

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, January 27, 2015, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 2:00 P. M.

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

ABSENT: Members: None

Others present at the meeting:

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

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

He then asked for a moment of silence. Mr. Martin then led the group in reciting the pledge of allegiance.

Dr. Scothorn then stated that he would like to recognize and commend Mrs. Elizabeth Dillon for her outstanding work as County Attorney for the past 7 years. Dr. Scothorn stated that Mrs. Dillon has been appointed to serve as a federal judge in southwestern Virginia. He noted that she has conducted legal work for communities across the State and began work as the County's Attorney in July 2008. Dr. Scothorn stated that she has provided beneficial assistance to County staff, constitutional officers, and the Board of Supervisors members on a broad range of matters. He noted that her calm, careful, and deliberate manner has served the County well and will serve her well in the judicial ranks. Dr. Scothorn noted that she is moving onto better things that will impact the world beyond Botetourt County.

He then asked that Mrs. Dillon and the Board come to the front of the dais. The Board then presented Mrs. Dillon with a framed Ed Bordett print of the Town of Fincastle and offered a sincere and simple thank you for her previous work with the County.

Mrs. Dillon stated that it has been her pleasure to serve Botetourt County and thanked the Board for their gift.

Consideration was then held on approval of the minutes of the continued meetings held on December 5 and 6, 2014.

There being no discussion, on motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the minutes of the continued meetings held on December 5 and 6, 2014, as submitted. (Resolution Number 15-01-01)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of the minutes of the regular meeting held on December 18, 2014.

Dr. Scothorn stated that he would like to add two sentences to the end of the Noise Ordinance discussion on page 18 of these minutes, as follows: "Mr. Smith then asked for clari-

fication of what he has heard as he wanted to make sure that the public would be given an opportunity to address the Board at the January meeting.

Dr. Scothorn stated that yes this would be the case after the Board has heard the staff's report."

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the minutes of the regular meeting held on December 18, 2014, with the following addition: (Resolution Number 15-01-02

Page 18, at the end of the Noise Ordinance discussion, "Mr. Smith then asked for clarification of what he has heard as he wanted to make sure that the public would be given an opportunity to address the Board at the January meeting.

Dr. Scothorn stated that yes this would be the case after the Board has heard the staff's report."

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of transfers and additional appropriations.

Mr. Tony Zerrilla, Director of Finance, stated that there were two transfers and five appropriations for the Board's consideration this month. He noted that they were for receipt of donations, insurance proceeds, cost reimbursements, and grant funds.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 15-01-03)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$15,116.45 from the E911 Fund to the County General Fund. This is to recapture E911 operating expenses.

Transfer \$1,165.66 to Sheriff's Department - Vehicle & Power Equipment Supplies, 100-4031200-6009, from the various departments as follows for vehicle repairs at the County Garage:

- \$ 16.57 Deputy Co. Admin.–Rep. & Maint.–Vehicles, 100-4012121-3312
- \$ 92.96 Animal Control–Veh. & Power Equip. Sup., 100-4035100-6009
- \$ 15.56 Devel. Svces. – Repair & Maint. – Vehicles, 100-4034000-3312
- \$542.39 Emerg. Svces. – Repair & Maint. – Vehicles, 100-4035500-3312
- \$101.86 Maintenance – Repair & Maint. – Vehicles, 100-4043000-3312
- \$ 40.84 Parks & Rec.–Veh. & Power Equip. Supplies, 100-4071000-6009
- \$ 20.54 Sports Complex–Repair & Maint. – Vehicles, 100-4071300-3312
- \$115.44 Van Program – Repair & Maint. – Vehicles, 100-4071500-3312
- \$ 30.49 Library – Repair & Maint. - Vehicles, 100-4073100-3312
- \$ 33.68 Tourism – Veh. & Power Equip Supplies, 100-4081600-6009
- \$155.33 General Svces. - Repair & Maint. – Vehicles, 100-4040000-3312

Additional appropriation in the amount of \$750 to Library – Books and Subscriptions – 100-4073100-6012. These are donation funds received from several patrons.

Additional appropriation in the amount of \$3,569.40 to Sheriff's Department – Repairs & Maintenance – Equipment, 100-4031200-3311. These are insurance funds received to repair a damaged vehicle.

Additional appropriation in the amount of \$499.86 to Tourism – Marketing, 100-4081600-5840. These are funds received from Communications Consultants as a 25% reimbursement of total Google Adwords Campaign cost.

Additional appropriation in the amount of \$3,217.86 to Parks & Recreation – Repairs & Maintenance – Equipment, 100-4071000-3311. These are grant funds received from the Virginia Department of Conservation & Recreation and will be used to purchase trail counters to measure the number of visitors using the Upper James River Water Trail.

Additional appropriation in the amount of \$2,903.58 to the following Sheriff's Department accounts: \$2,697.24 to Wages – Overtime, 100-4031200-1200; and \$206.34 to FICA, 100-4031200-2100. These are traffic control reimbursement funds received from AEP.

Consideration was then held on approval of the accounts payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that he would like to request the addition of an invoice in the amount of \$11,000 payable to Trustpoint Benefit Advisors, who are the County's insurance consultants, for one-half of their annual consulting fee. He noted that this invoice would be paid from the Board of Supervisors-Professional Services, 100-4011010-3100, account.

He noted that, with this addition, the accounts payable now total \$819,805.71; \$713,100.10 in General Fund expenditures; \$550 in Debt Service invoices; and \$106,155.61 in Utility Fund expenditures. Mr. Zerrilla noted that the Short Accounts Payable totaled \$724,798.38; \$711,313.22 in General Fund invoices; \$3,055 in Debt Service Fund expenditures; and \$10,430.16 in Utility Fund invoices.

He stated that the Short Accounts payable includes payments of \$243,832 to the County's volunteer fire and rescue agencies for their semi-annual operational support payments and \$153,319 payable to Sheehy Auto Stores for one Animal Control vehicle and five Sheriff's Department vehicles. Mr. Zerrilla further stated that this month's large expenditures included \$25,782 to Sheehy Auto Stores for one police vehicle; \$82,313 for the Health Department's quarterly budget payment; and \$28,986 to the Western Virginia Water Authority for the County's portion of upgrade costs to the Roanoke Regional Sewage Treatment Plant.

After questioning by Mr. Williamson, Mr. Zerrilla noted that all of these payments were for budgeted items. After further questioning by Mr. Williamson, Mr. Zerrilla stated that the insurance consulting fee is only allocated to the General Fund, not the Utility Fund.

There being no further discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved the accounts payable list with the addition of an invoice in the amount of \$11,000 payable to Trustpoint Benefit Advisors from Board of Supervisors-Professional Services, 100-4011010-3100, for one-half of their annual consulting fee, and ratified the Short Accounts Payable List as submitted. (Resolution Number 15-01-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of staff rankings on the financial advisor proposals. Mr. Tony Zerrilla, Director of Finance, stated that the County's current financial advisor contract expires next month. He noted that in October 2014 the Board approved the staff's request to issue a request for proposals (RFP) for these services using competitive negotiations instead of competitive sealed bidding. Mr. Zerrilla stated that this RFP was advertised and direct-mailed to five firms.

He noted that only one response was received (Davenport and Company, LLC, the County's current financial advisor). Mr. Zerrilla noted that a committee consisting of the County Administrator, the Treasurer, and himself reviewed the proposal and found that it met the evaluation criteria and therefore, the committee is requesting that the Board authorize staff to enter into negotiations with Davenport and Company for these services for a contract period of four years with the option of two extensions of two years each.

After questioning by Mr. Williamson, Mr. Zerrilla stated that the County's current contract with Davenport and Company is in the amount of \$15,000 and they hope to be able to negotiate a new contract in this price range. After further questioning by Mr. Williamson, Mr. Zerrilla stated that he does not know if the County will have a filing with the bond rating agencies this year and acknowledged that, if this occurs, it could have an impact on the contract negotiations.

There being no further discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried unanimously by those members present, the Board authorized the staff committee to enter into negotiations with Davenport & Company, LLC, for financial advisory services for a contract period of four years with the option of up to two extensions of two years each, and upon completion of negotiations, authorized the County Administrator to execute the contract, upon review and approval by the County's legal advisor. (Resolution Number 15-01-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on authorizing competitive negotiations to procure a fire apparatus. Division Chief David Firestone stated that the County is proposing to issue a request for proposals through the competitive negotiation process to purchase a rescue pumper for the Troutville Volunteer Fire Department.

He noted that, by using competitive negotiations instead of the usual competitive sealed bidding process, the County will be able to obtain a vehicle with the options that are needed for its purpose at the best price. Chief Firestone stated that fire apparatus are constructed with different materials, methods, manufacturing techniques, varying levels of quality, and after-the-sale service capabilities and for these reasons competitive negotiations are the best process to obtain this new fire vehicle.

After questioning by Mr. Williamson, Chief Firestone stated that the last six fire vehicles have all been purchased through the RFP competitive negotiation process.

After further questioning by Mr. Williamson, Mrs. Dillon stated that she has reviewed the justification for the RFP process and found it to be satisfactory.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the following resolution authorizing competitive negotiations for the procurement of a fire apparatus based on information provided for the Troutville Volunteer Fire Department.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 15-01-06

WHEREAS, Botetourt County is interested in procuring a fire apparatus; and,

WHEREAS, these services are non-professional services; and,

WHEREAS, Section 2.2-4303 of the Code of Virginia provides that competitive negotiation may be used in procurement of non-professional services; and,

WHEREAS, the Botetourt County Board of Supervisors finds that selection factors other than price are critical to the work; such selection factors including but not being limited to the construction methods and materials, the history of the vendor to offer a quality product, the after-the-sale service capabilities and service center location, the ability of the vendor/manufacturer to deliver the apparatus specified, the delivery time from contract award, the experience of other localities with the vendor manufacturer and,

WHEREAS, in consideration of the above conditions, the Botetourt County Board of Supervisors finds that competitive sealed bidding is not practicable or fiscally advantageous to the public;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors authorizes advertisement of a Request for Proposals for procurement of a fire apparatus following the competitive negotiation process.

Mrs. Guzi then stated that she would like to commend the fire and EMS staff for their cooperative work with the Fire and EMS Commission on developing the vehicle specifications for this RFP process.

Consideration was then held on the reassignment of a garbage collection and disposal franchise. Mrs. Guzi stated that the County was notified in early January by Kav Kan Corporation that they had sold their garbage collection and disposal assets and customer listing to County Waste of Southwest Virginia, which has a corporate office located in West Point, Virginia. She noted that County staff has observed County Waste's work since that time and it appears that the contract transfer has gone smoothly.

Mrs. Guzi noted that County Waste now has over 129,000 residential garbage collection customers in the State and provides curbside recycling service to over 28,000 homes. She noted that the County conducted reference checks with the company's current customers and received positive response. Mrs. Guzi further noted that there have been few noticeable effects of this transition as County Waste retained the current Kav Kan staff. She further noted that Mr. Delbert Beasley of County Waste is Botetourt's account representative; he has been in the solid waste business for years and is highly respected.

Mrs. Guzi stated that the County will continue to monitor the transition over the next few months. She noted that Mr. Ed Baker with Kav Kan and Mr. Delbert Beasley of County Waste were present at the meeting to answer any questions.

Dr. Scothorn thanked both gentlemen for attending today's meeting and noted that the Board hopes that the good service previously offered by Kav Kan continues under County Waste's ownership.

Mr. Baker thanked the Board for the opportunity to serve the citizens and businesses of Botetourt County.

After questioning by Mr. Williamson, Mr. Baker stated that Kav Kan has been operating in the County since 1979.

After questioning by Mr. Williamson, Mrs. Dillon stated that as long as Mr. Williamson does not serve on Kav Kan's or County Waste's Board of Directors he has no conflict of interest in this matter.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the following resolution assigning the garbage collection and disposal franchise that was previously awarded to Kav Kan Corporation to County Waste of Southwest Virginia.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 15-01-07

WHEREAS, Section 20-21 of the Botetourt County Code requires the Board of Supervisors to approve any reassignment of a garbage disposal and refuse collection franchise; and,

WHEREAS, Kav Kan Corporation, which currently has a franchise with the County for these services, has sold their business to County Waste of Southwest Virginia; and,

WHEREAS, it has been determined that County Waste of Southwest Virginia is able to provide the same or an improved level of service to their customers;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors approves the reassignment of the garbage disposal and refuse collection franchise previously held by Kav Kan Corporation to County Waste of Southwest Virginia for a franchise period which expires on December 31, 2017;

BE IT FURTHER RESOLVED THAT, the County Administrator is authorized to sign any franchise award documents as required, upon review and approval by the County Attorney.

Consideration was then held on a request to advertise for a public hearing on proposed amendments to Chapter 1. General Provisions of the Botetourt County Code regarding recovery of expenses regarding methamphetamine (meth) lab clean-up costs. Mrs. Elizabeth Dillon, County Attorney, stated that in 2012 the Virginia General Assembly enacted State Code Section 15.2-1716.2 to provide an additional tool for localities to be able to recover the costs associated with methamphetamine lab clean-up expenses, which can at times be significant. She noted that this State Code section provides that persons convicted of manufacturing methamphetamine shall be held liable for the costs of cleaning up the meth lab associated with a conviction as long as the locality adopts an ordinance to this effect.

Mrs. Dillon noted that a draft of the proposed ordinance was included in the Board's agenda packets.

After questioning by Dr. Scothorn, Mrs. Dillon noted that the liability can be established at the time of sentencing or in a separate civil action and there are other tools that the County can use to recover these costs from the convicted person. She noted that this ordinance only applies to those persons who have been convicted of making meth.

After questioning by Mr. Williamson, Mrs. Dillon stated that, if the property on which the meth lab is located is rented by the person convicted of the crime, the landlord is not responsible for paying these costs under the State Code section--only those individuals convicted of making meth.

After questioning by Mr. Martin, Mrs. Dillon noted that the locality is responsible for paying these cleanup costs unless this ordinance is in effect.

After questioning by Mr. Martin, Sheriff Ronnie Sprinkle stated that over the past three years, the County has had to clean up between nine and 10 meth labs at a cost of approximately \$3,000 - \$4,000 each.

After further questioning by Mr. Martin, Sheriff Sprinkle stated that the County uses a State Police team that specializes in cleaning up methamphetamine labs and some of his staff have also obtained training to clean up these sites.

Dr. Scothorn stated that "it seems that you might be a little more strict as a landlord" with who you allow to move into your rental property, if you (landlord) would be held responsible for meth lab cleanup costs.

Mrs. Dillon noted that requiring the landlords to pay these cleanup costs is beyond the jurisdiction of the State Code language; however, she can provide the Board with additional information on this matter if they would like.

After questioning by Mr. Williamson, Mrs. Dillon stated that she cannot say why the General Assembly worded this ordinance in this manner. She noted that some statutes require that localities adopt an ordinance, as in this instance, and in other legislation the local governments are given the direction to do so.

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 advertise for a public hearing at the Board's February regular meeting on proposed amendments to Chapter 1 General Provisions of the Botetourt County Code to enact an ordinance regarding the reimbursement of expenses associated with methamphetamine lab clean-up costs. (Resolution Number 15-01-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Kevin Hamm, Maintenance Operations Manager with the Virginia Department of Transportation, was then present to speak to the Board. Mr. Hamm stated that the Webster Road bridge replacement project is almost complete. He noted that the road has been re-opened but there are a couple of "loose ends" that still need to be completed. Mr. Hamm stated that VDoT reviewed four land development projects in the past month and issued four land use permits.

After discussion, Mr. Hamm stated that their area headquarters crews are working to keep the County's gravel roads in good shape during the winter months. He noted that work on the Route 643 (Mountain Valley Road) box culvert project should begin in mid- to late-February; VDoT is reviewing several drainage issues in Blue Ridge Heights, Quail Ridge, Holly Drive, Stoneledge, Archway Road, etc.; "No Parking" signs will be placed along Route 838 (Vista Drive) after review of a Sheriff's Department report that tractor trailers were parking along the roadway and damaging the grass right-of-way; and the final review of the Route 606 through-truck restriction from Route 11 to Route 220 has been completed and signs have been ordered to post this roadway as restricted to trucks.

After questioning by Mr. Williamson, Mr. Hamm stated that this through-truck restriction designation prohibits vehicles of 6,500 pounds and larger from using this roadway unless they

have business along the route. After further discussion, Mr. Hamm stated that this designation is to restrict trucks of the size that require a Commercial Driver's License from using this roadway.

After questioning by Mr. Williamson, Mr. Leffel stated that he believes that this restriction would prevent some pick-up trucks from using this route.

Mr. Hamm further stated that VDoT continues to compile data on the requested tractor-trailer restriction on Route 640 (Brugh's Mill Road) and noted that VDoT has videotaped several tractor-trailers using this route. He further noted that the through-truck restriction signs on Routes 607 and 658 are now in place. Mr. Hamm stated that the tractor-trailer restriction data on Valley Road is currently being reviewed by their Traffic Engineering Department and will next go through a series of VDoT approvals and review by the area's Commonwealth Transportation Board member. He noted that a decision on this restriction is expected in 60 – 90 days.

He noted that VDoT is still reviewing the issue of speeding vehicles on Route 615 near Roaring Run that was requested by a citizen last summer to see if anything can be done and he hopes to have some additional information to the Board by their next meeting. He stated that a speed study is also being conducted on Greenfield Street (Route 673) as it is being used as a cut-through by drivers.

After questioning by Mr. Williamson, Mr. Hamm stated that he will review the status of the request for a reduction in the speed limit on Lithia Road.

After further questioning by Mr. Williamson, Mr. Hamm stated that during yesterday's VDoT traffic engineering meeting, the issue of extending the deceleration lane at the Route 460/Mountain Pass Road intersection was discussed. He noted that VDoT will take some core samples of both the existing decel lane and the proposed extension area to determine how the road and right-of-way area were constructed.

After discussion by Mr. Williamson on the limited length of the deceleration lane off of Route 220 northbound onto Route 640 (Brugh's Mill Road), Mr. Hamm stated that he will check into this issue.

After questioning by Mr. Martin, Mr. Hamm noted that he did not know why work was being done on the Route 460/Laymantown Road stoplight this morning but he will check into this matter.

After questioning by Mr. Leffel regarding Buhrman Road, Mr. Hamm stated that he would check with their maintenance staff to see if any gravel has been placed on this road. Mr. Hamm stated that this road is in good shape for a gravel road but if vehicles travel quickly along the road then the gravel is thrown off of the surface area.

Mr. Leffel then stated that he had received a citizen's request that Roy Road (Route 677) be paved and asked that Mr. Hamm check into this request. Mr. Leffel also noted that he received a notice earlier this week regarding VDoT's proposal to replace two narrow bridges on Route 220 between Route 43 and Gala.

After questioning by Mr. Dodson regarding the Etzler/Catawba Road intersection project, Mr. Hamm stated that this project is "still tracking for completion this summer." He noted that the contractor is having the necessary equipment brought in to the site; however, the scheduling of construction work is dependent on the weather over the next few months.

Dr. Scothorn noted that both he and the Sheriff have received telephone calls regarding tractor trailer trucks using Brugh's Mill Road as a cut-through. He also noted that the County

seems to have a new truck stop in the Exit 150 area and some citizens have complained about the situation.

Sheriff Sprinkle noted that he has received some complaints about the truck traffic lining up on Route 11 waiting to access the Pilot gas station. Sheriff Sprinkle noted that he and his staff are trying to monitor the situation and keep the trucks moving.

Mr. Williamson noted that there is a yellow sign on I-81 northbound notifying drivers to use the second exit to access the truck stop and questioned if this sign should be removed since the Travel Centers of America facility has been closed since November.

Mr. Hamm stated that VDoT received a work request on Friday regarding the signage on I-81 in the Exit 150 area. He noted that VDoT staff will review the existing signage and determine what types of signs are needed along this section of the interstate. Mr. Hamm stated, however, that the Pilot station does accommodate large trucks.

Mrs. Barbara Kolb of Shiloh Drive in Eagle Rock then stated that after wet weather in 2013 a slide occurred along Shiloh Drive which narrowed this gravel road. She noted that there was no signage installed to alert drivers of the lack of shoulder area and the hazardous 80' cliff along the edge of the roadway. She noted that there were also safety issues at the Route 43/Shiloh Drive intersection due to limited sight distance.

Mrs. Kolb then presented the Board with pictures of both areas showing the restored Shiloh Drive area which now has reflective delineators and fencing to alert drivers to the steep drop-off and that additional signage has been installed on Route 43 warning drivers of this intersection. She then thanked VDoT for making these safety improvements.

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

Mr. Corbin Stone, with Robinson, Farmer, Cox Associates, then gave a presentation on the County's FY 14 financial report. Mr. Stone stated that the audit process went well and the staff was very responsive to their requests for information and data. He noted that the County's financial report has received the Certificate of Excellence from the Government Finance Officers Association (GFOA) for the last nine years and he expects the County to again receive this award for the FY 14 audit report.

Mr. Stone then reviewed various charts and graphs containing various audit information. He noted that the chart on page 1 of his presentation shows select financial information from FY 2006 through FY 2014. He stated that the County's June 30 General Fund Balance decreased from \$35 million in 2006 (included Jail construction proceeds) to \$19.7 million in 2014; the unassigned/assigned fund balance has slightly increased from \$16 million in 2006 to \$19.2 million in 2014; and the County's long-term debt has decreased from \$65 million in 2006 to \$39.9 million in 2014.

Mr. Stone stated that auditors prefer to see the unassigned fund balance be at least 10% of the total budget and the County had a "healthy" fund balance as of June 30, 2014. He noted that the County's Enterprise Fund revenues (water/sewer) totaled \$13.9 million in 2014 with a long term debt of \$9.2 million. Mr. Stone noted that these figures include long-term water/sewer assets. He stated that the total County debt was \$49 million in 2014 compared to \$73.9 million in 2006 with a debt per capita of \$1,471 in 2014 compared to \$2,251 in 2006. Mr. Stone noted that long term debt per capita figures for Virginia have not been available since 2011 when the figures were \$2,695 for the State's weighted average and \$2,077 for the unweighted average.

Mr. Stone then stated that the graph on page 2 of his report shows the long term debt and unassigned/assigned fund balance figures from 2006 – 2014. He noted that page 3 shows a graph of the Enterprise Fund (water/sewer) revenues. He noted that this figure has increased over the past 9 years which is a good financial situation. Mr. Stone stated that the chart on page 4 shows the County's revenue sources (property taxes, permit fees, State, federal, etc.) over the past 11 years. He noted that the County's general property tax revenues have increased since 2004 primarily due to the 2007 and 2011 reassessments and a property tax increase in 2013. He further noted that State aid to the County has been flat since 2004 and there was a slight increase in the "Other Local Taxes" category.

Mr. Williamson then requested that in the future, the revenue categories for federal, recovered costs, fines, permits, miscellaneous, etc., be included in a separate, more-detailed chart.

Mr. Stone stated that he will make a note to include this additional chart in the Board's FY 15 financial report presentation.

He further noted that the telecommunications taxes are reported in the Other Local Tax category on this chart. Mr. Stone noted that the County previously collected these telecommunications revenues; however, the State began assessing this fee in 2009 and then the State makes an allocation of these revenues back to the County.

Mr. Stone then stated that page 6 of his report shows the County's expenditures between FY 2004 and 2014. He noted that the County's largest expenditures are for the schools and public safety (Sheriff, fire, EMS, etc.) Mr. Stone stated that the 2008 increase in Public Safety expenditures occurred when the County's new regional jail began operations and the increases over the past few years have been due primarily to capital-related projects, e.g., new fire truck, etc.

After discussion, Mr. Stone stated that the pie charts on pages 6 and 7 show the County's revenue percentages in 2014 and 2005. He noted that the charts indicate that the County's revenues from property taxes increased from 52.85% in 2005 to 60.8% in 2014, while the revenues received from the State have decreased from 21.73% in 2005 to 17.43% in 2014.

Mr. Stone noted that the graph on page 8 shows the County's tax assessment valuations by year. He noted that the real estate figure as shown on this graph is 1/10 of the actual assessed value for ease of comparison. He further noted that this assessment valuation trend is similar to that of other localities that his firm audits. Mr. Stone noted that there have been gains in the County's machinery and tools and public service corporation assessments since the 2008 recession.

After discussion, Mr. Williamson noted that the County has not conducted a real estate reassessment in six years which is why the real estate assessment increases have been flat.

Mr. Stone stated that the graph on page 9 shows the school system's revenue sources from 2006 through 2014. He noted that the increases in 2009 and 2010 are from the State and federal stimulus funds that were made available after the 2008 recession. He noted that pages 10 and 11 contain the firm's management comments regarding a few items that need to be corrected/improved including the Board's Statements of Economic Interest forms and receipt of more detailed credit card receipts. Mr. Stone stated that pages 12 and 13 contain the firm's audit findings letter which indicates that they had no problems with County staff in performing and completing this audit.

After questioning by Mr. Williamson, Mr. Stone stated that this audit findings letter was a “boiler-plate” letter.

Mr. Stone noted that he had earlier today presented the Board with copies of the GASB (Governmental Accounting Standards Board) 67 and 68 auditing requirements. He noted that these are new accounting standards that have been put into effect requiring the recordation of liability in future financial reports pertaining to the County’s employee pension fund. He noted that “there is not a lot that the County can do” about this requirement. Mr. Stone stated that all localities will have some unfunded liability in their pension plans and he noted that the Virginia Retirement System (VRS) is trying to reduce this liability through the implementation of a hybrid retirement plan that requires employees to contribute toward their retirement. He noted that this hybrid plan will help to keep the localities’ contribution rates at a reasonable level while at the same time trying to reduce the liability. Mr. Stone estimated that VRS contribution rates would be somewhat higher than normal for the next few years.

After questioning by Mr. Williamson, Mr. Stone stated that, as required by the GASB 67 and 68 regulations, the County’s budgeted pension plan liability figure will be included in the FY 15 audit. After further questioning by Mr. Williamson regarding VRS Plan 1 and Plan 2 designations for employees, Mr. Stone that Plan 1 employees were those hired before July 1, 2010, and Plan 2 employees are those hired after that date. He noted that Plan 2 employees are required to pay into their VRS retirement plans.

After further questioning by Mr. Williamson, Mr. Stone stated that this retirement amount will be shown in the audit as amortized over a 30 year period.

There being no further discussion, Dr. Scothorn thanked Mr. Stone for his presentation.

Dr. Scothorn then noted that the Board would now receive an updated staff report on the Offenses-Miscellaneous (Noise) Ordinance. He noted that Mrs. Guzi would give a brief update on the County’s actions to date on this issue, the County Attorney would then give a report on call response data obtained from the Sheriff’s Department, and then Sheriff Ronnie Sprinkle and Commonwealth’s Attorney Joel Branscom would make comments on this matter. Dr. Scothorn stated that he would then open the floor for public comments and allow each individual who has signed up to speak for three minutes as was mentioned at the Board’s December meeting.

Mrs. Guzi stated that in early 2014 the County amended the Noise Ordinance due to a 2009 ruling by the Virginia Supreme Court that Virginia Beach’s ordinance was vague as it used a “reasonable person” standard in determining whether a noise violated the ordinance. She noted that, since that time, many local governments with similar language have had to amend their ordinances. Mrs. Guzi stated that some localities decided to use a decibel level standard and others, like Botetourt County, revised their ordinance to implement a “plainly audible” standard.

She noted that when the County’s ordinance was amended in early 2014 the “General prohibition” section was inadvertently omitted; however, this section was added back to the ordinance a couple of months later after the appropriate advertisement and public hearing was held by the Board.

She noted that the County Attorney provided a report to the Board in November 2014 which provided a background on this ordinance and any amendments approved by the Supervisors over the years. Mrs. Guzi stated that Mrs. Dillon reported that the County’s Noise Ordinance has contained “general prohibition” language since at least 1990 and this section is used

by the Sheriff's deputies in their response to citizen calls regarding various types of noise disturbances.

She noted that the staff obtained information from the Sheriff Department's computer-aided-dispatch system on the number of noise-related calls and complaints received over the past 12 years and their disposition.

Mrs. Guzi stated that, according to the Sheriff's data, since 2002 1,120 calls were received by the Department on noise-related matters with only 17 citations issued by the deputies during that period. She noted that the "general prohibition" language is a tool that the deputies used to handle the 1,100+ complaints that were resolved without issuing a warrant during this 12 year period. Mrs. Guzi noted that the Sheriff has said that he needs this tool as part of their enforcement options to provide a balance for the citizens to be able to use their property as they wish while still being a good neighbor. She then stated that, during this same 12 year period, individual citizens obtained 11 warrants for noise disturbances directly from the Magistrate's Office.

After discussion, Mrs. Guzi stated that Mr. Williamson had also requested information on whether land use and noise disturbances could be cross-referenced. She noted that the staff report was not completed in December and the Board was informed that this would be brought to them at today's meeting for their information prior to consideration of their next steps in this matter.

Mrs. Dillon then stated that the County can have varying noise standards based on zoning districts. She noted that this is currently being done in the existing noise ordinance as noises in commercial and industrial districts that are necessary and incidental to the permitted uses are exempt. She noted that the current noise ordinance differentiates based on zoning districts.

Mrs. Dillon stated that regarding the County's authority pertaining to the discharge of firearms, State Code Section 15.2-1209 allows counties to "prohibit the outdoor shooting of firearms or arrows from bows in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof." She noted that this provides an exemption for the killing of deer on agriculturally-zoned land of at least five acres.

Mrs. Dillon noted that this statute does not govern noise from firearms. She noted that there are many localities that have adopted this provision in order to specify the distance in feet from a dwelling or business that the discharge of firearms cannot occur. She noted that Chesterfield County has a 600' requirement and Hanover and Fauquier counties have a 100 yard limit from a road/street or an occupied dwelling in which the discharge of firearms are not allowed. Mrs. Dillon stated that some firearms discharge ordinances are in effect countywide and some are only within certain zones such as Amherst County which prohibits firearms discharges in certain residential communities after receipt of a petition from a majority of the subdivision's residents in favor of the proposal.

Mrs. Dillon further noted that certain localities that use specific decibel levels in their noise ordinance have set decibel levels that vary with the zoning district.

After questioning by Mr. Williamson regarding ordinance exemptions, Mrs. Dillon stated that yes, Roanoke County has a 100 yard distance requirement along roadways on which the discharge of firearms is prohibited. She further stated that Roanoke County has an exemption that allows the discharge of firearms if the person is lawfully hunting in accordance with the State's game laws or when the individual is target practicing.

Mr. Williamson then questioned if the County could allow an exemption for the lawful discharge of firearms in A-1 and RR zoning districts and prohibit such discharges in the R-1, R-2, and R-3 districts.

Mrs. Dillon stated that the Board could enact such provisions based on the density of the population in these zoning districts.

After discussion by Mr. Williamson, Sheriff Sprinkle stated that "there are some people in the County that like noise and some that do not." Sheriff Sprinkle stated that the County has had this noise ordinance in place for a number of years and he does not think there have been many problems with this language.

He noted that the call data mentioned by Mrs. Guzi does not indicate a problem with noise citations in the County. Sheriff Sprinkle stated; however, that there are occurrences when his deputies have a difficult time with a resolution to a noise-related complaint and this ordinance is an important tool for his office to have in place to use as a remedy for these problems. He noted that this ordinance has been rarely used over the years; however, it is "the fairest way at this point to deal with" a noise-related problem.

Sheriff Sprinkle then stated that he checked the department's call data from October 1, 2014 to December 31, 2014, and there were 17 calls regarding sounds of gunfire. He noted that five of these calls were people who were target practicing and, on many of the other calls, his deputies could not determine from where the shots were coming or if the noise had been vehicles backfiring instead of gunshots. He stated that no summonses were issued on any of these calls. Sheriff Sprinkle stated that he and his staff try to educate the public on noise-related issues in order to diffuse these types of situations; "they try to use good, common sense" in order to keep peace and tranquility in the County.

After discussion, Sheriff Sprinkle stated that his department needs some type of noise ordinance that they are able to enforce. He noted that, if this ordinance is not available, "chaos will reign."

After questioning by Mr. Williamson as to whether the 17 calls from October to December 2014 were noise or safety-oriented complaints, Sheriff Sprinkle stated that these calls were from all sections of the County. He noted that, when his deputies respond to such a call, they ascertain whether the gunfire/shooting situation is occurring in a safe manner, whether the individual was doing the shooting on their own property, etc., and if so the situation is fine but the person is informed that the County has a Noise Ordinance and they are encouraged to shoot responsibly and respect their neighbors.

Sheriff Sprinkle noted that noise-related calls are usually from areas that have "neighbors who live on top of each other." He further noted that deputies cannot arrest an individual for a misdemeanor offense unless it occurs in the deputy's presence. Sheriff Sprinkle stated that his officers "are not targeting people who like to shoot" with their enforcement of this ordinance's provisions. He stated that safety is important to his Department along with the security of the County's residents and his staff try to diffuse these types of noise situations.

Mr. Martin stated that gun owners should have a responsibility and a respect for others and common sense should be used when firing guns. Mr. Martin stated; however, that the County needs to see what can be done to satisfy both sides of this issue and questioned if there are any changes that can be made to help the deputies to do their job better.

Sheriff Sprinkle noted that Mr. Martin's question would take some thought as this is a complicated issue. He stated that the deputies will continue to use good judgment when they respond to these types of calls.

Commonwealth's Attorney Joel Branscom stated that Noise Ordinance-related cases do not come across his desk very often and noted that there have not been any charges filed since the new ordinance went into effect last year. Mr. Branscom noted that he does remember a summons being issued for a case involving gunfire that occurred in 2011; however, the matter was dismissed at trial.

Mr. Branscom noted that "the ordinance seems to work" as the County's citizens seem to be respectful of people's rights. He recalled a Noise Ordinance violation case from a few years ago where someone was operating a motocross track on their property at a very loud volume. Mr. Branscom noted that the County worked with the property owner on these compliance issues.

Mr. Branscom stated that the new ordinance is not a huge change from what was previously in effect and the application of the ordinance's provisions has not changed. Mr. Branscom noted that he is concerned about the "trade-off" if the ordinance was made more specific. Mr. Branscom stated that, if the County "changes something that is working, he is concerned about the unintended consequences" of this action. Mr. Branscom noted that the County has been able to balance this matter so far and he has no problems with the current ordinance's language.

Dr. Scothorn then opened the floor for public comment. He asked that those speakers not duplicate comments previously made and keep their comments to three minutes.

Mr. Mike Smith of Highland Manor Subdivision requested that the Board have a public hearing to amend Section 15-54 (Exceptions from article) to add a new subsection to read, "Sounds generated by the discharge of firearms." He noted that in January 2014 the County staff added two exceptions to this section but it was not clear why the staff did not add other language and none of the Board members made an inquiry as to why only these two additions were made to the exemptions section.

Mr. Smith stated that Roanoke County has an ordinance that has been in effect for several years [Section 13-19 (12)] which excludes sounds from the discharge of firearms. He noted that firearms and the discharge of firearms are deeply rooted in our history and the U. S. Constitution. Mr. Smith stated that the Board should make clear that there is no intent to infringe on the citizens' right to shoot and hunt by amending Section 15-54.

Mr. Robert Frydrych of Country Club Road stated that his issue with this ordinance pertains more to its wording. He noted that the citizens have been told that the reason for this ordinance amendment was due to the 2009 Virginia Supreme Court decision. Mr. Frydrych stated that Chapter 14 Nuisances of the County Code uses the language "responsible person;" however, he does not see much difference between a "reasonable" and "responsible" person.

Mr. Frydrych stated that the Supreme Court also included other items in their decision on this case including specific terms to be used to define sound, the way that the sound is measured, and the terms regarding noise levels that were prohibited. He noted that Section 15-52 says that certain levels of noise can be detrimental to the citizens' health, welfare, safety, peace, and quality of life but no there is no reference to the level of sound. He questioned how this is judged.

Mr. Frydrych stated that there is a reference in the "General prohibition" section to a noise disturbance being audible at a distance of 50' or more from the property line. He noted that gunfire can be heard from 50' and even 100 yards away in some instances. Mr. Frydrych stated that the focus centered on the one phrase and did not concentrate on the problems that exist. He noted that the problems should be specified and included in the staff report. He further noted that the Board needs all of the evidence and statistics before making a decision on this matter. Mr. Frydrych then noted that he has copies of the complete 2009 Virginia Supreme Court decision and an article from Florida on noise for the Board's information.

Mr. Allan Scanlan of Brugh's Mill Road stated that he and his family are strong firearms supporters, support shooting, and would like to be able to shoot on his own property if it is appropriate. Mr. Scanlan stated that he chooses not to shoot on his property out of respect for his neighbors.

Mr. Scanlan noted that the two sides of this discussion should meet to respond to this issue. He noted that the ordinance that is in effect is working. He stated that "we might like it to be more definitive, but it is working." He stated that the issue is not about noise, it is about firearms and "when you go there, you are treading on sacred turf." Mr. Scanlan stated that gunshots are the sound of freedom and liberty and using our property as we see fit. Mr. Scanlan noted that he likes living in Botetourt and asked that the Board "not mess with something that is working."

Mr. Rudy Metz of Oakway Court in Troutville stated that he has been a Botetourt County resident for 38 years for the peace and quiet. Mr. Metz stated that he has seen an increase in gunfire in his neighborhood over the last few years including shooting on Sunday mornings. Mr. Metz stated that he is not against guns but asks people to respect others.

He suggested that the Board adopt an ordinance to restrict gunfire in the residential zoning districts. Mr. Metz stated that there is someone in his area that who has been firing his guns less than 40 yards from a home with children. He stated that a person firing a gun does not know where the bullet will go once it leaves the barrel and it is possible for a bullet to travel a mile. Mr. Metz stated that shooters should "do it intelligently, reasonably, and respect your neighbors."

Mr. Steve Lovell of Cloverdale stated that he has lived in Botetourt County for 51 years and his grandfather operated a shooting match in Cloverdale many years ago. Mr. Lovell stated that this is a tough issue for all parties. Mr. Lovell stated that he does not want to see any type of restriction on guns and shooting--it is a respect issue. Mr. Lovell noted that he wants to be a respectful citizen and there are laws currently in effect on the issues being discussed by the Board.

Mr. Lovell noted that he feels that this matter is a State issue; not a Board of Supervisors issue. He stated that "we already have plenty of laws in place." Mr. Lovell noted that he realizes that this is a sensitive issue but the Board is doing a great job.

Dr. Gene Conti of Huntingwood Lane in Fincastle stated that this is a firearms issue, not a noise issue and we need to be very careful about this matter. Dr. Conti stated that the Commonwealth's Attorney made his opinion on the ordinance very clear. He noted that it is a personal issue and the parties involved need to get together one on one.

Dr. Conti then questioned why, for the sake of a handful of people, are we going to change the law for everyone. He noted that, as mentioned by the Commonwealth's Attorney, there could be unintended consequences in amending this ordinance. He noted that "we have

to be careful in tampering with the laws.” Dr. Conti noted that the Board has a lot to think about and “we need to be very careful of what we do with our freedoms.”

Mr. James Fralin of Brookview Circle in Daleville stated that he has had deputies visit his property regarding calls they had received regarding the discharge of firearms. He noted that the complaint was filed by a neighbor who lives over 300 yards away from his property. Mr. Fralin asked that the Board “not craft a policy that puts neighbor against neighbor” or “gives a stronghold to either side.” He asked that the Board balance the rights of all citizens.

Mr. Gary Whitley of Brugh’s Mill Road stated that he can hear people shooting all around his property, from the opposite side of Route 11, and thousands of feet away from his property. He noted that this gunfire includes target practicing and skeet shooting. Mr. Whitley noted that he usually shoots between 12 and 3PM one day every two weeks. Mr. Whitley stated that he has also called the Sheriff’s Department about people shooting at night in his neighborhood.

Mr. Whitley noted that he owns cattle and occasionally has to shoot skunks and raccoons at night. Mr. Whitley stated that when this happens he has notified his neighbors the next day that he was the person shooting.

Mr. Whitley stated that he also uses the National Forest shooting range in Low Moor and, when another shooter arrives and begins to use a rapid fire gun, he packs up his gun and supplies and leaves.

Mr. Mike Musselwhite of Craig Creek Road in Eagle Rock stated that he is in favor of including language in the Noise Ordinance to exempt the lawful discharge of firearms and asked that a public hearing be scheduled on this matter.

Mr. Dennis Wolf of Chadwick Drive in Troutville stated that he sympathizes with those people who shoot respectfully in his area. He noted that one of his neighbors has 18 acres surrounded by homes who shoots all types of guns from morning to night. He stated that this is a safety issue because one of his neighbors found a bullet on their front porch. Mr. Wolf noted that “bullets can go anywhere.”

He noted that there has to be a “happy medium” to this issue. He noted that some people have no regard for their neighbors. Mr. Wolf noted that maybe he and his neighbors can have their area zoned to not allow guns.

Mr. Wolf noted that in October he called the Sheriff’s Department and the State Police about someone shooting in their area. He noted that when the deputies arrived at the shooter’s property, he had quit firing. Mr. Wolf noted that, when the deputies reported back to him (Mr. Wolf), the shooter again starting firing his gun.

After questioning by Mr. Williamson, Mr. Wolf stated that his neighbor is the person in the YouTube video.

Mr. Wayne Dixon of Brugh’s Mill Road stated that he seconded Mr. Mike Smith’s comments to the Board. Mr. Dixon stated that he has hunted on three continents and he practices shooting on his property for accuracy as “sometimes you have only one shot for a humane kill” on a hunting trip. He noted that hunters have to practice for “muscle memory” and “for safety.”

Mr. Haden Dudley of Chadwick Drive stated that he is one of the neighbors of the person who created the “YouTube” video after the Sheriff’s deputies informed him that, if he continued to fire his gun, he could be in violation of the Noise Ordinance. Mr. Dudley stated that he owns three partly-wooded acres which are the backdrop for the target shooting range used by this person. He noted that they walk in these woods.

After discussion, Mr. Dudley noted that he and his family have been hunters their entire lives but it is more important to be a good neighbor. Mr. Dudley stated that he holds himself accountable for being a good and respectful neighbor.

Mr. Dudley then presented the Board with a picture of his wife with an AR 15 rifle. He noted that she was testing the rifle at a shooting range. He noted that she could have tested this rifle on their property but chose not to do so. Mr. Dudley stated that the person who started this shooting/Noise Ordinance issue has never talked to him or his neighbors about his shooting to see if they had any problems or concerns.

Mr. Dudley stated that he will not accept automatic weapons fire that could be spraying bullets onto his property. Mr. Dudley noted that he supports the ordinance as it is currently written. Mr. Dudley noted that he believes in respect for others and personal accountability for everyone.

After questioning by Mr. Dodson, Mr. Dudley stated that he has viewed the location of the targets on his neighbor's property. He noted that they are "up against rocks" which could cause bullets to ricochet. Mr. Dodson stated that this appears to be a safety issue and he suggests that Mr. Dudley discuss this situation with the Sheriff.

Ms. Toni Weaver of Old Rail Road in Eagle Rock then stated that she appreciates what the Board does for the County's citizens. Ms. Weaver stated that she has researched the 2009 Tanner versus Virginia Beach case which was the basis for the County's Noise Ordinance being amended last year. She noted that the decision rendered its terms to be definite and sufficient.

Ms. Weaver stated that the County's ordinance is still vague and enforcement of its provisions could be selective and uneven. Ms. Weaver noted that the Commonwealth's Attorney said that people could use noise for harassment purposes and she believes that her neighbors are doing this to her. She stated that deputies have received calls from her neighbors about her playing her stereo too loud. Ms. Weaver questioned how listening to music in her yard could be detrimental to a person's health and wellbeing if the neighbor has to come to her fence to hear the music.

Ms. Weaver then presented the Board with pictures of her property. She noted that noise can be defined as an undesired sound. She asked that the Board consider using decibel meters in noise complaint matters.

Mr. Jesse Breeden of Dakota Lane in Troutville stated that he is the individual who created the "YouTube" video. Mr. Breeden stated that he had to install a fence on the property that he rents to shoot targets because people were walking on the property. Mr. Breeden stated that he usually only shoots on Saturdays at noon. He noted that Mrs. Humbert had previously said that she was ok with this shooting schedule; however, the deputies visited his property and informed him of the neighbors' complaints regarding his shooting.

Mr. Breeden noted that he has not used this property to shoot since October. He noted that the deputies have visited his property regarding complaints regarding shooting even when he is not shooting at that time. Mr. Breeden requested that the Board add an exemption to the ordinance to allow for the shooting of firearms. He noted that "even though they rent their land, they do not rent their rights."

Mrs. Barbara Kolb of Shiloh Drive in Eagle Rock then thanked everyone for their comments on this matter. Mrs. Kolb stated that she is happy to live in Botetourt County as other states do not have the friendly attitude that we have. She noted that there are educators in the

County that provide training for the safe and proper use of firearms and there are national and internationally recognized marksmen who have lived here.

Mrs. Kolb noted that everyone who is trained to shoot guns needs to practice. Mrs. Kolb noted that she was on a pistol shooting development team and they frequently needed to practice their skills. Mrs. Kolb noted that she does not want to have the Sheriff come to her house.

Mr. Charles Gladu of Shawnee Trail stated that the County has a gun safety issue, not a noise ordinance issue. He noted that the State Supreme Court cannot define what reasonable is and common sense is uncommon. Mr. Gladu stated that the County has all types of issues occurring that have very little to do with noise.

He noted that the ordinance says that noise can be detrimental to the health, welfare and quality of life of the County's citizens. He noted that words are being used and we are unsure of their meaning. Mr. Gladu asked that the Board be careful in what they try to craft with this ordinance.

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

Dr. Scothorn then stated that he would appreciate it if Mr. Breeden would meet with some of those individuals who are present at today's meeting in order to discuss this matter and "put this situation to rest." He noted that this "would be one avenue in the right direction."

Mrs. Guzi stated that the Board has heard comments today regarding many different sides of this issue and the Board has held many discussions on this matter over the past several months. She noted that the Board has requested data from the staff and it has been presented to them at previous meetings as well as at today's meeting. Mrs. Guzi further stated that reports have been heard from both the Sheriff and Commonwealth's Attorney. She noted that, based on all the information presented and comments heard today, the Board needs to determine if there is enough data to justify amending the Noise Ordinance in this regard.

Mrs. Guzi stated that the Board should consider what they are trying to achieve and consider the unintended consequences of any further ordinance amendments. She noted that the ordinance currently in effect may not be perfect but it is useful in the Sheriff's enforcement efforts. Mrs. Guzi stated that, based on the data presented and reports from both the Sheriff and Commonwealth's Attorney, it appears that the current ordinance provides the necessary tool for the Sheriff's Office to maintain the balance between citizens doing what they want on their land and respecting the rights of their neighbors. Mrs. Guzi noted that, if the Board decides not to amend the Noise Ordinance at this time, the staff will continue to monitor the situation and report back to the Board periodically.

Mr. Leffel stated that he would like to thank everyone who spoke and took the time to attend today's meeting. He noted that "not everyone is on the same side of the fence" in this matter. He noted that today's comments showed a sign of respect for each other. Mr. Leffel stated that the "big theme was respect to your neighbor no matter which side you are on." He also thanked everyone for handling themselves in a responsible and respectful manner during this discussion.

Mr. Martin stated that the Board has heard a lot of comments since March 2014 on this issue. Mr. Martin noted that, when he was a U. S. Postal Service employee, another employee threatened to shoot a supervisor. He noted that that person was fired and a few days later someone drove by his (Mr. Martin's) house and fired a gun into his home. Mr. Martin stated that it was never discovered if the shooter had been the fired employee or someone else.

Mr. Martin stated that today's discussion included comments that the current ordinance is vague. He noted that the Sheriff and Commonwealth's Attorney have said that the current law is adequate. He noted that this is a safety issue and the question is "what is reasonable." Mr. Martin stated that everyone needs to use common sense in this matter; however, there are different degrees of common sense.

Mr. Martin further noted that it was also stated that the Noise Ordinance can be used for harassment purposes. Mr. Martin noted that the Code is sufficient as it is but he does not know where to go in this matter and it is very frustrating. Mr. Martin stated that he does not know what the answer to this situation is at this time. He would like to suggest that a task force be created to allow all sides of this discussion to meet and discuss options.

After discussion, Mr. Martin noted that some of the issues brought up regarding this situation are safety issues and he would hope that "reasonableness and respect" can be used by everyone to resolve these types of situations.

Mr. Dodson noted that this issue arose from problems with the Noise Ordinance. He noted that the ordinance is about keeping peace and harmony in the County and the citizens being good neighbors. He noted that there are times when people "do not use good judgment in regard to potential safety issues." Mr. Dodson stated that the Sheriff's Department data shows that more than 1,120 noise-related calls were received in a 12 year period and only 17 citations were written by deputies during that time. He noted that this ordinance is a tool for the deputies to use in their efforts to mediate these types of calls. Mr. Dodson then commended the Sheriff and his deputies for the job that they are doing in the County.

Mr. Dodson then stated that he agrees with the comments made by the Sheriff and Commonwealth's Attorney regarding this ordinance. He noted that "what we have seems to be working" and he does not believe that a task force is needed at this time. Mr. Dodson suggested that the Board "let it ride out and see what happens" over the next six months or year.

Mr. Frydrych stated that he "thinks what caused the upset regarding firearms is the definition of sound." He noted that this definition is too expansive and questioned why this definition was included in the Noise Ordinance.

Dr. Scothorn stated that common sense, respect, and safety are important things for everyone. He noted that many residents in this area have firearms. Dr. Scothorn noted that he appreciated everyone's common sense throughout this discussion and thanked them for the information that was presented to the Board. Dr. Scothorn noted that he has given an opportunity for everyone to speak on this matter.

Mr. Williamson stated that this has been an on-going discussion for the past twelve months, the Board has heard and listened to many citizens' opinions, and they have learned a lot about this issue. Mr. Williamson stated that he believes that "if it is not broken, don't fix it." He noted that this ordinance is not perfect but he is sure that the Sheriff, the Commonwealth's Attorney, and the judges will use reason in their enforcement of these regulations.

Mr. Williamson then made a motion to table this issue and ask the County staff, in concert with the Sheriff and Commonwealth's Attorney, to report to the Board twice a year on Noise Ordinance-related complaints and the adjudication of those complaints in order for this situation to be monitored.

Mr. Martin also suggested that the staff go back and review some of the comments made today in order to take the citizens' concerns into consideration.

Mr. Williamson noted that he believes that there could be potential ramifications if the County enacted a firearms ordinance.

Mr. Martin stated that he does not think that the ordinance is broken but it may have a few fractures. He noted that the ordinance is vague and relies on the reasonableness of the Sheriff and his deputies in its enforcement.

There being no further discussion, Mr. Williamson's previous motion was approved as per the following vote: (Resolution Number 15-01-09)

AYES: Mr. Williamson, Mr. Dodson, Mr. Leffel

NAYS: Dr. Scothorn

ABSENT: None

ABSTAINING: Mr. Martin

On motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board then went into Closed Session at 4:50 P. M. to discuss personnel matters pertaining to the review of the County Administrator's contract and the contract for the County Attorney; to discuss/consider the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; and to consult with legal counsel as per Section 2.2-3711A (1), (3), (6), and (7) of the Code of Virginia of 1950, as amended. (Resolution Number 15-01-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman called the meeting back to order at 6:00 P. M.

A public hearing was then held on a request in the Blue Ridge District from C & A Properties, LLC, to rezone a 4.355-acre lot from a Business B-2 District to a Business B-3 District, with possible proffered conditions, for the operation of a wholesale nursery and landscaping supplies and materials business located at the Blue Ridge Boulevard (U. S. Route 460E)/Blue Ridge Springs Road (Route 616) intersection, (the property will be accessed from Blue Ridge Boulevard) and is identified on the Real Property Identification Maps of Botetourt County as Section 109, Parcel 181.

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

Mr. Jeff Busby, County Planner, stated that the applicant (Michael Leonard) is proposing to operate a wholesale nursery and landscaping supply/material business on this property located at the Route 460/616 intersection. He noted that the Planning Commission members discussed the request's proffered condition ("The property shall not be used for automobile, truck (light), trailer, motorcycle, and recreational vehicle sales.") at some length.

Mr. Busby stated that the applicant will need to request a waiver from VDoT on the entrance into this property due to the close spacing of the crossovers on Route 460 in front of this property. He noted that VDoT requires that crossovers be no closer than 495' apart and there is only 250' between the two crossovers near this parcel. Mr. Busby stated that the Planning Department staff has recommended that VDoT approve this waiver.

After questioning by Mr. Williamson, Mr. Busby stated that he has discussed this waiver with Mr. Brian Blevins with VDoT and Mr. Blevins did not see any problems with VDoT granting this waiver.

Mr. Busby noted that Mr. Michael Lynch with Engineering Concepts, Inc., was present at the meeting to answer any questions on this request.

After questioning by Mr. Williamson, Mr. Lynch stated that the applicant has not heard from VDoT about this waiver request.

Mr. Busby noted that the proposed business will be similar to the nursery operated by Mr. Rudd Peters on Alternate Route 220 and will sell stone, plants, mulch, etc. He then reviewed the proposed site plan which indicated the location of an office trailer and parking area on the side which faces Route 460 and a nursery material storage area toward the rear of the site.

Mr. Busby then reviewed the site plan from the rezoning of this property in 1998 where certain sections were rezoned from Business B-2 to B-3 for a recreational vehicles sales/service/wholesale business and other portions were rezoned from Business B-3 to B-2 for a convenience store with gasoline facilities. He noted that the 1998 rezoning included 12 proffered conditions.

After questioning by Mr. Williamson, Mr. Busby stated that today's request will include modifying and removing those 1998 proffered conditions from the C&A parcel.

After questioning by Mr. Martin, Mr. Busby stated that this property is located diagonally across Route 460 from the Blue Ridge Volunteer Fire Department and previously housed Powell's Store.

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

After discussion with Mr. Busby, Mr. Lynch stated that Mr. Leonard is negotiating with the adjacent property owner (Scott Snyder) to construct a joint access to both parcels that would be located directly across from the Route 460 crossover in front of Mr. Snyder's property. Mr. Lynch noted that a new frontage-type road located parallel to Route 460 on the Snyder property would be used to access Mr. Leonard's business.

After questioning by Mr. Williamson, Mr. Leonard stated that this rezoning would be for both a retail and wholesale nursery business. He noted that the word "retail" was inadvertently left out of the Board's information.

After questioning by Mr. Williamson, Mr. Busby stated that the Planning Commission recognized that this would be a retail and wholesale business when they considered this request.

There being no further discussion, on motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this request with the following condition on the basis that the requirements of Section 25-581(k) (4) of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice. 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 15-01-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

C & A PROPERTIES, LLC

In the Blue Ridge District to rezone a 4.355-acre lot from a Business B-2 District to a Business B-3 District, with possible proffered conditions, for the operation of a wholesale nursery and landscaping supplies and materials business located at the Blue Ridge Boulevard (U. S. Route 460E)/Blue Ridge Springs Road (Route 616) intersection, (the property will be accessed from Blue Ridge Boulevard) and is identified on the Real Property Identification Maps of Botetourt County as Section 109, Parcel 181.

1. The property shall not be used for automobile, truck (light), trailer, motorcycle, and recreational vehicle sales.

Mr. Dodson stated that he had no updates from this month's Parks and Recreation Commission meeting but he did want to inform the Board that *The Roanoker* magazine has picked Darryl Johns, Captain of the Eagle Rock Volunteer Rescue Squad, to be included in an upcoming story on first responders.

After questioning by Mr. Williamson, Mrs. Guzi noted that there is \$450,000 included in the current budget for the purchase of the new fire truck for Troutville on which the Board authorized the issuance of a request for proposals through competitive negotiations earlier today. After further questioning by Mr. Williamson, Mrs. Guzi stated that several members of the County's Fire and EMS Commission have said that this budget amount will be insufficient to purchase this truck but the staff will thoroughly review the bid proposals and cost figures when they are received.

Mr. Williamson noted that the funds for this truck's purchase will probably needed to be reappropriated into the FY 15-16 budget.

Mrs. Guzi then updated the Board on the continued development of the Strategic Plan. She noted that staff conducted a two-day planning session on January 14 and 15 and the Board had previously received a copy of the sessions' agenda and action plans. Mrs. Guzi stated that the consultant facilitating the development of this plan, Tyler St. Clair, divided approximately 25 staff members into small groups to develop action plans for each of the 40 strategic goals that the Board drafted at their December 5 and 6 planning sessions. Mrs. Guzi noted that the staff sessions were extremely valuable, worthwhile, and exhausting.

Mrs. Guzi noted that following these sessions, the administrative staff is approximately 85% complete in their development of the action plans and are concentrating on how to incorporate the action plan for the goals that have just gotten underway and those that we anticipate starting during the next year into the FY15-16 budget development process, e.g., the Agriculture Economic Development Study, and the Wind Energy Ordinance.

Mrs. Guzi stated that, once all of the specific action plans are finalized, staff will then need to synthesize them into an integrated plan. She noted that staff will then step back and look at the big picture, including a review of timelines and identification of resources needed for completion, and, once complete, the finalized action plans will be reviewed with Ms. St. Clair.

After discussion, Mrs. Guzi noted that while staff is completing the goals section, steps are underway to communicate the Board's Vision Statement and to inform the public of the work that is occurring. She noted that, in addition to the initial steps, staff is developing a community group listing for the scheduling of presentations on the Vision Statement.

After discussion, Mrs. Guzi stated that the goal is to keep everything moving and she will provide the Board with monthly agenda updates on their progress.

After questioning by Mr. Williamson, Mrs. Guzi stated that the staff is working toward having a publishable strategic plan available in April in order for the data to be tied into the budget process and then will be reflected in the adopted budget. She noted that there may be the need for an additional one-half day strategic planning session by the Board as suggested by Ms. St. Clair.

After discussion by Mr. Williamson regarding the schools, Mrs. Guzi stated that she is meeting with School Superintendent Tony Brads tomorrow to discuss the scheduling of a joint School Board/Board of Supervisors meeting.

After questioning by Mr. Martin, Mr. Dodson stated that the School Efficiency Study is recommending that, among other items, the schools look at the possibility of closing one or two elementary schools based on student population and school facility capacity.

Mr. Williamson noted that the County has been planning for years for a new elementary school in the Blue Ridge area and discussion will be needed as to whether all of the existing elementary schools remain necessary if this new school is built. Mr. Williamson then questioned whether the proposed schedule is to complete the strategic plan process in May with the inclusion of the school-related material or adopt the strategic plan this summer and then consider an addendum that addresses these long-term items.

After further discussion by the Board, it was noted that the joint meeting of the Board of Supervisors and School Board will provide the opportunity to incorporate school-related material into the Strategic Plan.

Discussion was then held on various appointments.

After discussion, the Board tabled consideration of the vacancy on the Industrial Development Authority until a future meeting.

On motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board reappointed Mrs. Mary Lynne Leffel as the County's representative on the Blue Ridge Behavioral Healthcare Board of Directors for a three year term to expire on December 14, 2017. (Resolution Number 15-01-12)

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

NAYS: None

ABSENT: None

ABSTAINING: Mr. Leffel

On motion by Mr. Martin, seconded by Mr. Williamson, and carried by the following recorded vote, the Board ratified the reappointment of Mr. Bruce Thomasson as an at-large representative on the Blue Ridge Behavioral Healthcare Board of Directors for a three year term to expire on December 31, 2017. (Resolution Number 15-01-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board ratified the reappointment of Mr. Vic Boddie as an at-large representative on the Blue Ridge Behavioral Healthcare Board of Directors for a term to expire on December 31, 2016. (Resolution Number 15-01-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board appointed Mr. Charles E. Grant, Jr., of 46 Hillandale Drive, Troutville, Virginia, to the Building Code Board of Appeals for a four year term to expire on March 17, 2019, and directed staff to send Mr. J. Wayne Utt a letter thanking him for his previous service on the Board of Appeals. (Resolution Number 15-01-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board recommended that the Circuit Court Judge reappoint Mr. S. E. Cash as the Blue Ridge District representative on the Board of Zoning Appeals for a five year term to expire on March 31, 2020. (Resolution Number 15-01-16)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Board then returned to Closed Session at 6:32 P. M. to complete discussion of the items previously referenced in the motion to go into Closed Session.

The Chairman called the meeting back to order at 7:35 P. M.

On motion by Mr. Williamson, seconded by Mr. Martin, 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 15-01-17)

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

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.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Williamson, and carried by the following recorded vote, the meeting was continued at 7:36 P. M. until 6:00 P. M. on February 10, 2015, at the Greenfield Education and Training Center for a work session

with the Planning Commission to discuss the proposed Wind Energy Ordinance. (Resolution Number 15-01-18)

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

NAYS: None

ABSENT: None

ABSTAINING: None