 2021, but on which the work is still proceeding. He noted that this request is in the amount of \$90,649.59 to the Transfer to EDA account for funding of the sewer line installation for the Munters project in Greenfield.

On motion by Mr. Clinton, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the following resolution regarding a supplemental appropriation for a sewer extension project to the Munters’ site in Greenfield.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 21-08-07

NOW, THEREFORE, BE IT RESOLVED, that the following appropriation for Fiscal year 2021-2022 is made to allow carry-over of approved funding begun in Fiscal Year 2020-2021:

<u>Destination Acct #</u>	<u>Account Description</u>	<u>August 2021 Amount</u>	<u>Explanation/Reason For</u>
100-4091800-91800-3800-000	Transfer to EDA	\$90,649.59	Greenfield sewer pipe installation project.
TOTAL	General Fund Capital Projects	<u>\$90,649.59</u>	

Consideration was then held on approval of accounts payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month’s accounts payable totaled \$984,559.82. He noted that this month’s large expenditures included \$35,000 to ESRI, Inc., for Technology Services’ maintenance service contracts; \$31,953 to Garland/DBS, Inc., for roof replacement at the Eagle Rock Library; \$31,596 to Architectural Partners for work on the Education and Training Center’s expansion project; \$47,092 to Harris Enterprise Resource Planning for software maintenance contracts; and \$29,755 to Garland/DBS, Inc., for renovations at the Read Mountain Fire Station.

There being no discussion, on motion by Dr. Bailey, seconded by Mr. Martin, 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 21-08-08)

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 Personal Property Tax Relief Act (PPTRA) rate for 2021.

Mr. Tony Zerrilla, Director of Finance, stated that since 2006 the County has received a yearly block grant from the State in the amount of \$3,418,137.01 under PPTRA for the car tax relief program. He noted that these funds are applied as a credit to citizens' yearly personal property tax bills based on a specific relief percentage calculation.

Mr. Zerrilla stated that a committee, consisting of the Commissioner of Revenue and the Treasurer, reviewed the 2021 vehicle valuations to determine the tax relief percentage. He noted that they are recommending that the relief percentage be set at 46% for the 2021 tax year with 54% as the taxpayer portion. He noted that the taxpayer portion increased over the 2020 figure due to an increase in used vehicle values.

After discussion, Mr. Zerrilla stated that a resolution to this effect has been included in the Board's information packets.

After questioning by Mr. Clinton as to whether there is any likelihood that this tax relief will "go away," Mr. Zerrilla stated that these funds are allocated through a block grant from the State of Virginia. He noted that this amount has not increased since 2006 and he has not seen any reports that this program is being eliminated.

There being no further discussion, on motion by Mrs. White, seconded by Mr. Clinton, and carried by the following recorded vote, the Board approved the following resolution setting the allocation percentage for personal property tax relief in Botetourt County for the 2021 tax year.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 21-08-09

WHEREAS, in accordance with the requirements set forth in Section 58.1-3524 (C) (2) and Section 58.1-3912 (E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly and as set forth in item 503.E (Personal Property Tax Relief Program or "PPTRA") of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle with a taxable situs within the County commencing January 1, 2006, shall receive personal property tax relief; and,

WHEREAS, this Resolution is adopted pursuant to amendments to Chapter 23 Taxation of the Botetourt County Code adopted December 20, 2005,

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF BOTETOURT COUNTY, VIRGINIA, as follows:

1. That tax relief shall be allocated so as to eliminate personal property taxation for qualifying personal use vehicles valued at \$1,000 or less.
2. That qualifying personal use vehicles valued at \$1,001 - \$20,000 will be eligible for 46% tax relief for the 2021 tax year.
3. That qualifying personal use vehicles valued at \$20,001 or more shall only receive 46% tax relief for the 2021 tax year on the first \$20,000 of value; and
4. That all other vehicles which do not meet the definition of "qualifying" (for example, including but not limited to, business use vehicles, farm use vehicles, motor homes, etc.), will not be eligible for any form of tax relief under this program.
5. That the percentage applied to the categories of qualifying personal use vehicles are estimated fully to use all available PPTRA funds allocated to Botetourt County by the Commonwealth of Virginia.

6. That this Resolution shall be effective from and after the date of its adoption.

Ms. Ashley Smith, Assistant Resident Engineer with the Virginia Department of Transportation, was then present to give their monthly report.

Ms. Smith stated that the Route 220 safety improvement project is wrapping up and should be completed this fall. She noted that work is also continuing on various County paving projects, VDoT staff have been conducting several land development project and land use permit reviews, and a total of 17 utility, private entrance, special event, and traffic maintenance permits have been issued in the past month.

Ms. Smith further stated that work has begun on the Stone Coal Road Rural Rustic Road project and should be completed in approximately a month. She then noted that there was miscommunication between VDoT and the mowing contractor on the Exit 150 roundabout maintenance project; however, they are now moving forward with having this site mowed more frequently.

After discussion, she noted that their Area Headquarters staff have been busy over the past month with grading work/adding stone on gravel roads, pavement patching work, pipe installations, ditch/shoulder/brush trimming work, etc.

After questioning, it was noted that none of the Board members had road-related issues to discuss this month. There being no further discussion, the Board thanked Ms. Smith for her report.

Consideration was then held on authorization to advertise for a public hearing on a Comprehensive Plan Sewer and Water Infrastructure Map amendment for re-development of a 6.868-acre parcel located at 8277 Sanderson Drive.

Mr. Drew Pearson, Zoning Administrator, stated that this request is from Mr. Edward Martin, on behalf of The New Beginnings Church in Cloverdale, which owns this parcel. Mr. Pearson stated that this map amendment is being requested to show an expanded sewer/water service area to allow public extensions of water/sewer services for an upcoming rezoning request on this property. He noted that the rezoning request is for an approximate 12 dwelling unit senior living facility in the former church building and the creation of no more than 15 "zero lot line" parcels.

Mr. Pearson stated that staff is requesting authorization to advertise this Comp Plan map amendment public hearing for the Planning Commission's and Supervisors' October meetings.

After questioning by Dr. Scothorn, Mr. Pearson stated that his office has not received any renderings or site plans for this proposed rezoning project at this time.

After further questioning, Mr. Pearson stated that this property is located between Cypress Court, a townhome development, and Altamira, a zero lot line development. He noted that both of these developments have public water and sewer services; however, the church's 6.868 acre parcel is not shown on the Comprehensive Plan's water/sewer infrastructure service area map; therefore, public extension of water and sewer would not be allowed. He noted that, in order for any future rezoning request to proceed, this Comp Plan map will need to be amended.

After questioning by Dr. Scothorn regarding the topography of this site, Mr. Pearson stated that the church structure is located on top of a slight hill and the zero lot line homes will be located on the remainder of the property.

Dr. Scothorn stated that with the other surrounding townhome uses in this area, he does not see any problems with this request being scheduled for a public hearing.

Mrs. White noted that this request will give the applicant the ability to explore this development proposal and determine the site's future potential.

There being no further discussion, on motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Board directed staff to advertise a proposed amendment to the Comprehensive Plan's Sewer and Water Infrastructure Map for a public hearing at the October regular Planning Commission meeting, and with Planning Commission action, the Board of Supervisors' October regular meeting, for redevelopment of a 6.868-acre parcel located at 8277 Sanderson Drive. (Resolution Number 21-08-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Jason Ferguson, Chief of Fire and EMS, then provided an Emergency Communications Committee update on the Radio System Analysis Report. Chief Ferguson noted that Mr. Guy Jouannelle, Project Lead, and Mr. Ian Duff, Director of Wireless Solutions with MorCom International, were present at the meeting.

Chief Ferguson stated that the Board had been provided with a binder containing the study's findings. He noted that today's presentation is for informational purposes only and no action is required by the Board other than acceptance of the report.

Chief Ferguson stated that the County issued a request for proposals in late 2020 for firms to conduct a review of the emergency communications system, including suggestions for future potential needs, and proposals of at least two options which will provide a radio frequency analysis, radio tower site requirements (number and potential locations), connectivity, and integration with future radio investments including 5G. He noted that the Board awarded this contract to MorCom in January 2021 and they have reviewed the County's radio communications frequencies and strengths and the impact of the National Quiet Zone (NQZ) area around the Greenbank, West Virginia, radio telescope facility on radio communications systems in the northern part of Botetourt County. Chief Ferguson stated that this Quiet Zone impacts radio communications signals in 45 – 50% of the County's landmass.

Chief Ferguson stated that a company representative met with each volunteer fire chief, as well as Sheriff's Department and School system representatives, to obtain their input on the radio communications system's strengths, issues, and needed improvements. He stated that an assessment and evaluation was then conducted and a model of proposed options was presented to the Emergency Communications Committee (himself, Dr. Scothorn, Mr. Martin, the County Administrator, Sheriff's Department representatives Communications Supervisor Nicole Manspile, Captain Jeff Boone, and Lieutenant Scott Gathje, and County Emergency Manager Daniel Murray).

Chief Ferguson then displayed a map showing areas in the County with radio communications coverage issues which included Blue Ridge, along the Appalachian Trail, Oriskany, Glen Wilton, Arcadia, near Carvin's Cove, and along the Blue Ridge Parkway. He

noted that the current system also has problems with in-building coverage in schools and warehouses/large structures. He noted that digital communications systems may need to be installed in these facilities in order to improve emergency communications during incidents.

Chief Ferguson then displayed a chart showing the number of current subscriber devices (fixed mobiles, mobiles, portables, and pagers) and anticipated future needs. He stated that the County currently has 619 radios and it is anticipated that 749 devices, not including pagers will be needed in the future.

He noted that most of the Kenwood devices which are used by the Sheriff's Department and schools are not P25 capable which means that they cannot be updated. Chief Ferguson stated that P25 is a U. S. Department of Homeland Security standards development process for the design, manufacture, and evaluation of interoperable digital two-way land mobile radio systems communications products. He stated that the devices currently used by Fire and EMS staff have the ability to be upgraded.

After discussion, Chief Ferguson stated that other requirements include device features such as encryption, location on PTT (push to talk) or on emergency, pagers, and a fire station alerting system. He stated that the County's devices have no encryption capability at this time, which is a preferred option. Chief Ferguson stated that pagers, which are connected to the existing radio system, remain the primary device that alerts fire and EMS responders across the County's current radio frequencies.

Chief Ferguson stated that the County also has interoperability needs with adjacent localities' communications systems during regional incident responses. He noted that three regional emergency communications networks exist around Botetourt County--Alleghany County, Covington, Rockbridge County, and Buena Vista are interoperable with each other and Roanoke County, Roanoke City, and Salem have had a regional radio system for a number of years. He noted that Franklin County recently joined the Roanoke regional system.

Chief Ferguson stated that the County has a strong relationship and the most interoperability needs with the Roanoke regional system as the Read Mountain Fire Station also operates in Roanoke and the Sheriff's Emergency Response Team is called regularly for regional support. He noted that these regional operations require radio system coverage deep into Roanoke County, a desired capability for up to 10 miles into Bedford County, a few miles into Rockbridge and Alleghany counties, as well as with Craig County, and with the Virginia State Police.

He further stated that the County has a mutual aid agreement with Roanoke County for emergency response which is used on a frequent basis and we rely also on the Iron Gate Fire Department to respond to calls in the northern Botetourt/Glen Wilton area.

After questioning by Mr. Clinton, Chief Ferguson stated that there are means to allow the County to have interoperability with all of these radio communications systems and those will be discussed shortly.

He then displayed a chart showing the current interoperability capabilities of the surrounding localities' radio communications systems. Chief Ferguson stated that Botetourt has an analog communications system while all the surrounding jurisdictions, except for Craig County, have P25 technology which is the federal digital standard; the County has a conventional mode versus the trunked (group of lines) system used in other localities; and the County uses a 450 MHz radio frequency while the other jurisdictions use an 800 MHz bandwidth frequency. He stated that the County uses a RIOS (Voice Over Internet Protocol

[VoIP]) system which tethers radio systems together. He noted that some jurisdictions use this while some do not.

Chief Ferguson further stated that the Read Mountain Fire Station and the County's Fire Administration personnel use dual-band portable radios, Alleghany and Rockbridge have radios with Botetourt frequencies, the State Police have radios with some Botetourt frequencies for training, and cellphones and direct calls dispatch to the Sheriff's Dispatch Center.

He noted that the County has four mountaintop communications tower sites that operate under the NQZ's provisions (Big Hill, Price's Bluff, Purgatory Mountain, and Fincastle). He noted that the Tinker Mountain tower does not operate under the Quiet Zone's regulations. Chief Ferguson stated that all of these towers "report back" to the Fincastle tower site and, if the Fincastle tower site goes down, the County's radio communications system is off-line.

After questioning by Mr. Clinton, Chief Ferguson stated that, as far as he recalls, the Fincastle tower has only been off-line once in the past 20+ years. He further noted that the County owns and maintains the Fincastle and Big Hill tower sites.

After questioning by Dr. Scothorn, Mr. Jouannelle stated that it would take approximately 3 months to conduct the NQZ pre-application process for a new radio communications tower site within the Zone's designated area.

Dr. Scothorn noted that this communications system was last upgraded in 1998.

Mr. Jouannelle stated that upgrades are needed to the system and it will be an investment in the County's future.

Chief Ferguson stated that there are currently no monitors on the system to provide operational details, key-ups, and how many frequencies are needed. He noted that new systems would allow for portable and mobile radios to be deactivated which is not an option with the existing radio communications system. Chief Ferguson further stated that the Fincastle tower's 4.9 GHz link to the Dispatch Center is not licensed by the FCC and therefore not protected.

After questioning by Dr. Scothorn as to whether there may be grants available to fund this new communications system, Mr. Jouannelle stated that FEMA may have telecommunications grant funds for this purpose.

Chief Ferguson stated that Phase 2 of the study will review the available radio communications systems that would meet the County's needs and consider potential funding options.

Chief Ferguson then reviewed various reliability issues with the network—equipment that is at its end-of-life, poor documentation, backup dispatch center does not have dispatch consoles, no backhaul alternative paths (daisy chain—Fincastle to Crawford to Big Hill; and the Fincastle tower is a single point of failure), and there are no alarms or notifications of IP (internet protocol) network failures; and with the system's operations—lack of tools to fully assess service levels, maintenance for access roads, needed upgrades to communications equipment shelters to public safety standards, subscriber devices do not receive alignment and antenna lines are not checked periodically, and no or little spare subscriber devices.

Chief Ferguson stated that the system's design options need to be evaluated in order to have more redundancy so single points of failure do not occur. He noted that Mr. Jouannelle visited each of the mountaintop tower locations. Chief Ferguson noted that the Purgatory Mountain site is owned by Crown Castle Communications and there are issues with a

lack of maintenance of this site's access road. He stated that the equipment shelters at each site are degrading as they were last upgraded approximately 5 years ago. Chief Ferguson further stated that there is currently no regular process for alignment and the County does not have available staff to tune the signals.

After discussion, Chief Ferguson stated that the next recommended steps include an upgrade to P25 standards, deploy additional radio communications tower sites, acquire land and construct two new towers in the Oriskany and Catawba areas, consider vehicle repeater systems as an option and/or deploy new standards in the Building Code for in-building public safety coverage, and designate dedicated staff member(s) to be responsible for operations and maintenance (O&M) and provide necessary tools to make repairs. Chief Ferguson stated that the County currently uses a third party vendor for these O&M services which is a significant investment. Chief Ferguson further stated that additional recommended steps/study options include a fire station alerting system and joining the Roanoke regional radio system network.

Chief Ferguson then displayed signal coverage comparison maps of the County showing existing coverage, P25 – 450 MHz coverage, and P25 – 700/800 MHz coverage. He noted that the green areas indicate portable radio communications signal coverage and the blue areas show mobile radio coverage as predicted by modeling programs using the proposed tower site locations. He noted that a primary backhaul in a loop configuration is preferred to provide more reliability. Chief Ferguson stated that less frequencies may be required on the 450 MHz option but this uses a dual talk-path process (TDMA) so the radios may be more expensive. He further stated that the 700/800 MHz option is a single path system (FDMA) which results in a reduced radio cost up front and provides the ability for expansion and growth in the future.

After discussion, Chief Ferguson noted that the coverage area for a 450 MHz system is a little better than for the 700/800 MHz system; however, mountainous terrain will always impact the signal no matter which option is chosen. He further noted that the 700/800 MHz option would also allow for the Time Division Multiple Access (TDMA) feature in the future, which is a channel access method for shared-medium networks that allows several users to share the same frequency channel by dividing the signal into different time slots which allows multiple stations to share the same transmission medium (e. g. radio frequency channel) while using only a part of its channel capacity, should the County need access to more talk-paths.

Chief Ferguson stated that, if the County joins the Roanoke regional communications system, we would not need to build out a part of the Blue Ridge area as it would have pre-existing coverage through the Roanoke system.

After discussion by Mr. Larrowe, Chief Ferguson stated that, if the County joins the Roanoke communications system, the 700/800 MHz system would be the best, only available option to join, as that is the current Roanoke regional radio system platform.

After questioning by Mr. Larrowe, Chief Ferguson confirmed that two new radio communications towers would also be needed in the Oriskany and Catawba areas as well as adding bandwidth to the County's existing towers. He further stated that, if the County joins the Roanoke regional communications system and makes these recommended tower additions/upgrades, we would have seamlessly integrated emergency communications system coverage.

Regarding pricing for these improvements, Chief Ferguson stated that there are three major P25 vendors—Harris, Motorola, and Tait. He noted that a rough order of magnitude (ROM) pricing was requested by MorCom from each company for the recommended system. He noted that Harris provided a cost estimate of \$18 million and Motorola estimated that the recommended system would cost \$23 million. Chief Ferguson stated that these estimates do not include the purchase, development, and construction costs for two new tower sites or other components that can be obtained from third party vendors, e.g., DVRS (Digital Vehicular Repeater System), portable repeaters, recorder, fire station alerting, etc. He stated that Tait was not able to provide a complete ROM as they rely on third party vendors for many system components.

Chief Ferguson then reviewed the Committee's network recommendations: consider obtaining subscriber radios from the infrastructure vendor and obtain 700 MHz bandwidth as the 800 MHz bandwidth is fully committed; recommended short-term actions include obtaining a radio frequency license for the 4.9 GHz link on the Fincastle tower, implement a system realignment so the County is in compliance with the Federal Communications System's requirements, configure RIOS to include State channels, designate a County staff member to manage/maintain the radio system, and investigate site acquisition feasibility.

After questioning by Dr. Scothorn, Chief Ferguson stated that this project would take 3 – 5 years to complete.

Mr. Jouannelle confirmed that was a fair estimate of a timeline for this project.

After questioning by Mrs. White as to whether this project can be implemented in stages or would need to be done in totality, Mr. Jouannelle stated that some components need to be installed right away.

After questioning by Dr. Bailey, Chief Ferguson stated that many of the County's existing radio communications equipment are not compatible with an 800 MHz system.

After questioning by Mrs. White, Chief Ferguson stated that the County's Fire and EMS Department has been downsizing the number of portable radios in use for approximately three years and there are no backup devices available. He noted that the new figure is proposed to be based on one radio per seat in each emergency response vehicle, e. g. 2 per ambulance and 6 per fire truck.

After further questioning by Mrs. White as to whether any of the existing equipment has value, Mr. Jouannelle stated that some of the existing radios can be upgraded to work with the new proposed system.

After questioning by Mrs. White, Chief Ferguson stated that the previously-stated cost estimates do not include personnel costs.

After questioning by Mr. Clinton as to the County's next steps in this process, Chief Ferguson stated that today's report presentation and the information contained in the notebook was to provide the Board members with background on this report and recommended options for them to "digest."

After discussion, Chief Ferguson recommended that the Emergency Communications Committee, which includes Dr. Scothorn and Mr. Martin, meet again after approximately 20 days to further discuss this report. He noted that Phase 2 of the study includes proceeding with the actual engineering process and drafting bid documents.

He noted that the Committee did not contact any potential vendors on this project; the previously-discussed ROM pricing from Harris, Motorola, and Tait was acquired by MorCom.

After questioning by Mrs. White, Chief Ferguson stated that this analysis did include the Sheriff's Department's needs and several Sheriff's staff members served on the Committee.

After further questioning by Mrs. White, Chief Ferguson stated that, on the Committee's behalf, he is asking the County to begin the process of moving forward with upgrading the County's emergency communications system as per the report's recommendations. He indicated that initial talks on the need to plan for the replacement of the existing radio system began in 2012.

There being no further discussion, Dr. Scothorn thanked Chief Ferguson for this report which was accepted for further review by the Board. Dr. Scothorn also thanked Mr. Jouannelle and Mr. Duff for their assistance in this needs analysis.

A public hearing was then held on a proposed FY 22 budget amendment. Mr. Tony Zerrilla, Director of Finance, noted that the Code of Virginia requires that any proposed budget amendment which exceeds 1% of the total expenditures of the adopted budget must be advertised for a public hearing. He noted that today's public hearing is for consideration of three proposed budget amendments which total \$1,901,245.

Mr. Zerrilla stated that the first amendment (\$1,009,685) is for construction and related expenses for the sewer extension project to the Munters site in Greenfield. He noted that these costs will initially be covered by a transfer of funds from the County to the Economic Development Authority; however, it is anticipated that no local dollars will be needed for this project. He noted that revenue from the Munters' site's sale and a utility credit will be sufficient to cover these construction costs.

Mr. Zerrilla stated that, to this effect, an agreement between the Board and the EDA regarding the funding aspects of this project was included in this agenda item. He noted that the Board is being asked to approve this agreement.

Mr. Zerrilla stated that the second amendment (\$644,500) is for construction of the Munters access road. He noted that this is the amount of the VDoT grant for this road extension project and is matched by the County with \$144,500 in funds from the FY 22 CIP budget.

He stated that the third amendment request (\$247,060) is for architectural/engineering expenses for the Greenfield Education and Training Center's (ETC's) expansion project for Virginia Western Community College (VWCC). Mr. Zerrilla stated that this project's estimated construction cost is \$2.6 million and it is anticipated that these costs will be financed with annual revenue from VWCC's lease payments to the County for use of the ETC to support debt service.

After questioning by Dr. Bailey, Mr. Zerrilla stated that the County receives \$345,000 in lease payments per year from the Virginia Community College System for VWCC's use of space at the ETC which will be used toward this expansion project's costs.

After questioning by Mrs. White, Mr. Larowe stated that the current lease with VWCC is for a term of 20 years.

There being no further discussion by the Board members, the Chairman then opened the public hearing. There being no one present either in person or on the telephone to speak regarding this matter, the public hearing was then closed.

On motion by Mr. Martin, seconded by Mrs. White, and carried by the following recorded vote, the Board approved an appropriation for the Munters Sewer Extension Project in the amount of \$1,009,685.00 to Transfer to EDA, 100-4091800-91800-3800.000. (Resolution Number 21-08-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mrs. White, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved an appropriation for the Munters Access Road Project in the amount of \$644,500.00 to CIP – VDOT Revenue Sharing Program, 100-4094000-400000-9409-809. (Resolution Number 21-08-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Martin, seconded by Mrs. White, and carried by the following recorded vote, the Board approved an appropriation in the amount of \$247,060.00 to CIP – VWCC Workforce Training Center Expansion Project, 100-4094000-12110-8012-412. (Resolution Number 21-08-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Dr. Bailey, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the Fiscal Agreement between Botetourt County and the Economic Development Authority which outlines how the \$900,000 in proceeds from the sale of the Munters site will be transferred from the EDA to the County when received, and authorized the County Administrator, to sign the agreement on the County's behalf. (Resolution Number 21-08-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Mark Johnson was then present to give an update on the Daleville YMCA. Mr. Johnson thanked the Board for their support and investment in the Y, thanked the organization's volunteers and his staff, and thanked Ms. Karen Waldron with Fralin and Waldron for her assistance in locating this facility in Daleville Town Center.

Mr. Johnson stated that the Y is "more than a gym." He noted that they provide a swim school, dance program, after school classes, teen programming, wellness classes, pick-up sports programs, pickleball, and group exercise classes. Mr. Johnson stated that they currently have 70 kids signed up for swim school, 70 kids enrolled in their dance programs, and served over 141 different children week-to-week prior to the pandemic.

He stated that their focus has been on programming and serving children in the community. Mr. Johnson stated that they have a partnership with the County's School System and two years ago had 302 second grade students participate in their water safety program and also have a Youth in Government program.

Mr. Johnson stated that they also offer various health and wellness programs to the County's citizens. After discussion, he noted that before the pandemic, the Y had 4,486 members and their average daily usage was 645 people.

Mr. Johnson stated that they "want to be a hub for the County." He noted that the location of a YMCA in the County was a part of the County's economic development success over the past few years.

He then stated that when the Y located in Daleville Town Center in 2019 the development had 6 homes and 95 apartments and now there are 91 homes, 215 apartments, three restaurants, two banks, and more buildings on the way.

Mr. Johnson again thanked the Board for their investment in this facility and hopes that the Board sees this as a positive investment.

After discussion, Mr. Johnson stated that the Y was closed during the pandemic and did not register any new members during this time. He noted that, when they reopened, they lost approximately 30% of their membership; however, they now have approximately 85% of the membership that they had before Covid. Mr. Johnson stated that their various program participation figures had a quicker recovery after they reopened and they are now up to 95% of their pre-pandemic figures. He noted that the facility is financially stable and they plan to continue to serve their community.

Dr. Scothorn stated that he participated in the first meeting with Mr. John Williamson and Mr. John Alderson many years ago to discuss whether a YMCA was necessary in the County. Dr. Scothorn stated that locating a Y in the County was a great step and he appreciates that the Y is ensuring that every child is able to save their life when they are around water.

Dr. Scothorn thanked Mr. Johnson for his time in giving this report.

Mr. Tim Snyder, Chairman and Amsterdam District representative on the Parks and Recreation Commission, then provided the Board with a synopsis of their 2021 activities. He thanked the Board for the opportunity to present this report.

Mr. Snyder stated that, at the beginning of 2021, the Commission welcomed Mandy Adkins as the new Director of Parks and Recreation, Chris McDonald and Shontae Wade as new Recreation Managers, and recently added Tara Williamson as the Department's Administrative Assistant.

He noted that the Commission and staff have spent considerable time meeting with the various Booster Club representatives to discuss how to improve the "booster club model" in the County. Mr. Snyder stated that they also conducted a survey of the booster club leaders in June who provided feedback to direct their decision-making. He noted that these survey responses were as follows: 100% of respondents indicated they were in support of Parks and Recreation staff setting a consistent registration fee; 100% of respondents indicated they would like to see Parks and Recreation staff be responsible for ordering uniforms; and 100% of respondents indicated they would consider a single, countywide booster club model with participation in, and representation from, each current booster club.

Mr. Snyder noted that a decision has been made to move to a single Countywide Booster Club model; however, this has not yet been implemented. He noted that, between now and the first of the year, staff will be working with the Commission and Booster Club

leadership to determine the logistics and outline of the single model with the intention of an early 2022 launch.

Regarding outdoor recreation, Mr. Snyder stated that the Commission supports the County's mission to increase outdoor recreation opportunities and is working with staff to develop ideas and create opportunities in this regard.

Regarding field maintenance, Mr. Snyder stated that that USA Softball indicated that the Botetourt Sports Complex's fields were in great shape for their 16U and 18U Gold National Tournament held in July and the Commission members have heard compliments from area coaches and officials about the fields' conditions. Mr. Snyder stated that he recently visited the two middle school, two high school, and the Sports Complex's fields and was impressed with the level of care committed to field maintenance. Mr. Snyder further noted that the County's Turf Manager, Wayne Carter, recently presented the Commission with plans for ongoing field maintenance.

Mr. Clinton noted that 2020 was a tough year for Parks and Recreation due to the pandemic-related closures and cancellations of sporting and other events. He stated that the staff and Commission have worked hard in 2021 to again schedule activities and games.

After discussion, Mr. Clinton thanked Mr. Snyder for his and the Commission's work.

After questioning by Dr. Bailey, Mr. Snyder stated that that the one booster club model has been set into motion with the details to be worked out this fall. Mr. Snyder stated that he believes that this will be a better operations model that offers consistency across the County.

Dr. Bailey then questioned if a similar model is used elsewhere in this region.

Mr. Snyder stated that the Commission is "trying to keep community activism alive—keep the voice alive in making these decisions."

Dr. Bailey stated that this sounds like a good idea.

Dr. Scothorn stated that there has been a lot of membership loss in the County's booster clubs over the past few years. Dr. Scothorn stated that he appreciates Mr. Snyder providing this update to the Board and hopes that the Covid-19 Delta variant "does not get in the way of moving forward" with this plan.

After questioning by Mrs. White, Mr. Snyder stated that every effort is being applied to put people outdoors as much as possible. He noted that the numbers so far look good and he thinks this is due to the success of the high school sports programs. After further questioning by Mrs. White, Mr. Snyder stated that the Recreation Department has fall football, soccer, and basketball programs scheduled this year with some games beginning this weekend.

Mr. Martin thanked Mr. Snyder for the work that he has done and he appreciates the work that the Recreation Department and Commission are doing to bring back children's sports activities in the County

Dr. Scothorn and the Board thanked Mr. Snyder for this report.

Mr. John Alexander, Commonwealth's Attorney, was then present to give an update on the status of the Botetourt/Craig Drug Treatment Court Program. Mr. Alexander stated that he and others have been working toward developing a drug treatment court program to screen nonviolent felony offenders for participation in this program. He noted that this pro-

gram is intended to provide qualifying individuals with an intensive treatment track to become drug-free.

Mr. Alexander stated that the Virginia Supreme Court estimates that each drug court participant saves the State \$19,234 in incarceration and probation costs. He noted that it was estimated that, in 2020, Drug Court programs in Virginia saved the State \$12 million. He noted that this program also saves offenders lives.

Mr. Alexander stated that the Virginia Drug Treatment Court Advisory Committee approved the Botetourt/Craig counties' petition in May 2021. He noted that there will probably be no State funding available for this program for three years; however, there are a lot of grant funds available.

After discussion, Mr. Alexander stated that they are in the process of hiring two individuals to oversee this program. He noted that the Adult Probation Office in Fincastle has agreed to provide office space for these two positions.

Mr. Alexander stated that the ability of this program's participants to receive services is important in their efforts to combat drug addiction.

After questioning by Dr. Bailey, Mr. Alexander stated that the largest cost of providing this program is the expenses related to the two staff members along with potential treatment costs. He stated that these staff members will meet with the Circuit Court Judge on a regular basis to discuss progress of all participants.

Dr. Bailey stated that he understands that the program will receive grant monies from Blue Ridge Behavioral Healthcare to fund these two positions.

Mr. Alexander stated that the BRBH grant is a one-time opportunity; however, other grant monies are available to fund this program's needs.

After questioning by Dr. Scothorn, Mr. Alexander stated that, upon completion of this program, the participants will be released from incarceration.

Dr. Scothorn noted that he understands that this is a very intensive program.

Mr. Alexander stated that other jurisdictions that have this program have had very good results.

After further questioning by Dr. Scothorn, Mr. Alexander stated that drugs are a significant issue in the County.

Mrs. White stated that this is a remarkable program and questioned how many participants does Mr. Alexander think the County should be able to enroll.

Mr. Alexander stated that he believes that the program should start with five participants. He stated that the goal is to get people to the stage where they can be diverted from serving time in the penitentiary.

After questioning by Dr. Bailey, Mr. Alexander stated that they hope to be able to start this program this fall after the two program employees are hired.

The Board thanked Mr. Alexander for his report.

Mr. Martin stated that he hopes each of the participants completes the program successfully.

Dr. Scothorn then gave an update on the Broadband Committee's recent activities. He stated that Virginia Technology Initiative (VATI) grant applications for the next round of State broadband funding are due by the end of the day on September 14. He noted that an expansion of broadband in the Blue Ridge area may be included in this round of applications.

Dr. Scothorn noted that notifications of award of these grant funds should be received in December.

Regarding the Board member comment period, Dr. Bailey stated that it is impressive that the County's Fire and EMS staff and the Sheriff's Communications Supervisor received the Western Virginia EMS Council's awards. Dr. Bailey stated that he takes great pride in this accomplishment and thanked the recipients for their hard work.

Dr. Scothorn agreed with these comments.

Consideration was then held on various appointments.

On motion by Mr. Martin, seconded by Mrs. White, and carried by the following recorded vote, the Board appointed Mr. John Mays of 653 Lowe Street, Buchanan, as the Buchanan District representative on the Parks and Recreation Commission for a four year term to expire on September 1, 2025. (Resolution Number 21-08-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Board reappointed Ms. Joyce Kessinger as the County's representative on the Virginia Western Community College's Board of Directors for a four year term to expire on June 30, 2025. (Resolution Number 21-08-16)

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

NAYS: None

ABSENT: None

ABSTAINING: None

There being no further discussion, the meeting was adjourned at 4:37 P. M. until 6:00 P. M.

The Chairman called the meeting back to order at 6:02 P. M.

A public hearing was then held on a request in the Blue Ridge District from Daniel W. and Tammy Shelton Switzer for a Special Exception Permit, with possible conditions, for a second accessory building in the Residential R-1 Use District in accordance with Section 25-123. Uses permissible by special exception and Section 25-583. Special exceptions of the Botetourt County Code on a 1.031 acre property located at 360 Heritage Drive (State Route 1429), Blue Ridge, and identified on the Real Property Identification Maps of Botetourt County as Section 109B(2), Parcel 4.

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

Mrs. Nicole Pendleton, Community Development Director, stated that the applicants applied for a building permit for a new garage and the staff discovered that there was an existing shed on the property. She stated that the permit for the new garage was issued with a condition that the shed be removed, but the applicants indicated that they would like to retain the shed and applied for a Special Exceptions Permit.

Mrs. Pendleton stated that, after her office mailed notification letters about the request's public hearing, some adjacent property owners contacted the office with questions. She noted that, after their questions were answered, these individuals had no objections to the request.

After discussion, Mrs. Pendleton stated that the Zoning Ordinance's lot coverage requirements will be met with the construction of this new structure. She noted that the R-1 District limits lot coverage to 20% and the current house and shed and the new garage will only cover 10% of the lot's 1.031 acres.

Mrs. Pendleton stated that no one spoke at the Planning Commission meeting regarding this request.

Mr. Martin noted that the Planning Commission members had no issues/concerns with this request.

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 regarding this request. The public hearing was then closed.

After questioning by Dr. Scothorn, Mr. Switzer stated that the existing shed will be retained to house his lawnmower and the garage will be used to house his vehicles and other items. Mr. Switzer stated that, when the shed deteriorates, he plans to tear it down.

There being no further discussion, on motion by Mr. Martin, seconded by Mrs. White, and carried by the following recorded vote, the Board approved a request in the Blue Ridge District from Daniel W. and Tammy Shelton Switzer for a Special Exception Permit for a second accessory building in the Residential R-1 Use District in accordance with Section 25-123. Uses permissible by special exception and Section 25-583. Special exceptions of the Botetourt County Code on a 1.031 acre property located at 360 Heritage Drive (State Route 1429), Blue Ridge, and identified on the Real Property Identification Maps of Botetourt County as Section 109B(2), Parcel 4, as submitted. (Resolution Number 21-08-17)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Martin then questioned if the staff could be authorized to research appropriate language to allow two accessory structures on a lot. He noted that the Board has received several of these requests over the past few years which rarely receive citizen objection.

Mrs. Pendleton stated that staff will look into drafting amendments to the accessory structure regulations. She noted that the existing ordinance includes minimum lot coverage requirements which regulate development/placement of accessory structures to a parcel's principal structure.

Mrs. White stated that allowing second accessory structures without a SEP would save staff and the public a lot of time.

A public hearing was then held on a request in the Fincastle District from Linda Anne Novak to rezone from the Business B-1 Use District to the Rural Residential RR Use District, with possible proffered conditions, a 1.68-acre lot in accordance with Section 25-581. Zoning map amendment—owner initiated and Article II, Division 3. Rural Residential District RR [formerly AR], Section 25-112(2). Permitted Uses of the Botetourt County Code for the con-

tinued use and maintenance of a single family dwelling at 3200 Trinity Road (State Route 670), Troutville, and identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 152.

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

Mr. Drew Pearson, Zoning Administrator, then displayed a GIS map of this area. He noted that all but one of the adjacent properties are zoned for Agricultural A-1 Use. He noted that there is a Business B-1 zoned parcel across Route 220 from this property; however, it is not used for business purposes at this time.

Mr. Pearson stated that this property is the former Trinity School building and recently the Trinity Schoolhouse Quilt Shop which is located at the intersection of Route 220 and Trinity Road. He noted that there are currently two driveways into the parcel from Trinity Road.

Mr. Pearson stated that the applicant would like to convert the building into a single family dwelling. He noted that no proffers were submitted with this rezoning request. Mr. Pearson also noted that no comments were received from the public regarding this rezoning application.

He noted that the applicant is present to answer any questions.

Mr. Martin noted that the Planning Commission had no concerns about this request.

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 regarding this request. The public hearing was then closed.

There being no further discussion, on motion by Dr. Bailey, seconded by Dr. Scothorn, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this rezoning request as submitted. Therefore, be it ordained by the Botetourt County Board of Supervisors that the Botetourt County Zoning Ordinance and the Botetourt County Real Property Identification Maps be amended in the following respect and no other. (Resolution Number 21-08-18)

AYES: Mr. Sloan, Mr. Clinton, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

LINDA ANNE NOVAK

In the Fincastle District to rezone from the Business B-1 Use District to the Rural Residential RR Use District a 1.68-acre lot in accordance with Section 25-581. Zoning map amendment—owner initiated and Article II, Division 3. Rural Residential District RR [formerly AR], Section 25-112(2). Permitted Uses of the Botetourt County Code for the continued use and maintenance of a single family dwelling at 3200 Trinity Road (State Route 670), Troutville, and identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 152.

A public hearing was then held on proposed text amendments to Chapter 25, Zoning, Article II. District Regulations Generally, Division 10. Business District (B-1), Section 25-222. Permitted Uses and Article IV. Supplemental Regulations, Division 1. Use Regulations, Section 25-434. Bed and Breakfast and short-term rental establishments, Section 25-234(c)(9)b. Cabin or Cottage of the Botetourt County Zoning Ordinance and in accordance with Chapter 25, Zoning, Article V. Process and Administration, Division 6. Special Development Approvals, Section 25-581.2. Zoning Ordinance text amendment – Owner initiated to add “Cabin or

Cottage” as a permitted use in the Business (B-1) Use District and amend the supplemental regulations for Cabin or cottage to only allow the use within a business use district when the use will occupy an existing non-conforming single-family dwelling unit.

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

Mr. Drew Pearson, Zoning Administrator, stated that in June he presented this request to the Board for consideration of authorizing a public hearing by the Planning Commission and Board of Supervisors on these proposed amendments. Mr. Pearson stated that Mr. Evan Bishop owns a parcel at 1567 Lee Highway in Cloverdale which contains a single-family dwelling that is zoned Business B-2. He noted that the home is a non-conforming use.

Mr. Pearson stated that Mr. Bishop has had difficulty renting the structure for extended periods of time and is now proposing to use the building for cabin or cottage short-term rentals of 30 days or less. He noted that these proposed text amendments were drafted to assist Mr. Bishop in this endeavor.

Mr. Pearson stated that these amendments would only allow this cabin/cottage rental use in Business districts when it is located in a non-conforming single family dwelling. He further stated that these amendments were crafted to not allow someone to construct a new single family dwelling in a Business Use District.

He further stated that a cabin/cottage rental use was, by definition, a single family dwelling; therefore, Mr. Bishop would have the flexibility to rent the home on both a short-term and long-term basis.

Mr. Pearson noted that Mr. Bishop did not appear to be present at this meeting to answer any questions.

Mr. Clinton stated that this “looks a little convoluted” but this a good way to resolve this issue without rezoning the property and the site still be in conformance with the Zoning Ordinance’s provisions. Mr. Clinton stated that Mr. Pearson did a good job in drafting these amendments. Mr. Clinton further stated that Mr. Pearson worked with the citizen to reach a compatible outcome for this unique situation and he thinks that this is a good use of this property.

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 regarding this request. The public hearing was then closed.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the following text amendments to Chapter 25, Zoning, Article II. District Regulations Generally, Division 10. Business District (B-1), Section 25-222. Permitted Uses and Article IV. Supplemental Regulations, Division 1. Use Regulations, Section 25-434. Bed and Breakfast and short-term rental establishments, Section 25-234(c)(9)b. Cabin or Cottage of the Botetourt County Zoning Ordinance and in accordance with Chapter 25, Zoning, Article V. Process and Administration, Division 6. Special Development Approvals, Section 25-581.2. Zoning Ordinance text amendment – Owner initiated to add “Cabin or Cottage” as a permitted use in the Business (B-1) Use District and amend the supplemental regulations for Cabin or cottage to only allow the use within a business use district when the use will occupy an existing non-conforming single-family dwelling unit. (Resolution Number 21-08-19)

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

* * *

Division 10. Business District (B-1)

Sec. 25-221. Purpose (Same)

Sec. 25-222. Permitted uses.

(1) through (4) (Same)

(5) Cabin or cottage, subject to standards of Section 25-434.

Sec. 25-223 thru 25-240 (Same)

* * *

Article IV. Supplemental Regulations

Division 1. Use Regulations

Section 25-431 thru 25-433 (Same)

Section 25-434. Bed and breakfast and short-term rental establishments.

(a) thru (b) (Same)

(c) The following uses are permitted subject to all applicable district regulations of this chapter, including supplemental regulations listed for each use within this section, and following the issuance of a zoning permit and a short-term rental permit. The applicant shall submit the short-term rental permit application to the zoning administrator prior to the occupation of a room or dwelling for short-term rental and the application shall contain the following information:

(1) thru (8) (Same)

(9) The regulations listed below shall govern individual short-term rental uses as listed:

a. (Same)

b. *Cabin or cottage.*

1. thru 3. (Same)

4. When located in Business Use Districts, a cabin or cottage shall only be allowed to occupy an existing dwelling unit that is classified as a non-conforming use.

c. thru d. (Same)

(d) (Same)

Section 25-435 thru 25-460 (Same)

There being no further discussion, on motion by Mr. Martin, seconded by Mrs. White, and carried by the following recorded vote, the meeting was adjourned at 6:18 P. M. (Resolution Number 21-08-20)

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

NAYS: None

ABSENT: None

ABSTAINING: None