

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, February 25, 2014, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 2:00 P.M.

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

ABSENT: Members: Mr. Todd L. Dodson

Others present at the meeting:

Mr. David Moorman, Deputy County Administrator
Mrs. Elizabeth Dillon, County Attorney
Mrs. Kathleen D. Guzi, County Administrator

The Chairman called the meeting to order at 2:01 P. M. and welcomed those present. He noted that Mr. Dodson was absent from today's meeting due to a previous commitment.

Dr. Scothorn then mentioned the major snowstorm which occurred in this area on February 12 and 13. He noted that the citizens heeded the recommendation from emergency services and Sheriff's personnel to not travel during the storm. Dr. Scothorn also commended the County's paid and volunteer fire and emergency services personnel for their work during this storm which accumulated between 14" - 20" of snow. He also thanked the County Administrator and County staff for their preparatory work prior to the storm.

Dr. Scothorn stated that there were many occurrences of neighbors, friends, and family offering assistance when individuals were stuck during the storm. Dr. Scothorn noted that this is what he calls "community" and it is found throughout the County. He noted that it is "what the people give, not what they get."

Dr. Scothorn then asked for a moment of silence.

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

Consideration was then held on approval of the minutes of the regular meeting held on January 28, 2014.

Mr. Williamson noted that he had a couple of minor wording changes to the bottom of page 8 regarding his comments on the street in Marion Oaks Subdivision. Mr. Williamson noted that the word "private" in the first line should be changed to "public" and the words "road paved" in the last sentence should be changed to "taken into the Secondary System."

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the minutes of the regular meeting held on January 28, 2014, were approved with the following correction: (Resolution Number 14-02-01)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

Page 8, 3rd paragraph from the bottom of the page should now read, "Mr. Williamson then noted that Marion Oaks Drive is a public subdivision road located off of Old Hollow Road (Route 642). He noted that this subdivision was developed in 1998 and there are currently four houses in this development. He asked if there is anything that the County or VDoT can do to have this road taken into the Secondary System."

Consideration was then held on the requests for additional appropriations. Mr. Tony Zerrilla, Director of Finance, noted that there were 8 pass through appropriations for the Board's consideration for receipt of cost recovery funds; movement of funds received for the Buchanan Fire Department, which are also included on this month's accounts payable list; donations and tourism-related funds; and a telecommunications rebate for the Library's participation in the E-rate federal program.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved the following additional appropriations: (Resolution Number 14-02-02)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

Additional appropriation in the amount of \$5,909 to Clerk of Circuit Court – Maintenance Service Contracts, 100-4021600-3320. These are State funds being used to pay for records management maintenance expenses.

Additional appropriation in the amount of \$26,125.23 to Volunteer Fire & Rescue – County Volunteer Rescue Squads, 100-4032200-5651. These are funds received from Buchanan Fire Department to be placed in their operational account.

Additional appropriation in the amount of \$100 to Emergency Services – Other Operating Supplies, 100-4035500-6014. These are donated funds.

Additional appropriation in the amount of \$2,587.70 to various departments, 400000 accounts. These are funds received in January 2014 from FEMA for reimbursed costs incurred during the June 2012 derecho storm event.

Additional appropriation in the amount of \$305 to Emergency Communications – Repair & Maintenance – Equipment, 100-4035600-3311. These are funds received as a reimbursement from an insurance claim.

Additional appropriation in the amount of \$1,000 to Tourism – Marketing, 100-4081600-5840. This is a contribution from the Town of Buchanan towards grant partnership funding.

Additional appropriation in the amount of \$3,655.56 to Library – Books and Subscriptions, 100-4073100-6012. These are funds received from Verizon as a result of the Library's participation in the E-rate federal program, which provides assistance to schools and libraries.

Additional appropriation in the amount of \$761.48 to the following Sheriff's Department accounts: \$600 to Firing Range Expenses, 100-4031200-6015; \$150 to Ballgame Pay, 100-4031200-1500; and \$11.48 to FICA, 100-4031200-2100. The first amount represents a fee for firing range usage, while the final two figures represent reimbursement for providing security at ballgames.

Consideration was then held on approval of the Accounts Payable list and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payable totaled \$667,966.75 but he would like to add an invoice in the amount of \$1,083.04 payable to U. S. Bancorp Equipment Financing for a quarterly maintenance agreement on a copier in the Circuit Court Clerk's Office, account number 100-4021600-6012.

He noted that with this addition, the accounts payable now totals 669,049.79; \$626,600.33 in General Fund invoices; \$9,063.91 in Debt Service Fund expenditures; and \$33,385.55 in Utility Fund invoices. Mr. Zerrilla stated that this month's Short Accounts Payable totaled \$326,888.04; \$253,754.11 in General Fund expenditures; \$3,055 in Debt Service Fund invoices; and \$70,078.93 in Utility Fund expenditures. He further stated that the Short Accounts

Payable list includes \$102,319 in Fire Programs Fund and Four For Life payments to the County's volunteer fire and rescue departments.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the Accounts Payable list with the addition of an invoice in the amount of \$1,083.04 payable to U. S. Bancorp Equipment Financing, account number 100-4021600-6012, and ratified the Short Accounts Payable List as submitted. (Resolution Number 14-02-03)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

A presentation was then given on the Parks, Recreation, and Tourism annual report and the announcement of the 2014 Botetourt Sports Complex event schedule. Mr. Pete Peters, Director of Parks, Recreation, and Tourism, stated that over 13,000 individuals participated in programs sponsored by his Department in 2013. He noted that the Department has 8 full-time and 6 seasonal employees who provide maintenance for over 500 acres of parks, over 40 athletic fields, as well as the government offices, libraries, etc.

Mr. Peters stated that there were over 1,100 soccer and football games played on County and school athletic fields in 2013. He then thanked the School Board's administrative staff for partnering with the County in providing access to their properties for recreational use. Mr. Peters further stated that there were 3,100 participants in team sports in 2013 and 2,000 participants in various camps, clinics, and workshops.

Mr. Peters noted that some of the challenges dealt with by his Department include a decreasing number of volunteer coaches and umpires and an increase in the number of travel sports teams in this area. He noted that the Department continues to adjust their structure to accommodate these new demands. He stated that they had approximately 2,100 participants in their adult programs last year and approximately 2,500 individuals attended various community events including the Buchanan Fishing Carnival.

Mr. Peters stated that the Tourism Department continues to work with businesses and stakeholders and helps to promote events at Daleville Down Center, as well as working with the Roanoke Valley Convention and Visitors Bureau and the Roanoke Regional Partnership with their outdoors programs/events/activities. He noted that the Tourism staff also hosted several seasonal media tours of this area in 2013.

Mr. Peters then noted that a new $\frac{3}{4}$ mile walking trail was constructed at Boxley Park in Blue Ridge, the Gala public boating access site on the James River was installed, in partnership with the Roanoke Disc Golf Club, an 18-hole disc golf course at the Greenfield Recreation Park is currently being developed, Lord Botetourt's stadium field was renovated with Bermuda Turf completing the Department's objective of transitioning each of the County's two middle and high school fields to this more-durable warm-season turf, a long-term lease was reached with the Roanoke Valley Youth Soccer Club to construct a four-field competitive soccer complex at the Greenfield Recreation Park, and the Tourism Office received a \$36,500 grant to update the Tourism website and visitor guide.

Mr. Jim Farmer, Sports Complex Manager, then stated that the Complex had 24,482 visitors during their 26 scheduled events in 2013 and the number of room nights reserved for these events increased by 1,000 over 2012. He noted that in 2014 the Complex also has 26

events/tournaments scheduled between March 14 and October 12 and the facility is partnering with the Greenfield Booster Club and Lord Botetourt High School to be able to use their concession and ballfield facilities to handle overflow that occurs at the Complex during some of the larger tournaments.

Mr. Farmer stated that the grading work has begun for the two additional ballfields at the Sports Complex. He further noted that one of the largest tournaments scheduled in 2014 will be the ASA/USA 16A Girls Fast-Pitch National Championship scheduled for the end of July. He noted that over 11,000 room nights will be needed in the Roanoke Valley during this event. Mr. Farmer stated that this tournament gives college coaches an opportunity to see and recruit softball players and it is possible that between 250-300 college coaches could attend this event. He stated that the Military Appreciation Benefit Tournament will be held on October 4 and 5 and softball teams from Virginia Tech, James Madison University, Radford University, and Liberty University, among others, are scheduled to participate. Mr. Farmer further stated that he is working to schedule the Wounded Warrior Softball Team to visit the facility in 2015 and is also in contact with groups and organizations regarding scheduling tournaments in 2016.

After questioning by Dr. Scothorn, Mr. Farmer stated that the Complex has partnered with Greenfield Elementary and Lord Botetourt High schools to use their facilities to handle overflow events. He noted that some events have such a large number of teams participating that the four existing fields at the Complex do not allow adequate space.

Dr. Scothorn questioned the impact of these large tournaments on the County's restaurants, hotels, etc., and whether it has necessitated that these businesses hire additional employees and restaurants having to purchase additional food. Dr. Scothorn further questioned if the County staff has a way of "finding a better number" on the impact of these events and tournaments on the County's businesses and revenues.

Mr. Farmer noted that in 2013 over 24,000 people visited the County for tournaments and other events at the Complex and the number of room nights at the County's hotels increased by 1,000 over 2012 and he had received comments from hotel and restaurant managers that business had increased or at least been sustained during the recession as a result of the tournaments held at the Complex.

Dr. Scothorn noted that he has heard that in the past an individual visited the County for a tournament and ended up starting a business in this area. Dr. Scothorn thanked Mr. Farmer and his staff for their work in preparing and hosting these tournaments at the Complex.

After questioning by Mr. Williamson regarding coordination and interaction between the Complex's staff and the Sheriff's Department for these events, Mr. Farmer noted that Sheriff Sprinkle is one of the biggest supporters of the Complex and the assistance received by the Sheriff's Department and emergency services staff when needed at the facility has been "more than he could ask for."

After questioning by Dr. Scothorn regarding the number of sports camp-type activities, Mr. Peters stated that the County negotiates partnerships with the various camp providers for these events, e.g., archery camp, cheer camp, football camp, environmental camp, art camp. Mr. Peters noted that there is only one member of his department dedicated to scheduling/overseeing these types of non-team events.

After questioning by Dr. Scothorn regarding the acreage needed for the disc golf course, Mr. Peters stated that the area around the cross-country course and the established walking trail system in the Park are being used for this purpose.

After further questioning by Dr. Scothorn regarding Eagle Scout projects, Mr. Peters stated that the Department is finding it difficult each year to identify projects that meet the Eagle Scout requirements for community improvement projects in the southern end of the County. He noted that any Eagle Scouts that contact the County regarding community service activities are asked to consider projects in the central and northern part of the County.

After questioning by Dr. Scothorn regarding the increases in tourism visitors over the past two years, Ms. Lisa Moorman, Tourism Director, stated that this information is provided by the Virginia Tourism Corporation. She noted that these figures show that the number of visitors increased by 11% in 2012 and 3% in 2013.

Mr. Peters noted that last year Botetourt County again exceeded its share of the total number of hotel rooms reserved valleywide as a result of sports tournaments compared to 2012.

After further questioning by Dr. Scothorn, Mr. Peters stated that his Department works with the host organizations to provide visitor packets to each tournament participant. He noted that these packets contain information about the County's hotels, restaurants, wineries, historical sites, and other amenities.

Mr. Williamson noted that this was a very informative presentation. He then noted that it has been reported that the school system's student enrollment is declining and this will "ripple through to the athletic programs as well." Mr. Williamson questioned if any long-range planning has been done by the Department on how the County will deal with these demographic changes 5 – 10 years in the future.

Mr. Peters stated that he and his staff are gathering these numbers and ascertaining future trends in order to determine what their future programs/offerings should be.

There being no further discussion, the Board thanked Mr. Peters and Mr. Farmer for their presentation.

Mr. Kevin Hamm, Maintenance Operations Manager with the Virginia Department of Transportation, was then present to speak to the Board.

He then reviewed VDoT's monthly report. Mr. Hamm stated that VDoT has leased the truckstops facility at Exit 150 back to Travel Centers of America through the end of August. He noted that VDoT staff are working with County Administration regarding landscaping and hardscaping at the project's proposed roundabout. He then noted that work on the Fringer Trail realignment project began on February 12 and, depending on the weather, could take two months to complete. Regarding the Hillview Drive drainage issues, Mr. Hamm stated that the pipe was flushed last week, which has reduced the drainage problems, and VDoT plans to ditch the channel after obtaining environmental clearance to proceed.

Mr. Hamm noted that the previously requested traffic studies on Routes 779 and 600, are in progress and once completed will be brought to the Board for a determination. He noted that any restrictions on through tractor trailers using these roads would have to be implemented at the County level through a resolution forwarded to VDoT for consideration. Mr. Hamm stated that he has received many citizen calls in the past couple of months regarding large trucks using these two roads.

After discussion, Mr. Hamm noted that any truck restrictions considered for these roads would only apply to through trucks and would not impact the logging trucks currently using these roadways to access the property being cleared.

Mr. Hamm noted that VDoT staff will conduct week-long traffic counts on each of the cut-through roads between Routes 11 and 220 to determine the various sizes of trucks using these roadways. Mr. Hamm further stated that they have obtained information from the Sheriff's Department on incidents of large trucks using Valley Road (Route 779) and may have a recommendation for the Board next month.

After questioning by Mr. Williamson, Mr. Hamm stated that the cut-through roads between Routes 11 and 220 being studied include Brugh's Mill, Wheatland, and Springwood.

After questioning by Dr. Scothorn, Mr. Hamm noted that VDoT personnel do contact the organization overseeing the Global Positioning System (GPS) satellites and inform them of routes that are not suitable for large trucks. He noted that there are also GPS devices which have updated maps informing truckers of these road/navigation issues but they are more expensive than a typical GPS device.

After questioning by Mr. Martin regarding the through truck restrictions on Routes 658 (Willowbrook Lane) and 607 (Webster Heights Road), Mr. Hamm stated that VDoT has ordered the signs requesting public comment on this restriction. He noted that these signs, when received, will be posted for a certain amount of time to allow any citizens to offer comment on the proposed truck restrictions on this road.

Mr. Martin noted that he has again received calls that tractor trailers are using Route 607 to reach the Webster Brick facility from U. S. Route 460. After further discussion, Mr. Hamm noted that the GPS oversight organization is notified of new road restrictions once approved by the Supervisors and the Commonwealth Transportation Board.

Mr. Hamm then stated that VDoT spent approximately \$1.25 million to pave Botetourt County's secondary system roads in 2013; in 2014 they expect to spend approximately \$1.5 million; and in 2015 they expect to spend \$3 million. He noted that the more paving funds received by VDoT means that they will need less maintenance monies needed to repair potholes.

After questioning by Mr. Williamson regarding anti-littering signs, Mr. Hamm stated that he is not sure if VDoT installs these types of signs but he will check. After further discussion, Mr. Hamm stated that VDoT is short-staffed but they try to pick-up trash along the roadways before they conduct mowing operations in the spring/summer.

After questioning by Mr. Williamson, Mr. Hamm stated that he has not had the opportunity to do any further research on Marion Oaks Drive since the January Supervisors meeting.

Mr. Williamson then questioned that, when the truckstops facility is removed from the Exit 150 interchange, will the other proposed improvements still be needed or should the situation be observed/studied for a time after the closure to see if these \$43 million in improvements are entirely needed. Mr. Hamm noted that he will check with the project's engineering team to provide some answers to these questions.

After questioning by Mr. Leffel regarding litter, Mr. Hamm stated that he believes the level of litter in the County is at a status quo. After further questioning by Mr. Leffel, Mr. Hamm noted that with the recent winter weather he has not had a chance to visit Buhrman Road (Route 696).

Mr. Williamson noted that he was pleased with VDoT's response in plowing the roads after the recent winter storm.

Mr. Hamm noted that the three VDoT Maintenance Superintendents located in Botetourt County have worked in the County for many years and "know their jobs."

Mr. Martin noted that he received a call from a resident of Knollwood Subdivision on Saturday after the storm who said that their street still had not been plowed. Mr. Hamm stated that VDoT is studying their response to this storm to see if any improvements/changes need to be made. He noted that VDoT had trucks with chains on the tires wreck in this storm and in some instances only graders were able to get through some areas to plow the roads. He noted that there are four graders located in Botetourt County.

Dr. Scothorn noted that he also received calls from citizens regarding their roads not being plowed but he discovered that the truck had broken down which delayed snow removal from this area.

Dr. Scothorn then stated that there have been issues about vehicles on Bailey's Auto Sales lot encroaching on the right-of-way of Simmons Drive (Route 1047) and, due to the large number of vehicles on this lot, the business' customers have to park along Simmons Drive. He noted that this causes traffic issues for tractor trailers entering and leaving this industrial park. Dr. Scothorn questioned if "No Parking" signs could be installed along Simmons Drive.

Mr. Hamm stated that he talked to one of the business' managers yesterday and asked that they remove any vehicles that are parked on the road's right-of-way. He noted that if "No Parking" signs are installed it would then be an enforcement issue for the Sheriff's Department.

Dr. Scothorn further noted that the box culvert at the intersection of Route 11 and Simmons Drive is narrow and there is the possibility that vehicles making this turn could cut too short and drive into the culvert.

Mr. Hamm stated that any extension of this culvert would be a major construction project but he would look into this situation further.

After questioning by Dr. Scothorn, Sheriff Ronnie Sprinkle stated that, if the Board wants the "No Parking" signs installed along Simmons Drive, then they should "go ahead" and do so. He noted that the Sheriff's Department has no way of enforcing laws regarding vehicles parked in this right-of-way at this time and would need a legal "avenue to pursue."

Mr. Hamm noted that VDoT's traffic engineering department previously studied the issue of parking along Simmons Drive and determined that the existing road was wide enough that vehicles parked on the shoulder would not impact through traffic; therefore, they recommended no signage restricting parking be placed along this roadway.

Dr. Scothorn then stated that he would also like to thank the Sheriff and his staff for the great work that they did during the recent snow storm.

After questioning by Mrs. Guzi, Mr. Hamm noted that he has not heard whether there will be an increase in State funds allocated over the next few years to pave gravel roads.

There being no further discussion, the Board thanked Mr. Hamm for his report.

Consideration was then held on a request to award a contract for engineering design services for the Blue Ridge Turnpike (Route 606) intersection project. Mr. Kevin Shearer, County Engineer, stated that this is a revenue sharing project that is being administered by the County. He noted that the County advertised a Request for Proposals (RFP) in early December to provide engineering design and permitting services for this intersection improvement project. Mr. Shearer stated that three submittals were received and evaluated by County staff based on the firm's ability, capacity, skill, reputation, the experience of the project's staff with similar projects, knowledge of project area, capacity to complete the work in a timely manner, references, and overall strength of the proposal.

Mr. Shearer stated that the staff is recommending that Lumsden Associates be awarded a contract for this work.

After questioning by Mr. Williamson, Mr. Shearer stated that all of the needed right-of-way for this project has been obtained from Mr. Joe Obenshain.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board authorized staff to negotiate and enter into a contract with Lumsden Associates for professional services for the design and permitting of the intersection improvements at U. S. Route 11 and Route 606 (Blue Ridge Turnpike). (Resolution Number 14-02-04)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

Mrs. Beth Doughty, Executive Director of the Roanoke Regional Partnership, was then present to give their annual report presentation. Mrs. Doughty stated that she would like to review the "buckets" that the Partnership works with in their economic development efforts and the outcomes of these activities in the past year. She noted that the Partnership gathers information on talent, attraction, and retention activities.

Mrs. Doughty stated that the Partnership received over 280 requests for information in 2013 which increased their overall activity by 39%. She noted that "inquiries" are the first contact by companies requesting economic development related information; "projects" are those occurrences where company representatives or consultants actually "touch the ground;" and "prospects" are those companies that locate in this area. She noted that the Partnership had 297 inquiries in 2013, 49 projects, and 24 prospects.

She noted that Botetourt County is a contender in the beginning on almost every economic development project that comes through the Partnership office.

Mrs. Doughty stated that there was \$122 million in new investment in the Roanoke Valley last year which generated 296 new jobs. She noted that a "better barometer" of the area's economic development activity is the investment figure and "how it translates to tax revenue for each locality." Mrs. Doughty noted that of the \$122 million in new investment in 2013, Botetourt County had two projects--\$5 million investment by Virginia Transformer Corporation which purchased the former Smorgon LiteSteel facility in Troutville; and \$4.2 million in expansion of the Capco facility in EastPark Commerce Center. She noted that each of these two projects generated 30 new jobs. She noted that these investments are good for the entire region.

She noted that a new area for the Partnership in 2013 is product or site development. Mrs. Doughty stated that 54% of their site acreage requests in 2013 were for properties of 50 acres or larger. She noted that there are few sites of this size available in the Roanoke Valley.

Mrs. Doughty then noted that in 2013 Botetourt and the other Valley governments formed the Western Virginia Regional Industrial Facility Authority. She noted that this agreement allows the participating localities to pool their resources, share the revenues in economic development projects, and offer a better product for business expansions. Mrs. Doughty noted that the Partnership is the administrator for the Authority and recently received a \$65,000 grant from the Virginia Department of Housing and Community Development to begin the necessary technical assistance work.

She then stated that the Partnership also works on building awareness of their organization and the Roanoke Valley through social media and the internet. Mrs. Doughty noted that websites are a good first contact for visitors and industries researching this area and its opportunities. She noted that there is a lot of demand for content such as "Best Of" listings which are great opportunities to raise awareness of the region.

Mrs. Doughty noted that the Partnership also conducts outdoor branding and created an IRS 501C(3) organization (Roanoke Outside Foundation) in 2013 for this purpose. She noted that this designation allows them to expand their offerings to include educational programs and make them available for grants from groups such as Google, the Virginia Tourism Corporation, and a State opportunity fund program. Mrs. Doughty stated that the Foundation sponsored events such as the Blue Ridge Marathon, the GoFest, Dirty Girl Mud Run, and Bike Virginia which had an estimated economic impact on the Valley of over \$1 million.

After discussion, Mrs. Doughty stated that the Partnership provides Botetourt County with a 21st century program of work and she is proud of the cooperation between the Partnership and its local government partners.

After questioning by Dr. Scothorn regarding efforts to make the County the number one item on the various search engines, Mrs. Doughty stated that there are ways to "engineer" the search engines so that Botetourt County is listed first on any search and it requires constant work and information upgrades. She also noted that it helps that Botetourt is a unique word.

After questioning by Mr. Williamson, Mrs. Doughty noted that the largest new economic development announcement in Virginia last year was the \$93 million Ardagh Group project in the former 54 acre Hanover Direct site in Salem. She noted that this project will create 96 new jobs.

Dr. Scothorn stated that the County has a great economic development opportunity with the acreage available on the Greenfield property.

After discussion, Mrs. Doughty noted that there would be a lot of work required to clear a 100 acre site. She noted that at the present time 80% of the inquiries received by the Partnership are from companies that want a site with an existing building; not an empty lot.

After questioning by Mr. Martin, Mrs. Doughty stated that the pad-ready site in Greenfield gives the County an advantage when dealing with economic development inquiries. She noted that, as a region, this area is "topographically challenged."

After questioning by Mr. Williamson, Mrs. Doughty stated that Botetourt County "was not in the running" for the Ardagh facility as the company needed a large building and "needed it fast."

Mrs. Guzi noted that the County's economic development team, consisting of herself, David Moorman, and Jay Brenchick, enjoys a strong partnership with the Regional Partnership and appreciates the excellent working relationship with its staff.

Mrs. Doughty stated that it is a pleasure to work with the County and its staff on projects. There being no further discussion, Mrs. Doughty then left the meeting at this time.

Consideration was then held on an amendment to the AT&T tank and ground space lease. Mr. David Moorman, Deputy County Administrator, stated that the County entered into a tank and ground space lease in 2011 with AT&T for the placement and operation of communications equipment on the Greenfield water tank. He stated that this equipment included the

location of nine antenna attachment points. He noted that this five year lease included provisions for up to three, five-year extensions for a potential total term of 20 years.

Mr. Moorman noted that in 2012 the agreement was amended to clarify that the original lease was meant to allow the cable mast and vault to become the property of the County for potential use by future co-locators. He stated that AT&T has now requested a second amendment to allow for the installation of microwave equipment (one satellite dish) on the water tank at a rental cost of an additional \$300 per month paid to the County.

Mr. Moorman stated that AT&T has provided a structural analysis confirming the tank's ability to support the additional equipment weight. He noted that the County Attorney has reviewed the lease amendment and the design plans have been reviewed and approved by Development Services and Utilities staff.

After questioning by Mr. Williamson, Mr. Moorman noted that the \$300 rental figure was negotiated with AT&T and is competitive with rates charged by others for this purpose.

After questioning by Dr. Scothorn, Mr. Moorman noted that tower and facility leases with telecommunications companies have been a good revenue source for the localities and school divisions, generally.

After questioning by Mr. Martin, Mr. Moorman noted that AT&T conducted a structural analysis and the water tank is able to support this additional equipment.

There being no further discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board authorized staff to execute and implement the Second Amendment to the Tank and Ground Space Lease Agreement with AT&T for the Greenfield water tank. (Resolution Number 14-02-05)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

Consideration was then held on a request for authorization to issue a Request for Proposals (RFP) for a reassessment contractor and appointment of a Reassessment Oversight Committee. Mr. David Moorman, Deputy County Administrator, noted that State law requires that counties with a population of 50,000 or less conduct general real estate reassessments at least every six years. He stated that the County's last reassessment was effective on January 1, 2010; thus, the County must reassess real estate again effective January 1, 2016. Mr. Moorman noted that, to meet this schedule, approval to issue this RFP must be obtained from the Board.

Mr. Moorman stated that the RFP will allow the County to select a professional assessor to perform sales study work by the end of 2014 and to conduct field inspections of residences and businesses during 2015. He noted that the assessor is an independent, State-certified professional who assesses all real estate and improvements at their fair market value. Mr. Moorman stated that the Supervisors hire and pay for the assessor and the costs associated with the reassessment but the assessor is independent of the Board. He noted that the Board has no control over the reassessment process except hiring the professional assessor, overseeing its work, and paying for the work.

Mr. Moorman further stated that procurement regulations require that reassessment services be procured by competitive sealed bidding unless it is determined in writing and in advance that sealed bidding is either not practicable or not fiscally advantageous. He noted that

it is recommended that the Board make such a determination upon the following basis: cost should not be the only selection factor as a firm's experience, ability to work with the County's information systems, knowledge of Botetourt County, and ability to perform the work within the County's schedule must be considered; and numerous elements of the reassessment may be performed either by the reassessing firm or by the County--it is not practicable to determine the most advantageous division of such work elements without negotiation.

Mr. Moorman noted that a proposed resolution stating that competitive sealed bidding is not practicable or fiscally advantageous to the public was included in the Board's agenda packets along with a proposed RFP utilizing competitive negotiations. He further noted that the RFP is based on one approved by the County Attorney and authorized by the Board of Supervisors for the 2010 reassessment. He noted that the RFP has been reviewed and approved by the County Attorney and the Commissioner of Revenue. Mr. Moorman then stated that a preliminary reassessment schedule was also included for the Board's information.

He noted that, if authorized today, reassessment proposals will be advertised with a due date of March 20th. Mr. Moorman stated that the proposals will then be reviewed and selected contractors will be interviewed by the County's Reassessment Oversight Committee which he is also requesting be appointed by the Board at today's meeting. Mr. Moorman noted that the committee will then present a recommendation for the Board's consideration at its regular May meeting and it is anticipated that the Notice to Proceed will be issued in July. He noted that this schedule allows the County to secure a professional assessor early (ahead of other localities conducting assessments during the same period).

Mr. Moorman then suggested that the Oversight Committee consist of County Administrator Kathleen Guzi, Commissioner of the Revenue Rodney Spickard, Deputy County Administrator David Moorman, and Finance Director Tony Zerrilla.

After questioning by Mr. Williamson, Mr. Moorman noted that the County has used competitive negotiations to hire a reassessment contractor since at least 1998. After further questioning, Mr. Moorman noted that the Committee's evaluation criteria are the same as those used during the last two reassessment contractor searches.

After questioning by Mr. Williamson, Mr. Rodney Spickard, Commissioner of Revenue, stated that he reviewed the RFP and is agreeable to this process and schedule.

After questioning by Dr. Scothorn, Mr. Moorman noted that another consideration during the assessor selection process is to ensure that the chosen firm has systems compatible with and the ability to use the County's assessment software (ProVal).

After further discussion, on motion by Mr. Martin, seconded by Mr. Williamson, and carried by the following recorded vote, the Board adopt the following determination resolution authorizing competitive negotiations for the procurement of professional real estate assessment services; authorized the issuance of the proposed Request For Proposals for general property reassessment; and appointed a Reassessment Oversight Committee consisting of Kathleen Guzi, Rodney Spickard, David Moorman, and Tony Zerrilla.

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

Resolution Number 14-02-06

WHEREAS, State law requires that counties conduct general reassessments of real estate at least every six years for the purpose of establishing fair market values for taxing purposes; and,

WHEREAS, a general reassessment of real property for Botetourt County was most recently conducted effective January 1, 2010; and,

WHEREAS, a general reassessment of real property for Botetourt County is scheduled to be conducted effective January 1, 2016; and,

WHEREAS, the Board is required to hire a certified professional firm to conduct the reassessment; and,

WHEREAS, selection of a firm must be pursuant to provisions of the Virginia Public Procurement Act and County procurement policies; and,

WHEREAS, in the selection of a firm factors other than cost must be considered, including experience, ability to work with the County's information systems, knowledge of the County, and ability to perform within the County's schedule; and,

WHEREAS, numerous elements of reassessments may be performed either by the firm or the County subject to negotiation;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors hereby determines that competitive sealed bidding is neither practicable nor fiscally advantageous for the procurement of reassessment services for the general reassessment of real estate in Botetourt County effective January 1, 2016; and

BE IT FURTHER RESOLVED, that the Board does hereby authorize the procurement of reassessment services using competitive negotiations in lieu of competitive sealed bidding as permitted by law.

Consideration was then held on amending the County's Junior Firefighter Membership Policy. Mr. Jason Ferguson, Division Chief of Fire and EMS Operations, stated that the Board previously adopted amendments to the County Code to allow 16 and 17 year old residents, with parental or guardian permission, to "participate fully in all activities of a volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001" requirements.

Mr. Ferguson noted that, at the Chiefs and Captains meetings in 2013, discussions were held on the need to clarify this program to determine when 16 and 17 year olds could ride in fire trucks. He stated that the Chiefs and Captains indicated that volunteer members ages 16 and 17, who are in a waiting period between acceptance to the department and achieving certification for firefighting, quickly lose interest because they are not allowed to respond to incidents.

Mr. Ferguson noted that the volunteer leadership suggested that the County research how other entities handle this issue, expand and clarify the County's position on junior members, and determine a means of controlling liability. He noted that both the County and State Codes are relatively generic in these types of liability issues. Mr. Ferguson stated that, after contacting other localities to ascertain their requirements for junior firefighters, it was discovered that some localities require that their fire/rescue members be at least 18 years old; however, the County has tried to maintain a 16 year old limit to encourage younger citizens to be volunteer fire department members.

Mr. Ferguson stated that the County staff drafted a Junior Firefighter Membership Policy in 2013 and presented it to the Chiefs and Captains group to review to ensure that the policy's provisions including liability issues were agreeable to them. Mr. Ferguson noted that, "on the EMS side," there are no specific laws that dictate what 16 and 17 year olds can and cannot do. Mr. Ferguson noted that they also reviewed similar policies in several neighboring jurisdictions which have provisions for 16 and 17 year olds to respond to calls.

Mr. Ferguson noted that the County Attorney has reviewed the draft policy to ensure the best interests of all those impacted are covered. He noted that the volunteers, EMS staff, and the administration are in agreement with this proposed policy.

After questioning by Mr. Martin regarding 16 and 17 year olds staying overnight at the fire station to answer calls, Mr. Ferguson stated that the County wants to manage this situation and comply with the County's curfew laws. He noted that 16 and 17 year olds are allowed to respond to calls but they are not allowed to stay overnight at the fire stations unsupervised.

Mrs. Guzi stated that the County staff had numerous detailed discussions on this situation and the Captains and Chiefs group agreed that this policy language was the best solution.

Mr. Leffel noted that he attended most of the Captains and Chiefs meetings at which this policy was discussed and "it was not a five minute discussion." He noted that this policy was well thought out, thoroughly discussed, and there was "real consensus" on this proposed policy.

After questioning by Mr. Williamson regarding liability issues regarding engaging minors in emergency services response, Mrs. Dillon stated that the General Assembly has addressed this issue in order to encourage this age group to become involved in emergency services. She noted that the State has enacted regulations as to what 16 and 17 year olds can and cannot do while responding to calls, including not being allowed to drive a response vehicle to an incident scene. She noted that the risk and liability issues were reviewed during development of this policy.

After further questioning by Mr. Williamson, Mrs. Guzi stated that the County's liability insurance provider has been contacted regarding these policy provisions and their response is that the County has taken all necessary precautions to limit risk in these situations.

Mr. Martin noted that the County has tried to encourage young people to participate in fire and rescue services for many years. He noted that fire trucks are now designed so that firemen ride in an enclosed cab; no one is holding on to the outside/back of the vehicle during a call response.

Dr. Scothorn further noted that the 16 and 17 year olds are also limited as to what duties/actions they are allowed to conduct while on the scene of an incident.

Mr. Ferguson noted that young/new members are required to have 160 hours of general firefighter training before they can enter a structure during a fire.

After questioning by Mr. Williamson regarding the "C" grade point average that 16 and 17 year olds under this policy (Section A.a.ii) have to maintain, Mr. Ferguson noted that this requirement will be monitored by each fire station chief. Mr. Williamson suggested that this section be amended to indicate that a "minimum" of a C grade point average must be maintained for junior members to participate in this program.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the Junior Firefighter Membership Policy with an amendment to Section A.a.ii., as follows, "A junior volunteer applicant/member must have and maintain a minimum of a C grade point average." (Resolution Number 14-02-07)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

Consideration was then held on approval of a revised bulk water purchase contract with the Western Virginia Water Authority. Mrs. Guzi stated that the County has purchased bulk water from Roanoke County, and subsequently the WVWA, since 1990 to serve the Cloverdale area. She noted that the initial 1990 contract between Roanoke and Botetourt counties was renegotiated in 1999 and that contract has since expired.

Mrs. Guzi noted that County staff met with the Authority and negotiated a new agreement. She stated that the current bulk water rate is \$3.40 per thousand gallons and the new rate of \$2.60 per thousand gallons will be in effect until June 30, 2015. She noted that County staff will work with the Authority prior to that time to determine an ongoing bulk water rate.

After questioning by Mr. Martin, Mrs. Guzi noted that the new rate was based on an existing contract that the Authority has with Bedford County.

After questioning by Mr. Williamson, Mrs. Guzi stated that this proposed contract is consistent with the Authority's contracts with Franklin and Bedford counties.

Mr. Williamson congratulated the staff on their successful negotiations to lower the rate and encouraged staff to pursue a working relationship with the WVWA.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved a draft bulk water purchase agreement with the Western Virginia Water Authority at a rate of \$2.60 per 1,000 gallons and authorized the County Administrator to sign all necessary documents on the Board's behalf, subject to final review and approval by the County Attorney. (Resolution Number 14-02-08)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

A public hearing was then held on proposed amendments to Chapter 10. Erosion and Sediment Control of the Botetourt County Code to add Article III. Stormwater Management and to amend Article I. In General and Article II. Control Plan for Land-Disturbing Activities to comply with federal and State laws and regulations.

Mr. David Givens, Construction Compliance Manager, stated that as he reported last month all localities in the State are required to adopt a Virginia Stormwater Management Program (VSMP) by July 1, 2014. He noted that the Virginia Department of Environmental Quality (DEQ) provided a model ordinance for localities to use as a reference in drafting their own regulations. Mr. Givens stated that, using this model ordinance, the County staff and the County Attorney developed revisions which included the addition of a new Stormwater Management Ordinance to Chapter 10. Erosion and Sediment Control as included in the Board's agenda packets.

He noted that these amendments allow for the administration, implementation, and enforcement of the provisions of the State's Stormwater Management Act and sets out the procedures and requirements to be followed for the issuance of local VSMP permits which are now issued by the County.

Mr. Givens also stated that Section 10-66 of the County Code requires the Board to adopt by ordinance or resolution a schedule of fees for administrative review of erosion and sediment control plans including stormwater management. He noted that these fees are based on a DEQ schedule and 28% of the fees collected by the County are required to be paid to DEQ. Mr. Givens noted that the proposed fee chart was also included in the Board's packets.

Mr. Givens noted that for a typical construction project, these new State requirements could possibly double the workload and man-hours of the current County staff. He further noted that there would also be long-term inspections and maintenance of these stormwater management facilities which will require an on-going expense into the future.

Mr. Givens stated that the 2014 Virginia General Assembly is considering additional amendments to these regulations which could impact the County's proposed ordinance; therefore, the staff recommends that the Board table a decision on these amendments until the March 25, 2014, regular meeting.

Mr. Martin then questioned what does DEQ do to qualify the County giving them 28% of the permit fees collected.

Mr. Givens stated that DEQ actually issues the permit after the County receives and reviews the application and then enters this information into DEQ's on-line database. Mr. Givens stated that the County is required to provide 28% of these fees to the State "no matter what we charge for the permit."

After questioning by Mr. Williamson regarding Mr. Given's previous comment pertaining to on-going maintenance of stormwater management facilities, Mr. Givens stated that the County will inspect these sites but the owner of the facility is responsible for any necessary maintenance. After further questioning by Mr. Williamson, Mr. Givens stated that, if a developer/owner goes out of business or goes bankrupt, there will be a recorded maintenance agreement between the County and the owner which will contain provisions to handle such situations. He noted that "the agreement goes with the landowner."

After questioning by Dr. Scothorn regarding the fines mentioned in Section 10-64(e) ["Notwithstanding any other civil or equitable remedy provided by this section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.'], Mr. Givens noted that these fines were included in DEQ's model ordinance.

After further questioning by Mr. Williamson, Mrs. Dillon noted that there would have to be evidence presented as to the size of the stormwater facility/violations and the court would decide the amount of the fine within the \$2,500 - \$32,500 parameters.

Mr. Bob Flynn of Morgan's Church Road in Bedford then spoke regarding these proposed amendments. Mr. Flynn stated that he is a Project Manager for Fralin and Waldron and has been a Site Manager for the Daleville Town Center project since 2006 including oversight of the mass grading operations on this property. Mr. Flynn thanked Mrs. Guzi and her staff for their continued cooperation as F&W develops this site.

Mr. Flynn stated that he generally supports these ordinance amendments but asked the Board to realize that the stormwater regulations will become more stringent over time. Mr. Flynn stated that he would rather deal with local regulations and familiar personnel than State employees in these types of situations.

He further noted that Article III. Stormwater Management will have to be amended to address the legislation currently being considered by the General Assembly, e.g., House Bill 1173 and Senate Bill 423. He noted that language in these bills give an exemption for all separately built single family dwellings from these requirements and permit fees. Mr. Flynn further noted that individual parcels will not be required to obtain a stormwater permit. He stated that

there is also an effort to have these revisions become effective when they are signed by the Governor, supposedly in May 2014, instead of July 1, 2014.

After discussion, Mr. Flynn stated that the staff at Fralin and Waldron are ready and willing to help the Board in any way they can in this matter.

After questioning by Mr. Williamson, Mrs. Dillon noted that, if the Board delays consideration of approval of these ordinance amendments until March, and the new legislation is made effective upon the Governor's signature, the Board could adopt any new amendments under the emergency ordinance provisions and then formally adopt them at a later time.

Mr. Givens stated that the County is required to include an adopted Stormwater Management Ordinance with the VSMP submittal to DEQ by May 15, 2014.

Mr. Flynn stated that, because of the May 15 deadline, all localities may be caught in a dilemma if the General Assembly is successful in having the amended legislation made effective upon being signed by the Governor. He further noted that developers have not yet received the new DEQ permit renewal forms for their stormwater management facilities. Mr. Flynn asked that the County try to work with developers on issues that may arise with these deadlines if this legislation is made effective upon being signed by the Governor.

Mr. Williamson questioned if these permits would be in limbo under this General Assembly scenario. Mr. Shawn Crist, Erosion and Sediment Control Administrator, stated that all stormwater permits have to be renewed by July 1, 2014, and estimated that there are between 20 – 30 active permits in the County at this time. He also noted that the VSMP permits are valid for five years and they all expire on July 1, 2014. Mr. Crist further noted that land disturbing permits are issued in-house, not by DEQ.

Mr. Flynn noted that both House Bill 1173 and Senate Bill 423 have been approved by their respective General Assembly houses and a couple of amendments to the Senate bill are being reconciled in the House; however, he understands that the Governor is prepared to sign this legislation into law.

Mrs. Guzi asked that the Board delay action on these ordinance amendments until the next regular meeting to allow staff time to review the amended General Assembly legislation.

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

After discussion, no action was taken on this matter.

Mrs. Guzi then noted that earlier today the Board had been given a copy of an agenda item asking for their consideration of appointment of a Zoning Administrator and Subdivision Agent. She stated that Mr. Wade Burkholder's last day of work for the County is March 4 and, as per Sections 25-521 and 21-21 of the County Code, the Board is required to make an interim appointment to fill this position until a new Planning Manager/Zoning Administrator is hired and appointed.

Mrs. Guzi asked that the Board appoint Mr. David Moorman to these two positions effective March 5, 2014.

On motion by Mr. Martin, seconded by Mr. Williamson, and carried by the following recorded vote, the Board appointed Mr. David Moorman and Botetourt County Zoning Administrator and Subdivision Agent effective March 5, 2014. (Resolution Number 14-02-09)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

Mr. Martin noted that he had received another request from Mr. Walter Michael of Blue Ridge requesting additional elderly and disabled tax relief provisions be considered by the Board.

Mr. Martin noted that the Board approved increases in the income and acreage parameters for these exemptions in 2012 but Mr. Michael is requesting that a second tax relief program be implemented that allows taxes for those landowners 65 and older be frozen and that the acreage exemption be increased from 1.25 acres to 4 acres. He noted that Mr. Michael also suggested that these taxes would be frozen as long as the property owners live on the parcel, the title must be held by the person claiming the exemption, only the sole dwelling of the person 65 or older could be included in these tax exemptions and the property could not have any delinquent taxes due.

Mr. Martin asked that the County Administrator review Mr. Michael's suggestions and report back to the Board with recommendations on these proposals.

After questioning by Dr. Scothorn, Mr. Rodney Spickard, Commissioner of Revenue, stated that the County's existing ordinance regarding real estate tax exemptions for elderly and disabled persons contains income and net worth requirements to obtain these exemptions. Mr. Spickard stated that the County does not have a tax deferral program as mentioned in previous correspondence from Mr. Michael.

Mr. Martin noted that, if there is something that the County can do in this situation he would appreciate the staff researching this further but, if there is nothing further permitted under the State or County legislation, then he understands.

Dr. Scothorn then stated that he recently attended the Virginia Association of Counties' Chairperson's Institute and hopes that this experience will help him to better lead the Board's meetings. Dr. Scothorn noted that he met other Board chairs and talked to them about how they relate to their school boards and other groups.

He noted that Botetourt County's recent population growth is approximately 0.8% while the average in Virginia is 3.3%. Dr. Scothorn also stated that the Board intends to conduct strategic planning sessions after the FY 15 budget has been adopted to discuss how the County can increase economic growth and how we can partner with other jurisdictions.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board went into Closed Session at 4:06 P. M. to consider amendments to the County Administrator's employment contract and to consult with legal counsel concerning contract issues requiring the provision of legal advice as per Section 2.2-3711(A) (1) and (7) of the Code of Virginia of 1950, as amended. (Resolution Number 14-02-10)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

The Chairman then called the meeting back to order at 5:58 P. M.

On motion by Mr. Martin, seconded by Mr. Williamson, 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 14-02-11)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

BE IT RESOLVED, that to the best of the Board members' knowledge only public business matters lawfully exempt from open meeting requirements and only such matters as were identified in the motion to go into Closed Session were heard, discussed or considered during the Closed Session.

A public hearing was then held on a request in the Amsterdam Magisterial District from VFW Post 1841 Lord Botetourt for a Special Exception Permit, with possible conditions, for an electronic message board/L.E.D. sign per Section 25-462(e)(3), Electronic Message Board/L.E.D. of the Botetourt County Zoning Ordinance on a 1.51 acre lot in the Business B-1 Use District, located at 4902 Roanoke Road (U. S. Route 220), across from the intersection with Country Club Road (State Route 665) in Daleville, identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 63B.

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

Mr. Wade Burkholder, Planning Manager/Zoning Administrator, stated that this request is to replace the VFW Post's current sign which has to have its message/notices manually changed with a LED sign. He noted that this is the County's first application for a LED sign since the Board amended the Sign Ordinance in October 2013. Mr. Burkholder stated that the applicant is aware of the conditions and requirements for these types of signs in the new ordinance.

Mr. Burkholder stated that the Planning Commission recommended denial of this request because of the property's location in an agricultural/residential area instead of commercial. He noted that the Commission also discussed the amount of light output from the sign. Mr. Burkholder further noted that the Planning Office received two letters from citizens in opposition to this request.

He noted that the property is zoned Business B-1 and the existing sign is proposed to be converted to a monument-style design to comply with the new regulations.

After discussion, Mr. Burkholder stated that after the Planning Commission meeting the VFW has said that they are agreeable to a condition being included with this request that the sign's background will be black and the letters will be amber colored only; no other colors would be displayed on the LED sign.

After questioning by Mr. Martin, Mr. Burkholder stated that, if the VFW installs the sign as proposed, they would be in compliance with all of the appropriate County ordinances.

After questioning by Mr. Williamson on the implications of these two colors (black/amber), Mr. Burkholder stated that these are muted colors which are similar to VDoT's electronic notice boards and they do not have the bright glow of other colors. After further questioning by Mr. Williamson, Mr. Burkholder stated that this color combination mitigates the concerns with the brightness of the sign impacting adjacent properties and distracting drivers along U. S. Route 220. Mr. Burkholder stated that he does not believe that this color scheme would violate the Sign Ordinance's intentions.

After questioning by Dr. Scothorn, Mr. Burkholder stated that the closest business to this sign is an antique shop located about 75 - 100 yards north of this property. After further questioning by Dr. Scothorn, Mr. Jeff Busby, Associate Planner, stated that Carilion Clinic owns the lot located across Route 220 from this site.

After questioning by Mr. Williamson, Mr. Burkholder stated that the VFW's property is zoned Business B-1. After further questioning by Mr. Williamson, Mr. Burkholder stated that the VFW has agreed to turn off the LED sign between 10:00 P. M. and 6:00 A. M. each day.

Dr. Scothorn then opened the hearing for public comments and reviewed the public hearing procedures with those citizens present.

Mr. Louis Silcox, Commander of VFW Post 1841, stated that they would like to update their current sign which is very old. Mr. Silcox stated that their application meets all of the County's requirements for this SEP. He noted that the brightness of these types of signs is measured in candela which is a measurement of brightness per square meter. Mr. Silcox stated that the sign will have an automatic dimmer which allows adjustment of the sign's brightness from 5% to 100%.

He noted that they intend to operate the sign "at as low of a profile as possible." Mr. Silcox noted that the sign is proposed to have three lines with a maximum number of 45 characters per line and will be used by the VFW to display upcoming events.

After discussion, Mr. Silcox stated that the new sign will be the same size as the existing sign (8' tall by 10' wide) and the display area will be 24" X 78.5".

After discussion, Mr. Silcox asked that the Board take the actions of the VFW since World War 2 into consideration during their discussions on this request. He noted that this building has been used as a meeting location by County offices, citizens, and various groups and the VFW has supported the community, various churches, and schools for many years. Mr. Silcox noted that the School Board also uses their parking lot every day to pick up and drop off handicapped students. He further noted that they support the Cave Creek Home, VA Hospital and the building's kitchen facilities are used by many families and groups.

After questioning by Mr. Williamson, Mr. Silcox noted that this building was used as an emergency evacuation center during the 1985 flood and the facility has a generator and cots but no hookup for the generator.

After questioning by Dr. Scothorn, Mr. Jim Bushong stated that the VFW Post's structure consists of 3,064 square feet (80' X 44').

Mr. Jim Bushong of Catawba Road then stated that he personally volunteered to assist the VFW in their community efforts by designing this sign. He noted that this will be an informational, not an advertising, sign. He noted that there was discussion at the Planning Commission meeting on the candela brightness of this proposed sign. He noted that the candela brightness will vary for outdoor LED signs because of the outdoor conditions, e.g., sunny, cloudy, etc., and the other lighting in the area. Mr. Bushong stated that the VFW will go beyond what is necessary for this sign as they "want to keep it subdued." After discussion, Mr. Bushong stated that the sign's usage will be monitored and the sign will not have bright or flashing colors/designs.

Mr. Lee Crabtree of Botetourt Road stated that he is retired from the U. S. Army. Mr. Crabtree stated that the M-1 rifles carried by the Sheriff Department's color guard belong to the VFW Post. Mr. Crabtree noted that this is the first SEP being considered by the Board under the new Sign Ordinance. Mr. Crabtree noted that Carilion does own the parcel located across

Route 220 from the Post and he hopes that, if they develop this parcel in the future, they will have the same standard of sign as the VFW is proposing.

Mr. Williamson then thanked Mr. Crabtree for the very courteous voice mail message that he recently left on his (Mr. Williamson's) phone. Mr. Williamson apologized for not returning Mr. Crabtree's call.

Mr. Tommy Watts of Orchard Drive in Daleville then stated that he hopes that the Board sees fit to approve this request. He noted that this group is "our veterans of foreign wars." Mr. Watts noted that he was a veteran but did not serve overseas during his tour of duty. Mr. Watts noted that he is proud of the veterans and their service to the country.

After discussion, Mr. Watts noted that he previously worked for a VDOT contractor and their message boards have a black background and amber-colored letters to notify drivers of hazardous conditions. He noted that the VFW is "not asking for much" in their request and the sign will have a dimming device so that it does not blind drivers at night. Mr. Watts noted that the VFW is a great organization with a nice, clean, no alcohol/tobacco facility. Mr. Watts stated that he hopes that the Board will approve this request.

After questioning by Dr. Scothorn, Mr. Watts noted that VDOT began using electronic message boards in the 1970s and there were dimming devices on the signs at that time.

Mr. Jerry Jacobsen of Hardbarger Road in Buchanan noted that he is the Quartermaster of this VFW Post. He noted that the existing two-sided sign is backlit using old-style neon bulbs. Mr. Jacobsen noted that, if this sign request is not approved, then the VFW will have to upgrade their existing sign which will have brighter lighting than the proposed LED sign.

Mr. Jacobsen stated that he "had some problems with the Planning Commission" and their attitude toward this request. Mr. Jacobsen stated that it was mentioned at the Planning Commission meeting that there were historical structures, including the Trinity Church, within 1,000' of the VFW Post. He noted that this church and the other two buildings mentioned are not included on any State/national historical listing at the present time.

Mr. Jacobsen stated that they came away from the Planning Commission meeting with the impression that the Commission "went out of their way to be less than fair" and he felt that they were "anti-nonprofit business and anti-veteran." He noted that one Commission member stated that "somebody has to be first" applicant under the new LED sign regulations and some of the members said that the VFW would be a good partner and would be good to work with if any adjustments to the brightness of the sign were needed.

Mr. Jacobsen stated that the County can acquire reliable benchmarks of light intensity and color combinations that would be suitable. He noted that the VFW wants to make this work and they want to meet or exceed the County's expectations.

Mr. John Fedor of Misty Hills Lane stated that the VFW's current sign is old and the new sign will be much more attractive. He noted that only drivers going north or south on Route 220 will be able to see the sign. He noted that the property owners located behind the VFW and those drivers coming down Country Club Road toward Route 220 will not be able to see the sign.

Mr. Fedor noted that the County spent a lot of time and effort in updating these sign regulations. Mr. Fedor further noted that he has previously called the Planning/Zoning Office to complain about the brightness of the Daleville church's LED sign. He stated that the VFW wants to do what is right but he believes that the proposal to restrict the sign's colors to black/amber is too much regulation.

After questioning by Mr. Williamson, Mr. Fedor noted that the Daleville church's LED sign at times has blue lettering on a black background and this is much less invasive than an amber color. Mr. Fedor noted that the amber/orange colors on the VDOT message boards are meant to stand out to warn drivers. He noted that the County is not going to know which colors are suitable unless several options are considered to see how they work/appear. Mr. Fedor stated that he believes that the VFW wants to do the right thing for the community.

Mr. Williamson noted that the County had received a letter from the VFW offering to limit the sign's colors to a black background and amber letters.

Mr. Robert Frydrych of Country Club Road then stated that he is in favor of this sign request but is sorry that the VFW has agreed to the black and yellow sign colors. He noted that this seems discriminatory since this is the first LED sign to be considered under the new regulations.

Mr. Frydrych stated that, even though an earlier speaker said that this is not an advertising sign, it is. Mr. Frydrych noted that these signs should not have lettering or objects that are in motion. Mr. Frydrych noted that he suggested that the Planning Commission drive along Peter's Creek or Williamson roads in Roanoke to see the numerous LED signs in those areas. He noted that some of those signs can be distracting and annoying to drivers.

Mr. Frydrych stated that he believes having the black/amber color combination is wrong. He further stated that it is also important to be able to change the sign's colors and, if this cannot be done, then why have a sign with this capability. He noted that some colors blend out in the sun or are hard to see when it is cloudy. Mr. Frydrych stated that "you cannot go by the existing LED sign in Daleville because it is a non-conforming sign."

Mr. Frydrych stated that he believes that there was a bad judgment/opinion on the illumination of these signs. He noted that when the sign ordinance was amended 10 years ago, the Commission obtained advice from two American Electric Power company employees. He noted that illumination cannot be measured and everyone has a different opinion on a sign's brightness.

Mr. Frydrych stated that difficult provisions have been included in this ordinance and he asked that the County review the ordinance again and "try to clean it up." He noted that retail's purpose is to sell an object and the County needs to look at this ordinance in a broader span. He noted that the VFW is trying to provide a service and he thinks that the County is "being a little hard on them." Mr. Frydrych questioned that, if the County did not want anyone to have LED signs, then why were the regulations enacted.

Dr. Scothorn noted that the Planning Commission members did visit Peter's Creek and Williamson roads to view the LED signs in those areas and determined that they did not want to bring those types of signs to Botetourt County. Dr. Scothorn stated that he does not want a sign like those in Roanoke located in a rural area. He noted that a business is usually located near other businesses and "not in the middle of nowhere."

After discussion, he noted that the VFW Post is trying to do what the County wants. He further noted that businesses are trying to sell their product and the VFW is trying to inform the citizens.

Mr. Frydrych stated that Route 220 is a commercial route and 15,000 vehicles a day drive by this site. He noted that this area is neither residential nor rural. He also questioned what happens when the catholic church or Fincastle Baptist Church want to install such a sign. Mr. Frydrych stated that he does not like to see the VFW's sign restricted to two colors.

Mr. Williamson then questioned what happens if this request is approved with a condition regarding the sign's colors and the VFW finds out after a few months that this color scheme is not suitable. Mr. Burkholder stated that the VFW would have to submit a request to the Planning Commission and Board to change the condition's language. He noted that it would take 45 days to complete this process once the application is filed and the public hearings scheduled.

After questioning by Dr. Scothorn, Mr. Silcox stated that the VFW does not have any problems with submitting a request to the Planning Commission and Board if they find out that the black/amber color combination for their LED sign does not meet their needs.

Mr. Williamson noted that implementation of these new regulations are both an intricate and a learning process for the County.

After questioning by Mr. Frydrych, Mrs. Guzi stated that, if the request is approved as submitted today and the VFW later finds out that they want to use a different color combination, then they would have to submit an application and again go through the public hearing process before the Planning Commission and Board of Supervisors.

Mr. Leffel stated that he appreciates all of the comments made at this hearing but "we are complicating and getting away from the intent" of this issue.

Mr. Frydrych then asked that the Board "make the change on the SEP for this particular sign" as "it is not law until the Board makes a determination."

Mr. Williamson stated that the condition can be accepted or rejected and questioned if it is rejected, "where would we be."

Mr. Burkholder noted that the Sign Ordinance requires a plain background for LED signs. He further noted that the Board may or may not accept the condition of a black background and amber colored letters for this SEP request.

Mr. Martin stated that the Board could make a motion to approve this request but not include the condition.

Dr. Scothorn noted that within the color spectrum available "you can go too far."

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

Mr. Martin stated that he appreciates those veterans who made the effort to be present at today's meeting and what they have done for their country. Mr. Martin noted that he is a disabled vet and has several veterans in his family. Mr. Martin stated that he is in favor of this request and appreciates the VFW's willingness to be receptive to the community's needs in offering to change the lettering colors on this LED sign.

Mr. Williamson noted that he likes the black/amber color scheme for this sign as a starting point. He requested that the VFW try the black and amber color combination to see how it works and, if it meets their needs, then this color scheme should remain. He further stated that, if these colors do not satisfy the VFW, then they could submit an application to amend the condition.

Mr. Leffel stated that he concurs with Mr. Williamson's remarks. Mr. Leffel noted that he has talked to several VFW members about this matter and believes that "we have exhausted this" issue to this point. Mr. Leffel noted that he thought that a good compromise had been reached with the black/amber colors for this proposed LED sign. He stated that this request accomplishes the mission of the VFW and will do what they want.

Mr. Leffel noted that he likes this color combination as it is not obtrusive and fits the character of where the County is now. Mr. Leffel noted that he thinks that this sign will fit in well in its proposed location. He noted that, if this color combination does not suit the VFW's needs, they can submit an application to change the condition.

Dr. Scothorn commended the VFW for trying to be neighborly and considerate in this proposal and for working with the County on this matter.

Mr. Leffel also thanked Mr. Silcox for his conversation and input on this request and thanked the VFW's members for what they have done for their community and country. He noted that they are being good neighbors.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Williamson, and carried by the following recorded vote, the Board approved a request in the Amsterdam Magisterial District from V F W Post 1841 Lord Botetourt requests a Special Exception Permit, with possible conditions, for an electronic message board/L.E.D. sign per Section 25-462(e)(3), Electronic Message Board/L.E.D. of the Botetourt County Zoning Ordinance on a 1.51 acre lot in the Business B-1 Use District, located at 4902 Roanoke Road (U. S. Route 220), across from the intersection with Country Club Road (State Route 665) in Daleville, identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 63B, with the following condition: (Resolution Number 14-02-12)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

1. The LED sign's display will consist of a black background and amber-colored letters only. No other colors will be permitted.

Dr. Scothorn then noted that Mr. Burkholder is leaving the County's employ on March 4 to take a position in Colorado. He thanked Mr. Burkholder for his work as the County's Planning Manager and Subdivision Agent over the past year and the many hours he spent in working to update the Sign Ordinance.

Dr. Scothorn then wished Mr. Burkholder well in his new position.

Mr. Leffel and Mr. Martin also wished Mr. Burkholder well and thanked him for his assistance during his tenure.

Mr. Burkholder thanked the Board for their comments.

Reconsideration was then held on a request in the Blue Ridge Magisterial District from David A. Wade (Abdul Nahibkhil, t/a Blue Ridge Auto Sales, Lessee) for an amendment to the proffered conditions for a used car sales lot previously approved by the Board of Supervisors on May 28, 2013, to allow for a maximum of thirty-two (32), instead of the previously approved eighteen (18) used vehicles, on a 1.237 acre parcel zoned Business B-3 Use District located at 587 Blue Ridge Boulevard (U. S. Route 460), less than one-tenth of a mile southwest of its intersection with Coyner Springs Road (State Route 660), identified on the Real Property Identification Maps of Botetourt County as Section 108, Parcel 154.

Mr. Jeff Busby, Associate County Planner, noted that the Board tabled this request at their January meeting to allow the applicant time to bring the site into compliance with the Zoning Ordinance's provisions for lighting and signage. He noted that the staff conducted four visits

to the property in the past month, including yesterday and the site is now in compliance with the County Code.

Mr. Busby stated that the electronic message board signs in the office window have been removed, the three banners attached to the chain link fence and the two signs attached to the wooden fence have been removed, and the light strip on the front porch has been permanently turned off.

After discussion, Mr. Busby noted that there were 23 vehicles on the property during yesterday's visit. He noted that Mr. Wade and Mr. Nahibkhil were present at the meeting to answer any of the Board's questions.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Williamson, and carried by the following recorded vote, the Board approved a request in the Blue Ridge Magisterial District from David A. Wade (Abdul Nahibkhil, t/a Blue Ridge Auto Sales, Lessee) for an amendment to the proffered conditions for a used car sales lot previously approved by the Board of Supervisors on May 28, 2013, to allow for a maximum of thirty-two (32), instead of the previously approved eighteen (18) used vehicles, on a 1.237 acre parcel zoned Business B-3 Use District located at 587 Blue Ridge Boulevard (U. S. Route 460), less than one-tenth of a mile southwest of its intersection with Coyner Springs Road (State Route 660), identified on the Real Property Identification Maps of Botetourt County as Section 108, Parcel 154. (Resolution Number 14-02-13)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None

Dr. Scothorn then stated that the Zoning Ordinance provides for the implementation of criminal penalties in the event of violations. He questioned if civil penalties could be employed to allow the County to fine the violators and expedite the enforcement process.

Mrs. Dillon noted that there are some localities that have implemented penalties for civil violations. Mrs. Dillon stated that if the Board would like some information on this she will work with the Planning staff on this matter. She noted that there are advantages and disadvantages to both penalty processes.

Mr. Williamson also asked that research be conducted to determine if there are hybrid/dual systems in place to penalize these types of zoning violations.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Williamson, and carried by the following recorded vote, the meeting was adjourned at 7:05 P. M. (Resolution Number 14-02-14)

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

NAYS: None

ABSENT: Mr. Dodson

ABSTAINING: None