

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, May 27, 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 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. and thanked Mr. Leffel for handling the chairmanship duties at last month's meeting. Dr. Scothorn also thanked everyone for their thoughts and prayers regarding his daughter's surgery. He noted that "everything is looking good" for her recovery.

Dr. Scothorn then noted that May 18 – 23 was designated as Emergency Medical Services Week and he attended an event at Read Mountain Fire Station commemorating this event. Dr. Scothorn noted that he heard a story of a 14 year old girl who quit breathing and the quick response by emergency services personnel which saved her from tissue damage and potential brain injury. Dr. Scothorn then thanked the citizens, volunteers, law enforcement, EMS, and military personnel that serve the County and the country.

He then asked for a moment of silence.

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

Dr. Scothorn then asked that Mrs. Lisa S. Martin come forward along with the members of the Electoral Board who were present at today's meeting.

Dr. Scothorn noted that Mrs. Martin served on the County's Electoral Board from March 2011 through February 2014 and a proclamation thanking her for her service has been framed for presentation to her today.

Dr. Scothorn then read the proclamation as follows:

WHEREAS, Ms. Lisa Speight Martin served as a Precinct Election Officer and Chief of the Troutville Precinct with great dedication toward ensuring the integrity of the electoral process prior to her appointment to serve as a member of the Electoral Board; and,

WHEREAS, during her service as a Precinct Election Officer, Ms. Martin participated in certification training of precinct election officers bringing her first-hand knowledge of providing leadership while working at the polls; and,

WHEREAS, Ms. Martin served on the Botetourt County Electoral Board from March 2011 through February 2014; and,

WHEREAS, during her tenure, Ms. Martin served with dedication and conscientiously advanced the Electoral Board's goal of integrity and transparency in voter registration and elections and promoted public trust and confidence in the conduct of accurate and fair elections; and,

WHEREAS, Ms. Martin's selfless commitment of time and talents to the Electoral Board and its dedication to a commitment of excellence to the democratic process brought credit not only to herself but also to Botetourt County and its citizens;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors hereby expresses its sincere appreciation to Ms. Lisa Speight Martin for her commitment to the democratic process and to the citizens of Botetourt County.

Mrs. Martin thanked Dr. Scothorn and the members of the Board for this presentation.

Delegate Terry Austin was then noted as being present at the meeting to make a presentation to Mr. George Austin, a resident of the County.

Delegate Austin stated that it is his honor to be present at this meeting on behalf of the Commonwealth of Virginia. Delegate Austin stated that Mr. George Austin retired from the Virginia State Police in November 2013 after 37 years of service. Delegate Austin stated that he submitted a request for a joint resolution of the Virginia General Assembly to commemorate Mr. Austin's service to the State's citizens which was approved by the State Senate and the House of Delegates.

Delegate Austin then read the resolution as follows:

WHEREAS, George W. Austin, Jr., a dedicated public servant who was a captain in the Bureau of Criminal Investigation of the Virginia State Police and division commander of the Salem Field Office, retired on November 1, 2013, after more than 37 years in law enforcement; and

WHEREAS, George "Stick" Austin joined the Virginia State Police on December 1, 1974; he served in a variety of departments and worked in Northern Virginia, Botetourt County, the Salem Field Office, and at State Police Headquarters in Richmond; and

WHEREAS, after serving as a trooper in both a heavily populated jurisdiction and a rural county, in 1984, Stick Austin was transferred to the Bureau of Criminal Investigation for four years, specializing in narcotics investigations; and

WHEREAS, Stick Austin later worked in the Planning and Research Unit at State Police Headquarters and served on a one-year assignment with the Virginia State Crime Commission; and

WHEREAS, in 1990, Stick Austin was promoted to assistant special agent in charge (first sergeant) and became one of two statewide coordinators for the Drug Abuse Resistance Education program; later he was transferred to the Bureau of Field Operations; and

WHEREAS, Stick Austin was promoted to lieutenant in the General Investigation Division in the Richmond Field Office of the Bureau of Criminal Investigation in 2001; the next year, he responded to two of the sniper shooting incidents around Washington, D.C., and was the on-scene commander for the shooting in Ashland that October; and

WHEREAS, becoming a captain in 2004, Stick Austin was assigned to the Salem Field Office, where he participated in several high-profile investigations, including as incident commander for the criminal investigations of the 2007 Virginia Tech shootings in Norris Hall; at the time of his retirement, he had risen to the rank of division commander; and

WHEREAS, Stick Austin is an exemplar of the bravery, dedication to duty, and sacrifice shown by law-enforcement officers and first responders throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, that the General Assembly hereby commend George W. Austin, Jr., on the occasion of his retirement from the Virginia State Police after 37 years of service; and, be it

RESOLVED FURTHER, that the Clerk of the House of Delegates prepare a copy of this resolution for presentation to George W. Austin, Jr., as an expression of the General Assembly's respect and admiration for his many years of public service to protect the Commonwealth and its citizens.

Delegate Austin then presented Mr. Austin with an official copy of this resolution.

Dr. Scothorn thanked Mr. Austin for his knowledge, dedication, and service to the citizens of the County and the State of Virginia.

Delegate Austin then introduced his legislative aide, Allison Baeuchler, to the Board.

Consideration was then held on approval of the minutes of the April 22 regular meeting.

Dr. Scothorn noted that he would abstain from voting on this matter as he was absent from the April regular meeting.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the minutes of the regular meeting held on April 22, 2014, were approved as submitted. (Resolution Number 14-05-01)

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

NAYS: None

ABSENT: None

ABSTAINING: Dr. Scothorn

Consideration was then held on approval of additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there were eight pass through appropriations and one school appropriation being requested this month. He noted that these requests were for receipt of State funds, County program funds, insurance funds, sponsorship monies, and donations. Mr. Zerrilla further stated that the \$142,000 appropriation for revenue refunds includes two large overpaid personal property tax payments.

He then noted that the \$5,263.75 school appropriation is being requested as per the auditor's procedural guidelines and is for the use of School Capital Reserve Funds.

After questioning by Mr. Williamson, Mr. Zerrilla stated that this appropriation is for previously set-aside school capital funds. Mr. Zerrilla noted that, at the July Supervisors meeting, he will request an appropriation to cover the FY 14-15 funding needs from this account.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the following additional appropriations: (Resolution Number 14-05-02)

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

NAYS: None

ABSENT: None

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 \$1,000 to Emergency Services – Refunds, 100-4035500-5999. These are funds received from cost recovery being used to cover refunds.

Additional appropriation in the amount of \$22,733.89 to Maintenance – Capital Outlay – Other Capital, 100-4043000-8012. These are insurance recovery proceeds for power issues relating to the need to replace a compressor for a chiller for the Public Safety Building.

Additional appropriation in the amount of \$8,248.99 to the following Maintenance Department accounts: \$6,065.00 to Repairs & Maintenance - Equipment, 100-4043000-3311, and \$2,183.99 to Repairs & Maintenance – Buildings, 100-4043000-3313. These are insurance recovery funds. The former is for water line repairs in the Circuit Court building, and the latter is for repairs to the General District Court building.

Additional appropriation in the amount of \$2,250.00 to Maintenance Department – Repairs & Maintenance – Equipment, 100-4043000-3311. These are insurance recovery funds for wind and hail damage at the Greenfield & Education & Training Center.

Additional appropriation in the amount of 2,500 to Botetourt Sports Complex – Marketing, 100-4071300-5840. These are sponsorship funds for costs associated with the NCCAA Softball National Championship team banquet.

Additional appropriation in the amount of \$600 to Parks & Recreation – Marketing, 100-4071000-5840. \$500 is for donated funds from Allstate for purchasing a youth sports recruitment video and \$100 is for Twin River Outfitter’s portion of a cooperative ad with ESPN for Water Trail promotions.

Additional appropriation in the amount of \$142,000 to Revenue Refunds – Refunds, 100-4092000-5999. This is an appropriation to cover the refunding primarily for two large overpaid personal property tax payments.

Additional appropriation in the amount of \$5,263.75 for use of existing funds in the School Capital Reserve Fund. This appropriation is for procedural purposes as recommended by the County’s auditors.

Consideration was then held on approval of the accounts payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, noted that this month’s accounts payable totaled \$1,270,144.57; \$1,098,511.57 in General Fund invoices; \$9,066.95 in Debt Service Fund expenditures; and \$162,566.05 in Utility Fund invoices. He noted that the Short Accounts Payable list totaled \$175,786.36; \$164,401.59 in General Fund expenditures; \$3,055 in Debt Service Fund invoices; and \$8,329.77 in Utility Fund expenditures.

Mr. Zerrilla noted that this month’s large expenditures included \$27,094 for a 2014 Police Interceptor vehicle purchased from Sheehy Auto Stores; \$24,100 to Sheehy Auto Stores for a Ford F-150 pickup for the Animal Control Department; \$82,160 to Innovative Systems and Solutions and \$137,365 to Slait Consulting for file storage devices for the County’s new financial software system; \$50,000 to Earth Movers, Inc., for drilling and rock blasting work at the Greenfield Recreation Park; and \$73,085 to the Western Virginia Water Authority for the County’s ninth progress payment on the Roanoke Regional Sewage Treatment Plant upgrade project. Mr. Zerrilla noted that this \$73,085 payment is reimbursable from the County’s Virginia Resources Authority loan for this project.

After questioning by Mr. Williamson, Mr. Zerrilla stated that the costs for the new County-wide financial software will be paid over three fiscal years and any MIS funds available at the end of FY 14 will be reappropriated into FY 15 to help fund this project.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the accounts payable list and ratified the Short Accounts Payable List as submitted. (Resolution Number 14-05-03)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a contract award to provide reassessment services and appointment of a professional assessor. Mr. David Moorman, Deputy County Administrator, stated that the Board had previously authorized the County’s Reassessment Oversight Committee to enter into negotiations with the two firms that had submitted proposals to conduct the County’s general property reassessment effective January 1, 2016. Mr. Moorman noted that the Committee, consisting of himself, Mr. Tony Zerrilla, Mrs. Kathleen Guzi, and Mr. Rodney

Spickard, Commissioner of Revenue, met with representatives of both Wampler-Eanes Appraisal Group and Wingate Appraisal Service and, upon conclusion of negotiations, agreed that either firm would provide a quality reassessment consistent with the Request for Proposals and State-approved guidelines and requirements as both had submitted competitive and responsive proposals.

Mr. Moorman noted that the Committee is recommending that the Board award the reassessment services contract to Wampler-Eanes as their negotiated proposal is 2.2% below the contract rates for the County's 2010 reassessment. He stated that Wampler-Eanes total estimated cost to conduct the reassessment is \$331,000 plus the provision of associated clerical expenses for the Board of Equalization.

Mr. Moorman further stated that Wampler-Eanes has agreed to schedule and provide preparation and follow-up services for the Board of Equalization's hearings and to provide court testimony for a period of five years following the reassessment's effective date at no additional cost, they also will take and attach to individual property cards digital images at no additional cost (a value of at least \$32,000), and will provide new construction assessment services, at the County's pleasure, for up to a six year period between this reassessment and the County's next at a fixed (not to increase over the period) flat rate.

Mr. Moorman noted that initial funding for the reassessment is included in the FY 15 budget with additional funding will be proposed for inclusion in the FY 16 budget.

After discussion, Mr. Moorman noted that the copy of the Wampler-Eanes contract included in the Board's information packets has been reviewed and approved by the County Attorney and Wampler-Eanes.

He further requested that the Board appoint Mr. Gary Eanes as the County's professional assessor. Mr. Moorman stated that, under State law, this individual is responsible for the lawful conduct of the County's reassessment. He noted that Mr. Eanes has extensive experience conducting reassessments including those his firm handled for the County in 2002, 2006, and 2010.

Mr. Moorman then noted that he appreciated the assistance provided by Mr. Spickard, Mrs. Guzi, and Mr. Zerrilla on the Reassessment Oversight Committee.

After questioning by Mr. Williamson, Mr. Zerrilla stated that \$190,800 has been included in the FY 15 budget for reassessment-related expenses. After further questioning, Mr. Zerrilla estimated that this amount would cover 40% - 60% of the total reassessment cost depending on timing and activity.

After questioning by Mr. Williamson regarding the reference to the liability insurance requirements on page 7 of the contract, Mrs. Dillon, County Attorney, stated that there is a legally-required liability insurance amount for reassessment services of this type.

Mr. Moorman noted that the specific liability insurance amount was included in the RFP but he does not remember the exact amount at this time. Mr. Moorman noted that he would provide Mr. Williamson with this figure after the meeting.

Mr. Williamson also asked that the County be named as an additional insured on this liability policy and that the amount of the insurance consistent with the RFP be specified in the contract.

After questioning by Mr. Dodson regarding this project's timeline, Mr. Moorman noted that Wampler-Eanes would begin their sales study work early this fall and complete it over the

rest of this calendar year. He noted that the assessors' field work would begin early next year and would take almost all of 2015 to complete.

After further questioning by Mr. Dodson, Mr. Moorman noted that the staff should have some feedback from Wampler-Eanes on their sales study in November/December 2014 in order to calculate the FY 16 budget amount needed to complete the funding for this project.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board awarded a reassessment contract to Wampler-Eanes Appraisal Group to conduct the County's 2016 general property reassessment, authorized the County Administrator to execute a contract in substantial conformance with the draft agreement, and subject to execution of the reassessment contract, appointed Mr. Gary Eanes as the County's professional assessor for the 2016 Botetourt County general property reassessment. (Resolution Number 14-05-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a request to conduct a leash law poll in the community of Glen Wilton. Mrs. Susan Fain, Deputy Clerk, noted that Section 4-28.1 of the County Code allows for a process whereby a running at large prohibition can be enacted within certain designated areas. She noted that this process begins with the receipt of a petition from a majority of the property owners within the designated area.

Mrs. Fain stated that the residents in a portion of the community of Glen Wilton, as shown on the map included in the Board's agenda packets, have submitted a petition containing the signatures of 54% of the property owners requesting that a poll be conducted to determine if a majority is in favor of enacting a leash law. She noted that, if the Board agrees to this request, a ballot will be mailed to those residents within the designated area asking whether they are in favor of or oppose the leash law. She further noted that a majority of the property owners must vote in favor of the leash law designation before the matter is brought back before the Board for final consideration.

Mrs. Fain stated that Mr. Frank Thurston, who obtained the signatures on the petition, is present at today's meeting as is Chief Animal Control Officer Kevin Crowder to answer any questions that the Board may have. She noted that the staff recommendation is that the Board direct the County Administrator to conduct this leash law poll.

Mr. Leffel noted that he has discussed this request with Mr. Thurston and concurs with today's request to adopt a resolution directing staff to conduct the poll.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the following resolution directing staff to conduct a leash law poll in Glen Wilton.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 14-05-05

WHEREAS, a majority of the property owners within the designated area of Glen Wilton have petitioned the Botetourt County Board of Supervisors to conduct a poll of the property owners to determine if a majority desire a leash law,

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Administrator is directed to conduct a poll of the property owners in Glen Wilton in accordance with Section 4-28.1 of the Botetourt County Code.

A public hearing was then held on a request from JCLJ Associates, LLC, to abandon a 30' X 750'+/- prescriptive VDoT public right-of-way at the end of Patterson Trail (Route 683) west of Eagle Rock and consideration of approval of a Commission Permit regarding this abandonment. Mr. Jeff Busby, County Planner, stated that John and Crystal Bounds own this 16 acre site through a limited liability company (JCLJ Associates). He noted that this property is located at the end of State Route 683 (Patterson Trail) along Craig Creek west of Eagle Rock.

Mr. Busby stated that VDoT has an existing 30' prescriptive easement to maintain this portion of Patterson Trail and the applicants would like to terminate the road at their eastern-most property line. Mr. Busby noted that most of the roadway through this area is located in the flood zone. He stated that the applicants are requesting this abandonment due to problems with people accessing Craig Creek by trespassing on their property.

Mr. Busby noted that Mr. Brian Blevins with VDoT has reviewed this proposal and noted if it is approved a new proposed turnaround at the Bounds' eastern property line would need to be constructed. He further noted that Mr. Blevins requests that the turnaround be of an adequate size to allow VDoT's trucks and grading equipment to turn around. He noted that there would be a gate installed at the new "end of State maintenance."

Mr. Busby stated that he spoke with David Firestone, the County's Division Chief for Emergency Management, about this proposed road abandonment. Mr. Busby noted that Mr. Firestone was agreeable with the request as long as there is a knoxbox at the new gate to allow fire and rescue personnel access in an emergency. Mr. Busby stated that the Board had received a letter from Richard Wright, Chief of the Eagle Rock Fire Department, regarding this matter late last week. He noted that Chief Wright had met with the property owners on-site and reached an agreement that the department would receive a key to the new gate's knoxbox, have a formal right-of-entry agreement with the owner to allow access by their fire equipment to Craig Creek to fill water tanks on an as-needed basis, and to periodically conduct training exercises along the Creek on the owner's property.

Mr. Busby noted that two citizens spoke at the Planning Commission's hearing on this issue and the Commission recommended denial of the Commission permit due to the following reasons: "the subject right-of-way has been used by the community for years and abandoning it would create negative impacts; this portion of the VDoT right-of-way should remain open for public use, to provide emergency access in this area, and for continued access for agricultural purposes; and the applicant has not demonstrated that this portion of right-of-way should be removed from the Comprehensive Plan for public use and its removal will create negative impacts to surrounding property owners."

Mr. Busby stated that, if the Board approves this request, they would need to overturn the Planning Commission's decision on the Commission permit and pursue the abandonment of this section of Patterson Trail.

Mr. Busby also noted that a Mr. Harlow of Eagle Rock spoke at the Commission meeting in opposition to this proposed request and Mr. John Hylton spoke in favor of this request.

After questioning by Dr. Scothorn, Mr. Busby stated that the Commission stated that there would be accessibility issues if this abandonment was approved and also the right-of-way has been used by the community for many years and would create negative impacts if it were

closed. Mr. Busby noted that, when the Phoenix Bridge on Ball Park Road was under construction many years ago, VDoT used this portion of Patterson Trail as a temporary access road for the property owners impacted by the bridge's closure.

Mr. Busby noted that his office also received some comments from the National Forest Service (NFS) regarding this request. He noted that the NFS owns an isolated tract of land in this area and a secondary access to this property is through Patterson Trail, Craig Creek, and the Courtemanche property.

After questioning by Mr. Williamson, Mr. Busby stated that one of the circumstances that led to the Commission's recommendation of denial of this request was that Pete Peters, the County's Director of Parks, Recreation, and Tourism, had opposed the proposal because of possible future Upper James River Water Trail access issues. Mr. Busby noted that, after further reviewing the situation, Mr. Peters has now said that he is comfortable that this abandonment request will not impact any future Upper James River Water Trail access points.

Mr. Busby then noted that Mrs. Maryellen Goodlatte, the applicant's attorney, is present at this meeting and has talked to the Eagle Rock Fire Department and others regarding this request. Mr. Busby further noted that the County has received a significant amount of additional information on this request since the Commission's April meeting.

After questioning by Dr. Scothorn, Mrs. Guzi stated that there are other locked/gated areas of the County where the emergency services units have access via a knoxbox.

Eagle Rock Fire Chief Alan Wright stated that there are knoxboxes on County buildings such as the Eagle Rock Library and the Eagle Rock Elementary School and on the Interstate 81 crossovers, among others, to allow emergency services units to access those properties during an emergency.

Mrs. Goodlatte then presented the Board with copies of maps of the Bounds' properties. She noted that the applicants actually own a total of 17.7 acres in two parcels--Tax Map 27, Parcel 13A contains 16.2 acres, and Tax Map 27 (2), Parcel 3A contains 1.5 acres. She noted that the only structure on the Bounds' property is an old cabin on the 1.5 acre tract. Mrs. Goodlatte noted that County staff has recommended that the boundary line between the two parcels be vacated and the applicants are willing to do so.

Mrs. Goodlatte stated that Patterson Trail is a 14' wide gravel road and the Bounds' property is approximately 0.8 mile from U. S. Route 220. She noted that the Bounds were present at today's meeting. Mrs. Goodlatte stated that VDoT has a 30' easement through the Bounds' property and the owners' title indicates that the property boundary goes to the center of Craig Creek. She stated that the portion of this property located between Patterson Trail and Craig Creek has been used as a hangout for people to party, build bonfires, and drink.

After discussion, Mrs. Goodlatte stated that the parcel located across Patterson Creek from the Bounds' property has access via Ball Park Road. She further noted that VDoT supports this abandonment request with the conditions listed in their March 7, 2014, letter: "the abandonment must follow procedures as outlined in Virginia Code Section 33.1-151; an adequate turnaround must be constructed at the proposed end of state maintenance with dedicated public right-of-way or easements via plat and/or deed; a Land Use Permit will be required prior to final processing of the abandonment to allow for the construction of the turnaround within the existing VDoT right-of-way. A surety will be necessary to cover the total cost of construction to ensure the turnaround is completed and right-of-way/easement is dedicated. The surety will not

be released until the turnaround has been constructed and approved by Land Use and Maintenance staff.” Mrs. Goodlatte noted that Mr. Brian Blevins, VDoT’s Area Land Use Engineer, was present at this meeting to answer any questions.

Mrs. Goodlatte stated that the gate installed at the new turnaround will be locked with a Knoxbox. Mrs. Goodlatte stated that Patterson Trail is a public right-of-way and, according to the Code of Virginia, the abandonment request had to first be considered by the Planning Commission and their recommendation forwarded to the Supervisors for final determination of its merits.

She noted that the Planning Commission had three objections to this abandonment request including that it was inconsistent with the County’s Comprehensive Plan. Mrs. Goodlatte stated that the Commission’s reasons for denial included that the right-of-way had been used by the community for years. Mrs. Goodlatte stated that this is true even though the community has been using private property to access Craig Creek. She noted that the Commission also said that the County’s Parks and Recreation Director was opposed to this closure because of potential impacts on access to the Upper James River Water Trail. Mrs. Goodlatte stated that Mr. Peters, after further reviewing this site, changed his mind on the proposed abandonment.

Regarding the Commission’s concerns that the right-of-way remains open for public use/emergency access/agricultural access, Mrs. Goodlatte stated that the pasture/hay field located across Patterson Creek from the Bounds’ property has access via Ball Park Road. She noted that the applicants have contacted the person who farms this field and they are willing to give him access through their property. Mrs. Goodlatte noted that, when the Phoenix Bridge on Ball Park Road was closed for repairs in 1999, VDoT acquired a right of entry through this farm field to allow residents access to their property. She noted that, if this bridge repair work is necessary in the future, the applicants are agreeable to allowing a right of entry.

Mrs. Goodlatte noted that the Hyltons own property surrounding the Bounds’ parcels and the Hyltons are in support of this abandonment request as well. She noted that a listing of illegal incidents on this roadway was provided to the Development Services Office.

Regarding the Comprehensive Plan, Mrs. Goodlatte stated that the purpose of roadways is to provide access to adjoining properties and many of the roads in the County are not a priority for expansion or repair. Mrs. Goodlatte stated that she believes that Patterson Trail is one of these roads. She further noted that this roadway periodically floods which requires that monies be spent to keep the road to passable. Mrs. Goodlatte stated that these funds could be better spent elsewhere.

After discussion, Mrs. Goodlatte stated that the Eagle Rock Fire Department supports this request and they will be allowed to use the property along the creek for training exercises. She noted that, if this request is denied, the owners could block access to the creek by placing large boulders along the road’s shoulder but this would impact the fire department’s usage of the creek.

Mrs. Goodlatte requested that the Board approve the Commission permit and the abandonment request as submitted. She noted that public safety is enhanced by this abandonment being approved and it would not impact the County’s tourism efforts. Mrs. Goodlatte further stated that, if this request is approved, the applicant would have to meet VDoT’s specifications for construction of the turnaround.

After questioning by Mr. Dodson, Mrs. Goodlatte then indicated the location of the NFS property in relation to the Bounds' property on a map included with this request's PowerPoint presentation. She noted that they have been working with the NFS' Atlanta office regarding the secondary access route to the Forest Service's property. Mrs. Goodlatte noted that the Bounds have agreed to continue to allow administrative and emergency access by the NFS through their property. She noted that to use this NFS secondary access at the present time would entail driving through a portion of Patterson Creek.

Mr. Leffel noted that he has discussed this request with Mrs. Goodlatte and Chief Wright. Mr. Leffel stated that he is pleased that the Bounds' are willing to allow access by agricultural equipment across this right-of-way. Mr. Leffel noted that modern farm equipment is too wide to cross the Phoenix Bridge and Patterson Trail is the only route that this equipment can use to access these fields.

After questioning by Mr. Williamson, it was noted that there is no need for this roadway to be used in a future rails-to-trails project in this area. After further questioning by Mr. Williamson, Mrs. Goodlatte stated that the legally titled owner of these two parcels is JCLJ Associates, LLC.

Ms. Diane Cook of Boblett's Gap Road in Buchanan then stated that she is in favor of this request. She noted that people park and hang out on Patterson Trail because it is a dead-end road. She noted that these individuals leave trash along the roadway and on the Bounds' property. Ms. Cook noted that the Bounds would like to build a home on the property. She noted that, if the road is left open, the County would be allowing these illegal activities to continue and possibly further encourage this behavior.

Mr. John Hylton of Patterson Trail stated that he is an adjacent property owner of the Bounds. He noted that Mrs. Goodlatte has covered all of the issues that they have previously communicated to the Board about this proposal. Mr. Hylton stated that he is strongly in favor of this abandonment request as they have also had problems with people partying, shooting guns, etc., along Patterson Trail in the middle of the night. He noted that the land has been posted against trespassing and people still visit this property. Mr. Hylton thanked the Board for their consideration of this request.

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.

Dr. Scothorn noted that the Sheriff's Department reports on calls to this area were discussed by the Planning Commission but he believes that "this did not touch on the number of people who visit this property" illegally.

Mrs. Goodlatte stated that the applicants' concern is that someone living on the property full-time would experience many problems with trespassers.

After discussion, Mrs. Dillon suggested that the Board consider the Planning Commission permit first before deliberating on the abandonment request.

On motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board overturned the Planning Commission's denial of a Commission Permit in the Fincastle Magisterial District from JCLJ Associates, LLC, in accordance with Section 15.2-2232 and 15.2-2272 of the Code of Virginia 1950, as amended, and Section 25-576 Commission Permit of the Botetourt County Zoning Ordinance to vacate a 30' prescriptive right-of-way as recorded in the Circuit Court Clerk's Office of Botetourt County in Deed Book 39, Page 37, situated along Patterson Trail (State Route 683) with the portion of Patterson Trail to be vacated

lying between Tax Map Number 27-13 and 26-42, owned by Mary Helen D. Marsh and Frankie D. Courtemanche; Tax Map Number 27-13B, owned by John P. and Mildred P. Banks; contains a 20' wide ingress and egress easement dedicated to serve Tax Map 27(2)3A that is not included in this request; the prescriptive easement measures 30' in width by approximately 750'+/- in length and the 16.241 acre parcel involved in this request is identified on the Real Property Identification Maps of Botetourt County as Section 27, Parcel 13A. (Resolution Number 14-05-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the following resolution abandoning a portion of State Route 683 (Patterson Trail).

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 14-05-07

WHEREAS, pursuant to Virginia Code §33.1-151, public notice was posted announcing a public hearing to receive comments concerning abandoning the section of road described below from the Secondary System of Highways; and

WHEREAS, the road to be abandoned is described as a portion of a 30 ft. wide prescriptive right-of-way known as Patterson Trail (State Rte. 683), which is located on Tax Map Parcel 27-13A, owned by JCLJ Associates, LLC, and depicted as "Patterson Trail" on a plat entitled "Plat Showing ± 16.241 Acres to be Conveyed to Andrew R. East" prepared by Larry T. Ogle, L.S., L.C., dated October 25, 2006, and recorded in the Clerk's Office of the Circuit Court of Botetourt County, Virginia, in Plat Book 39 at Page 37; and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road; and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Secondary Route 683 located on Tax Map Parcel 27-13A, and hereby deems this section of the road no longer necessary as a part of the Secondary System of State Highways,

NOW, THEREFORE BE IT RESOLVED, that the Botetourt County Board of Supervisors abandons the above described section of road and removes it from the Secondary system of State Highways, pursuant to §33.1-151, Code of Virginia.

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

A public hearing was then held on the proposed FY 15-20 Secondary System Six Year Plan and the FY 15 Secondary System budget. Mr. Brian Blevins, VDoT's Area Land Use Engineer, stated that the draft Six Year Plan as included in the Board's agenda packets includes Glebe Road (Route 675) as Priority #1; the Springwood Road/Fincastle Bypass project as Priority #2; a bridge replacement on Springwood Road as Priority #3, and several new additions of unpaved roads as follows: Deerfield Road (Route 760) Priority #4; McFalls Road (Route 806) Priority #5; and Buhrman Road (Route 696) as Priority #6.

Mr. Blevins noted that reconstruction of the southern portion of Lee's Gap Road (Route 666) is currently underway as a Rural Rustic Road project and is shown as Priority #0 on the

Plan, as are the reconstruction of Etzler Road (Route 672), and intersection improvements on Catawba Road (Route 779). He noted that these projects must be shown on the Plan until their final closeout details are completed.

Mr. Williamson noted that on page 15 of the Board's April minutes, he had suggested that the unpaved portion of Old Hollow Road be considered for inclusion on the Plan and also that the Board members were directed to contact the County Administrator with any proposed additions to the Plan. Mr. Williamson questioned if this had been done and these roads forwarded to VDoT for consideration.

Mr. Blevins stated that these roads are included on the County's gravel road listing. He noted that in developing the Six Year Plan, VDoT staff were trying to first utilize the available funds on projects that are considered "low-hanging fruit." Mr. Blevins further noted that Deerfield and Buhrman roads are less complex RRR projects than some of those on the County's gravel road listing.

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.

After discussion, on motion by Mr. Dodson, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the FY 15-20 Secondary System Six Year Plan and the FY 15 Secondary System budget as proposed. (Resolution Number 14-05-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Dodson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board adopted the following resolutions declaring Buhrman Road (State Route 696) and Deerfield Road (State Route 670) as Rural Rustic Roads.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 14-05-09

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Botetourt County, Virginia ("Board") desires to consider whether **State Route 696 (Buhrman Road)**, From: U. S. Route 220 (Botetourt Road), To: end of the roadway's State Maintenance should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

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

Resolution Number 14-05-10

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Botetourt County, Virginia ("Board") requests that **State Route 760 (Deerfield Road)**, From: State Route 665 (Country Club Road), To: end of the roadway's State Maintenance should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

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

Mr. Kevin Hamm, VDoT's Maintenance Operations Manager, then reviewed VDoT's monthly report. He stated that the Exit 150 project is on-schedule. He noted that the truckstops facility will close at the end of August, demolition of the property will be scheduled for this fall, and construction on the roadway improvements will begin in the spring of 2015. He noted that the County is in the process of providing a maintenance agreement for the landscaping in the roundabout area to VDoT.

Regarding the Catawba Road project, Mr. Hamm noted that the construction crews are working on the bridge and intersection improvements but are still waiting for the report regarding the shoring work. He further noted that the Lithia Road water channel project is waiting for environmental recommendations and work on the Route 643 (Mountain Valley Road) culvert installation is underway.

After discussion, Mr. Hamm stated that there are three prefabricated bridge deck replacement projects proposed for Jennings Creek Road on June 6, 13, and 21. He noted that these projects will necessitate the roadway being closed to through traffic from Friday night until Saturday morning on those dates. Mr. Hamm stated that he has discussed these projects with the County's Department of Fire and Emergency Services staff so that they can make plans to access this area if necessary during the road's closure.

After questioning by Mr. Williamson, Mr. Hamm noted that EMS staff will schedule placement of their equipment on the other side of the bridge in the event of an emergency during the time that the road is closed.

Mr. Hamm noted that the southern portion of the Lee's Gap Road Rural Rustic Road (RRR) project has begun and the work should be completed by June 30. He noted that the pavement on the northern portion of this road which was completed as a RRR project last year was damaged during the southern portion's construction. Mr. Hamm noted that the damaged pavement will be recapped next summer.

Mr. Hamm then reviewed the two utility entrance permits, the 4 private entrance permits, and the two other types of permits that were issued by VDoT in the past month. He stated that work on the realignment of Fringer Trail continues and should be finished and surface treated by the middle or end of June. He noted that VDoT is doing this project with in-house staff.

Mr. Hamm also stated that mowing work is underway and the speed study on Greenway Hollow Road has been completed and the roadway posted for a 25 mph speed limit. He noted that this study was requested by a citizen.

After questioning by Mr. Williamson, Mr. Hamm stated that the speed study on Route 640 (Lithia Road) has been delayed due to their staff's busy work schedule.

After questioning by Mr. Dodson regarding a community meeting on the Exit 150 project, Mrs. Guzi noted that she has a conference call tomorrow with VDoT to discuss this matter. She noted that VDoT wanted to delay scheduling this meeting until after the Primary System Six Year Plan public hearing which was held earlier this month. Mrs. Guzi suggested that one meeting would be held with those businesses that would be immediately impacted by the construction project and a subsequent community meeting with those citizens/businesses that would be affected by this work.

Mr. Dodson noted that this project will impact almost everyone in the County and questioned if he could receive a copy of the design plans for this project

Mr. Hamm stated that VDoT has been wrapping up the details on the Exit 150 project and he will ensure that the Board is provided with a copy of the project's design.

After questioning by Mr. Dodson, Mrs. Guzi stated that VDoT will advertise this project for bid in early December and award the contract in the spring with work to begin in April 2015.

Delegate Terry Austin then stated that he participated in a tour held on May 19 with the Secretary of Transportation, along with the County Administrators of Botetourt and Alleghany Counties, and representatives from Covington and Clifton Forge of U. S. Route 220 north of Eagle Rock. Delegate Austin noted that \$78 million in road improvement funding has been allocated in the Primary System Six Year Plan. He noted that this funding will be used to install turning lanes, improve drainage, etc., with the work estimated to begin in approximately two years. Delegate Austin stated that he has also discussed the Route 220 project with Mr. William Fralin and Mr. Court Rosen who represent this area on the Commonwealth Transportation Board.

After questioning by Mr. Williamson, Mr. Brian Blevins stated that the CTB will vote on the Primary System Six Year Plan in June.

Delegate Austin stated that the improvements to Route 220 are expected to total \$150 million.

There being no further discussion, the Board thanked VDOT's representatives for their presentations at today's meeting.

Consideration was then held on the appointment of a new Zoning Administrator/ Subdivision Agent. Mr. David Moorman, Deputy County Administrator, stated that the County has hired a new Planning Manager/Zoning Administrator and, as per Sections 25-521 and 21-21 of the County Code, the Board is required to officially appoint this person as the County's Zoning Administrator and Subdivision Agent.

Mr. Brandon Nicely, Development Services Manager, stated that the County has hired Mrs. Nicole Pendleton as its new Planning Manager/Zoning Administrator effective June 11, 2014. He noted that Mrs. Pendleton is a graduate of the University of Virginia with a degree in Environmental Planning/Environmental Thought and Practice and a Masters degree in Urban and Environmental Planning. Mr. Nicely noted that she served an internship with the Thomas Jefferson Planning District Commission, served as a Community Development Planner with the City of Lynchburg, worked as a Planner II with Roanoke County, and is currently the Community Development Analyst for Freedom First Federal Credit Union.

Mr. Nicely further noted that she has served as a committee chair with the Roanoke Regional Housing Network, was selected as one of the Emerging Leaders in the Citi Leadership Program for Opportunity Finance, and participated in the Roanoke Valley/Alleghany Regional Commission's Livable Roanoke Valley activities. He stated that she has also been certified in the Board of Zoning Appeals and Planning Commissioner's Programs and has certifications in Floodplain Management (CFM) and the American Institute of Certified Planners (AICP). Mr. Nicely also noted that she is a native of Alleghany County and currently resides in Botetourt County.

Dr. Scothorn welcomed Mrs. Pendleton to employment with Botetourt County.

On motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, as per Sections 25-521 and 21-21 of the Botetourt County Code, the Board appointed Mrs. Nicole Pendleton as the Botetourt County Zoning Administrator and Subdivision agent effective June 11, 2014. (Resolution Number 14-05-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mrs. Guzi then noted that she was notified earlier today by The Fincastle Herald that the public hearing advertisement to change the Mill Creek Precinct's polling place was not published for the second consecutive week as required by the Code of Virginia. Mrs. Guzi noted, therefore, that the Board cannot legally conduct the public hearing on this matter at this month's meeting. Mrs. Guzi stated that this public hearing will be readvertised in early June for a hearing at the June 24 Board meeting.

After questioning by Mr. Williamson, Mrs. Dillon noted that the County opted out of the federal pre-clearance guidelines in 2005; therefore, the County does not have to obtain approval from the U. S. Department of Justice for this polling place change.

After further questioning by Mr. Williamson, Mrs. Dillon noted that polling places cannot be changed within 60 days of an election and delaying this public hearing until June will not impact any elections scheduled in 2014.

Ms. Phyllis Booze, Voter Registrar, noted that in 2007 the Virginia General Assembly passed legislation that the current WinVote voting machines could no longer be used by localities and required local governments to purchase optical scan equipment.

Ms. Booze noted that the County's voters used the old lever-type machines prior to 2004 and then purchased the WinVote computerized voting machines using \$272,000 in federal monies provided through the State Board of Elections in 2006. She stated that the last time County funds were used to purchase voting equipment was in 1999.

Ms. Booze stated that under the new State legislation the County is required to have one digital optical scanner per precinct, as well as an optical scanner for the absentee ballot precinct, and one back-up machine. She noted that, because of its size, the optical scan equipment cannot be transported in the Chief Election Officers' vehicles. Ms. Booze stated that each optical scanner is estimated to cost \$10,000 and the County has 17 precincts as well as needing scanners for the absentee precinct and a spare machine.

After discussion, Ms. Booze noted that the County's WinVote machines have performed exceptionally well; however, other localities that use these types of machines have not been as successful with the machine's performance. She noted that, as these machines do not produce a paper copy of the voter's completed ballot, there is no record of the ballots cast on that machine if the machine has a memory failure. Ms. Booze stated that, if one of the WinVote machines fails in the middle of an election, all ballots cast on that machine would be lost.

Ms. Booze stated that the General Assembly may require the County to have the optical scanner machines in place within a specific period of time and she wanted to inform the Board of this potential large expense that will have to be funded in the next few years.

Mr. Williamson then stated that in the "age of Google, we are going back to paper ballots." Ms. Booze stated that this statement is correct.

After questioning by Mr. Martin, Ms. Booze noted that the paper ballots do not contain the name of the voter who completed them.

After questioning by Mr. Dodson, Ms. Booze stated that legislation adopted by the 2012 General Assembly required all localities to have optical scanner machines by January 1, 2019. She questioned, however, whether the County "wants to take a chance" on the electronic machines remaining operational between now and when the optical scanner machines are purchased.

After questioning by Mr. Williamson, Mr. William Heartwell, Chairman of the Electoral Board, stated that it was inevitable that this legislation requiring optical scanner machines would be enacted. Mr. Heartwell noted that it would help if the General Assembly could give the localities some additional guidance on this issue. Mr. Heartwell stated that the Electoral Board would prefer that there not be major changes to the voting machines in 2016 because of the presidential election scheduled for that year. Mr. Heartwell stated that he would guess that the bulk of these new voting equipment requirements would be implemented after the 2016 election.

Ms. Booze stated that, if the optical scan machines are purchased in 2015, she, the poll workers, and the voters will have an opportunity to become familiar with the machines prior to the 2016 presidential election. She stated that, if the County 'were going to make a switch,' she would prefer that the new voting machines be available for the November 2015 election. Ms. Booze noted that the question is "how much risk does the County want to invest in" regarding the current computerized voting machines.

Mr. Williamson suggested that the Electoral Board make a budget funding recommendation for the potential purchase of these new voting machines during the next two budget cycles.

Mr. Williamson noted that he and Mr. Martin were previously appointed to serve on a committee to plan for the Supervisors strategic planning sessions later this year. He noted that County staff is working on providing them with a list of facilitators to interview for these sessions. Mr. Williamson stated that, once the facilitators have been interviewed, a recommendation will be made to the full Board for consideration and a preliminary agenda will be developed.

Mrs. Guzi noted that the staff's report should be submitted to the committee by the end of this week and then work can proceed on scheduling these sessions.

Mr. Dodson then noted that he attended the recent Captains and Chiefs meeting and a question was raised on when the new EMS Chief would be hired.

Mrs. Guzi noted that the selection committee membership, including representatives from the volunteer fire and rescue agencies, has been set. She further noted that the position has been advertised with applications due by June 2.

Mrs. Guzi further noted that the apparatus, recruitment and retention, and the training committees have been formed and are moving along with their work.

A public hearing was then held on proposed revisions to Chapter 25. Zoning of the Boteourt County Code to add a new zoning district known as "Research and Advanced Manufacturing" ("RAM"). Mr. David Moorman, Deputy County Administrator, stated that in April the Board asked the Planning Commission to review and consider amendments to the Zoning Ordinance to create a RAM District. He noted that this zoning district would facilitate the entire life cycle of manufacturing from research and development through production and business enterprises in any or all phases of manufacturing; create a district that better aligns with modern manufacturing practices and trends; and create a district that closely reflects local, regional, and State economic development targets.

Mr. Moorman noted that this district would constitute a new manufacturing designation in addition to the County's existing M-1, M-2, and M-3 industrial zoning districts and could be utilized in any area of the County as approved by the Supervisors.

Mr. Moorman stated that the Planning Commission held a public hearing on these proposed ordinance amendments on May 12 and unanimously recommended approval. Mr. Moorman then noted that subsequent to the Commission meeting the staff received additional comments on these proposed amendments and is proposing that subsection 12 of Section 25-392. Permitted uses regarding accessory uses be revised to now read, "In addition to the accessory uses permitted in Section 25-431(c) of this Chapter, the following and similar accessory uses shall be permitted: (a) Non-public uses intended for the benefit of employees and guests of existing on-site primary permitted uses, such as but not limited to cafeterias, mailing

services, concessions and the like; (b) Public uses which are primarily for the purpose of promoting the products and/or services of the primary permitted use, such as but not limited to gift shops, restaurants, stores and the like; (c) Agricultural uses accessory to on-site primary permitted uses, such as the use of land for purposes of raising plants useful to humans, including field crops, fruits, vegetables, sod, viticulture and silviculture, but not to include livestock.”

After questioning by Mr. Williamson, Mrs. Dillon noted that these amendments are not substantive enough to require readvertisement and scheduling of another public hearing. She noted that the Board can make additional, minor changes at this public hearing, if necessary.

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.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Williamson, and carried by the following recorded vote, the Board adopted the following ordinance to amend the Chapter 25. Zoning of the Botetourt County Code to add Division 18, Sections 25-391 to 25-397 to Article II. District Regulations Generally, establishing a Research and Advanced Manufacturing District (RAM), and to amend Section 25-601. Definitions, to include RAM in the definition of industrial district, as amended, effective immediately.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 14-05-12

WHEREAS, the Board of Supervisors wishes and it is necessary to update the Zoning Ordinance and to set forth standards for the establishment of a new zoning district; and,

WHEREAS, legal notice and advertisement has been provided as required by law; and,

WHEREAS, public necessity, convenience, general welfare, and good zoning practice require such action,

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF BOTETOURT COUNTY, VIRGINIA, THAT, the Zoning Ordinance, Chapter 25 of the Botetourt County Code, is amended and reordained as attached.

Consideration was then held on various appointments.

Mrs. Guzi noted that the Buchanan District representative on the Transportation Safety Commission has resigned. She stated that the Commission was formed in the 1970s/80s to apply for and administer Department of Motor Vehicles grants for traffic safety improvement projects. She noted that these grants are no longer available and staff is working to identify future goals and purposes of the Commission and asked that this appointment be tabled at this time.

The Board agreed to table the appointment of a Buchanan District representative on the Transportation Safety Commission.

Regarding the term of Ned McElwaine as a citizen member on the Roanoke Valley-Alleghany Regional Commission, Mrs. Guzi noted that this three-year term expires on June 30, 2014. She stated that Botetourt County is the only RVARC member locality that does not currently have an administrative-type representative on the Commission; therefore, Mrs. Guzi recommended that she be appointed to this position.

There being no discussion, on motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board appointed the County Administrator, Mrs. Kathleen Guzi, as a County representative on the Roanoke Valley-Alleghany Regional Commission for a three year term to expire on June 30, 2017, and directed staff to send a letter to Mr. Ned McElwaine thanking him for his previous six years of service as a citizen representative on the Commission. (Resolution Number 14-05-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mrs. Guzi noted that the current Fincastle District representative on the Board of Social Services, Mr. Eugene (Colby) Trammel, is not eligible to be reappointed due to State-mandated term limits. She noted that Mr. Leffel is still contacting potential appointees to fill this vacancy and asked that the Board table this appointment until the June regular meeting.

The Board agreed to table this appointment until the next meeting.

Mrs. Guzi then noted that the four-year term of Dan Collins as the County's representative on the DSLCC Board of Directors expires on June 30, 2014.

On motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board reappointed Mr. Robert R. (Dan) Collins as the County's representative on the Dabney S. Lancaster Community College Board of Directors for a four year term to expire on June 30, 2018. (Resolution Number 14-05-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

It was noted that the three-year term of Ron Smith as the County's representative on the Roanoke Valley Area Metropolitan Planning Organization expires on July 1, 2014. Mrs. Guzi stated that as per a letter received from Wayne Strickland, MPO Secretary, in order to comply with federal regulations, all local government representatives on the Policy Board are required to be elected officials; therefore, Mr. Smith is not eligible for reappointment.

She noted that the County has two seats on the MPO which are currently filled by Mr. Smith and Mr. Billy Martin.

On motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board appointed Mr. Todd L. Dodson as an elected County representative on the Roanoke Valley Area Metropolitan Planning Organization for a three year term to expire on June 30, 2017, and directed staff to send a letter to Mr. Ron Smith thanking him for his previous service on the MPO. (Resolution Number 14-05-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Alvin Thacker of Manassas Circle in Ashley Plantation Subdivision was then allowed a few minutes to speak to the Board regarding closed session matters.

Mr. Thacker stated that, while at a community event this past weekend, several homeowners in his subdivision discussed the recent television and newspaper articles regarding the truckstops facility at Exit 150. He noted that this facility is closing at the end of August due to the construction work at this interchange and the citizens are concerned with the impact this closure will have on County revenues and whether their taxes will increase to offset these losses.

Mr. Thacker stated that many of those Ashley citizens think that the issue of County officials "not giving a direct answer" to reporters' questions in a recent Channel 7 news story and also having closed sessions in which the public/press are not allowed is "immoral, illegal, and improvident." Mr. Thacker stated that the Board and County not telling the public what is going on does not comport to acceptable patterns of conduct. Mr. Thacker stated that having "private sessions" is not right even if the County attorney says that the County can do so. Mr. Thacker stated that "no one is telling the County's citizens" what is happening and they can file suit on this issue to obtain this information.

Mr. Thacker stated that, if the County is not planning for the anticipated reduction in revenues once this business shuts down, it shows a lack of foresight and a lack of providing for the County's future needs. Mr. Thacker questioned what is the Exit 150 construction project going to mean to the citizens' taxes. Mr. Thacker stated that the citizens think that the Board knows and is not keeping the residents informed. He stated that, if the Board does not know how much in additional taxes the citizens will have to pay to offset the truckstops' closure, "there is something wrong."

Mr. Thacker stated that the County is not favorable to business development and there are numerous vacant office buildings along Route 220. He asked that the Board "let people know what is going on." He asked that, if VDoT is not telling the Board what is happening and what other businesses are closing because of this project, then the Board needs to "be all over them."

Mr. Williamson stated that he has a great deal of respect for Mr. Thacker but he resents being accused of being illegal and immortal. Mr. Williamson stated that he appreciates Mr. Thacker's comments but would prefer that other language be used.

Mr. Thacker stated that these are the comments of the Ashley Plantation citizens.

After questioning by Mr. Williamson, Mrs. Dillon stated that she provides the Board with the best legal advice that she possibly can. Mrs. Dillon stated that she does not allow the Board to go into closed session on an issue that is not allowed to be discussed under the Freedom of Information Act's requirements.

Mr. Dodson stated that the Board intends to schedule strategic planning sessions later this year to "figure out where we are going." He noted that the County is working to change the business-unfriendly attitude as well. Mr. Dodson noted that "the future is coming" and the Board "can either let the future shape us or we can shape the future."

Mr. Thacker stated that the citizens are mad that they do not know what is going on regarding the Exit 150 revenue issue.

Mr. Martin noted that closed sessions are allowed to be held under the Code of Virginia to discuss certain topics. He noted that in some instances there could be competitive advantages if the items were made public at that time. Mr. Martin stated that he has been a Supervisors member for eight years and is aware that the County is going to lose some tax revenue due to the Exit 150 construction project.

After discussion by Mr. Thacker, Mr. Martin stated that he is not in favor of raising taxes and he does not believe that the Supervisors are doing anything illegal. Mr. Martin noted that items discussed in closed session pertain to issues for the betterment of the County and its citizens.

Dr. Scothorn stated that the Board members are working collaboratively and discuss many topics each month that affect the County and its citizens. Dr. Scothorn noted that he also discusses issues with his patients when they ask questions about the County. Dr. Scothorn stated that every member of the Board has a true dedication for their job.

Mr. Thacker stated that he did not mean to insult the Board with his comments but the Board needs to speak out on the issues.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Williamson, and carried by the following recorded vote, the Board went into closed session at 4:06 P. M. to discuss a prospective business or industry not previously announced; 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 for consultation with legal counsel to obtain legal advice regarding a specific legal matter pertaining to the Tinker Creek Interceptor construction contract as per Section 2.2-3711A (5), (6), and (7) of the Code of Virginia of 1950, as amended. (Resolution Number 14-05-16)

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 6:02 P. M.

On motion by Mr. Martin, seconded by Mr. Dodson, 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 14-05-17)

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

A public hearing was then held on a request in the Fincastle Magisterial District from Brian and Amy S. Rookstool for a Special Exception Permit for a commercial kennel for a dog training business, with possible conditions, on a 0.5 acre portion of an 8.269 acre lot, located at 1768 Trinity Road (State Route 670), Troutville, approximately 0.8 miles west of its intersection with Parsons Road (State Route 676), and is identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 121.

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

Mr. Jeff Busby, County Planner, noted that the Planning Commission had recommended that the following three conditions be considered by the Supervisors on this request: "there shall be no commercial breeding; there shall be no public boarding; there shall be no more than five

(5) dogs per training class, excluding the property owners' personal dogs, on site at any given time."

Mr. Busby noted that the Rookstools' 8.2 acre property currently contains a single family dwelling, a barn, and an outbuilding. He noted that the applicants are requesting to have three dog agility training sessions per day four days a week. Mr. Busby stated that the applicants would like to have two training fields which will be surrounded by a four-rail, wooden fence.

Mr. Busby noted that there were no public comments received at the Planning Commission regarding this request but a letter was received over the weekend from the property owners located across Trinity Road (Chadwick and Melinda Bortle) requesting that the SEP be denied. Mr. Busby noted that the reasons given in this letter included noise, the time of day that the training sessions would occur as one of the property owners works weekend nights, and a potential decrease in property values if the request were approved.

Mr. and Mrs. Rookstool were then present to speak to the Board.

Mrs. Rookstool stated that she has been training and competing in dog agility competitions for eight years and conducts classes in the Lynchburg area. Mrs. Rookstool noted that some friends have suggested that she begin a similar business in Botetourt County which resulted in this SEP application being submitted for consideration.

Mrs. Rookstool then showed the Board a videotape of a September 2013 WSET 13 news story on dog agility training/competition.

Mrs. Rookstool noted that the agility equipment located within the training fields will be moved/relocated for each session so that the dogs do not memorize the course layout.

Mr. Rookstool stated that prior to the Commission meeting he and his wife met with their neighbors in order to answer their questions about this proposal. He noted that they received positive responses from their neighbors in attendance, including from the Bortles who wrote the opposition letter to the Board. Mr. Rookstool noted that he spoke to Mr. Bortle on April 26 about their proposed business plan for this property and Mr. Bortle did not voice any of the concerns listed in his letter during their discussions.

Regarding the noise issue, Mr. Rookstool stated that they have a limit on the number of dogs in each training class (5) and they will restrict the classes to no more than three classes per day for three days a week. Mr. Rookstool stated that if a weekday class is canceled due to weather, they may occasionally have a Saturday class. Mr. Rookstool stated that there will not be five dogs running loose in the training area. He noted that they will train one dog at a time while the others in the class wait on the sidelines for their turn.

Mr. Rookstool stated that they will try to minimize the impact that this business has on their neighbors. He noted that there is a ridgeline at the rear of the property and fencing and other buildings to help block noise from the training areas. Mr. Rookstool noted that he and his wife have worked hard to improve the property since they purchased it at a foreclosure sale.

Mrs. Rookstool then reviewed the conditions that the Planning Commission had included with their recommendation for approval of this request. She stated that the business will operate from 4:00 to 8:00 P. M. with a 30 minute break between each session and the dogs will always be under either her or their owner's control. Mrs. Rookstool stated that at the present time she only has three individuals who are interesting in taking these dog agility classes.

After questioning by Dr. Scothorn, Mrs. Rookstool noted that they have not had any problems with the neighbors since they purchased the property.

After questioning by Mr. Leffel, Mrs. Rookstool stated that it would be rare for a dog to bark during these training sessions and they would train the dog not to bark, if necessary.

Mr. Williamson noted that a limit on the number of hours that this business could operate was not officially made a condition by the Planning Commission on this request. Mr. Williamson suggested that the Supervisors consider adding a condition that the business could only operate during daylight hours.

Mrs. Rookstool noted that she had no objections to the addition of this condition.

Mr. Martin noted that Mr. Bortle's letter stated that they had moved to the County for the quiet surroundings; however, they can currently hear the Rookstools' dogs barking from their property.

Mr. Rookstool noted that they limit the amount of time that their personal dogs are outside to twice a day. He noted that they try to be conscientious about their dogs' barking and quiet them down as soon as possible if they do bark. Mr. Rookstool noted that their neighbors, including the Bortles, also own dogs and he does not think that there will be any more noise from this proposed business than what is currently being generated in this area.

After questioning by Mr. Martin, Mrs. Rookstool stated that the business would operate between 4:00 and 8:00 P. M. at the maximum.

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

On motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved a request in the Fincastle Magisterial District from Brian and Amy S. Rookstool for a Special Exception Permit for a commercial kennel for a dog training business on a 0.5 acre portion of an 8.269 acre lot, located at 1768 Trinity Road (State Route 670), Troutville, approximately 0.8 miles west of its intersection with Parsons Road (State Route 676), and is identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 121, with the following conditions: (Resolution Number 14-05-18)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. There shall be no commercial breeding.
2. There shall be no public boarding.
3. There shall be no more than five (5) dogs per training class, excluding the property owners' personal dogs, on site at any given time.
4. The business shall only operate during daylight hours.

A public hearing was then held on a request from Winter Fields, LLC, for text amendments to Chapter 25. Zoning, Article II. District Regulations Generally, Division 6. Residential R-3, Section 25-165. (3) b. Building requirements; minimum yards of the Botetourt County Code to revise the minimum side setback to 20', instead of the current 25' requirement; and to amend Article VI. Definitions Section 25-601 Definitions, to revise "Dwelling, Zero Lot Line" so that one edge of the structure may abut a side lot line.

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

Mr. Jeff Busby, County Planner, stated that there were no public comments at the Planning Commission meeting regarding this request and the Commission agreed that the proposed text amendments are consistent with the County's high-density development ordinances. Mr.

Busby noted that the Roanoke Regional Home Builders Association and the Roanoke Valley's realtor association were sent e-mail messages about these proposed text amendments. He noted that no responses were received.

Mr. Busby then gave a PowerPoint presentation on this request. He stated that these amendments, if approved, would be effective for all Residential R-3 development countywide. He noted that zero lot line dwellings are much more sellable in the current economy than typical single family dwellings. He noted that Mr. Peter Fields, President of Winter Fields Construction, Inc., developed Altamira Subdivision located in the Cloverdale area as a zero lot line project. Mr. Busby stated that there is a 30' sewer easement along the subdivision's western property line adjacent to the Norfolk Southern Railroad tracks. He noted that this easement is a deterrent to constructing townhomes on these lots that meets the County's current requirements.

Mr. Busby stated that the applicant is proposing that the R-3 minimum side setback be changed from 25' to 20' which would allow him to construct the townhomes off of the property line so that they do not conflict with the sewer easement and also allow them to be constructed as detached dwellings.

Mr. Busby stated that none of the staff research indicates that this wording would be inconsistent with development requirements in other area localities. He noted that Mr. Fields is present to answer any of the Board's questions.

After questioning by Mr. Martin, Mr. Busby stated that these amendments would only affect those structures constructed under the provisions of the zero lot line ordinance.

Mr. Williamson noted that significant amendments to the Zoning Ordinance were last approved in 2002 and questioned why the County chose the existing language at that time.

Mr. Busby noted that Mr. Milton Herd, consultant, had assisted the County in its 2002 Zoning Ordinance update and stated that the zero lot line language was based on similar ordinances from localities in northern Virginia. Mr. Busby noted that single family dwellings of this type are clustered together for efficiency purposes for water/sewer/utility construction costs.

Dr. Scothorn noted that one citizen, who spoke to him earlier today, was concerned about the reasoning behind this side yard reduction request and whether a Special Exceptions Permit would be more prudent in this situation as approval of a text amendment would impact all developments of this type in the County.

Mr. Peter Fields, applicant, stated that a Roanoke County R-3 zoning district generally allows for a 10' side yard setback while Botetourt County's current Zoning Ordinance allows a 25' side yard setback. Mr. Fields stated that he is proposing is to have the same distance as is permissible in Roanoke County. He noted that the County's ordinance calls for groups of attached dwellings that can be separated by 20'.

Mr. Fields stated that he is requesting that these text amendments would allow for more flexibility in home design, create more desirable homes that buyers want, and provide homes with higher values. Mr. Fields stated that the Building Code requires that if windows/doors are installed on the side of a dwelling they have to be located 3' off of the property line and to meet this requirement in the current situation along the sewer easement would impact the size of the dwelling.

Mr. Fields stated that he has previously designed bump-outs in his dwelling designs that are in contact with the property line to meet the zero lot line provisions and the rest of the structure is set back 3' on that side to allow windows/doors to be installed on that wall. Mr.

Fields stated that he is constructing homes for retirement-age citizens and “flatter is better” which makes them safer and more marketable.

After questioning by Mr. Dodson regarding the pencil drawings displayed during Mr. Busby’s PowerPoint presentation on this request, Mr. Fields stated that the 20’ distance is being proposed for the side yards of these types of structures, not the distance between each unit.

After questioning by Mr. Martin, Mr. Fields stated that the benefit of this reduced side yard width is that he can have 8’ – 10’ between the R-3 structures instead of constructing them on the lot line and having 0’ between the homes. He noted that it allows him to design these types of developments to allow more separation between each unit.

Dr. Scothorn noted that Mr. Fields has done a great job on the Altamira development and he thinks it will be a benefit to the entire community if additional distance can be allowed between the two structures.

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

Mr. Dodson then questioned why a text amendment which would impact R-3 development projects Countywide was necessary instead of a SEP for this development only.

Dr. Scothorn noted that this text amendment would allow developers to concentrate their site’s infrastructure closer together which would offer cost savings.

Mr. Fields stated that the Statewide Uniform Building Code requires a 3’ distance off of the property line before a window or door can be installed in that wall. Mr. Fields stated that the Altamira lots are 67½’ wide and with the current R-3 side yard requirements his structures could only be a maximum of 42½’ wide. He noted that the extra 5’ that would be available by reducing the side setback from 25’ to 20’ would allow additional space on the lots for different building designs. He noted that this 20’ minimum side yard requirement would also be more consistent with the R-3 setbacks in other area jurisdictions.

Mr. Dodson noted that enacting this smaller side yard requirement Countywide is not a bad idea but he is trying to think what would be best for the future in these types of projects. He questioned how many R-3 developments planning to be developed in the County in the future.

Dr. Scothorn noted that more and more developers are building high-density residential projects.

After discussion with Mr. Busby, it was noted that Mr. Fields’ projects have approximately 66 R-3 units, A. R. Overbay has a project consisting of 55 high-density units, Tinkerview Townhomes in Daleville has 17 units of this type, and there are 24 “quadraplex” units being proposed later today by Mr. Sherman Foutz on property located east of Daleville.

After questioning by Mr. Williamson, Mr. Busby noted that the County does not have any large R-3 zoned blocks of land that are vacant at this time.

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 following resolution approving a request from Winter Fields, LLC, to amend Chapter 25 Zoning, Article II. District Regulations Generally, Division 6. Residential R-3, Section 25-165. Building requirements; minimum yards to revise the minimum side setback to 20 feet instead of the current 25 feet requirement; and to amend Article VI. Definitions, Section 25-601. Definitions, to provide that one edge of a structure may abut a side lot line, effective immediately.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 14-05-19

WHEREAS, Winter Fields, LLC, requested text amendments to Chapter 25 Zoning, of the Botetourt County Code to revise the minimum side setback in the R-3 Residential District to 20 feet instead of the current setback requirement of 25 feet and to revise the definition of "Dwelling, Zero Lot Line" to provide that one edge of a structure may abut a side lot line; and,

WHEREAS, legal notice and advertisement has been provided as required by law; and,

WHEREAS, the Board of Supervisors has found that the public necessity, convenience, general welfare, and good zoning practice are consistent with such requests and approves the text amendments,

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF BOTETOURT COUNTY, VIRGINIA, THAT the Zoning Ordinance, Chapter 25 of the Botetourt County Code, is amended and reordained as follows effective immediately:

BOTETOURT COUNTY CODE
CHAPTER 25 ZONING

ARTICLE II. District Regulations Generally

Division 6. Residential R-3

Sec. 25-165. Building requirements; minimum yards.

All lots existing prior to the adoption of this chapter shall be regulated by the prior setback requirements for the district in force at the time of adoption of this chapter. For lots created after the date of adoption of this chapter, the following requirements shall apply:

(3) *Zero lot line dwellings.*

- a. Front: Twenty-five (25) feet.
- b. Side: ~~Twenty five (25)~~ Twenty (20) on the open side.
- c. Rear: Twenty-five (25) feet.

ARTICLE VI. Definitions

Sec. 25-601. Definitions.

Dwelling, zero lot line: A single-family detached residential dwelling unit designed such that one edge of the structure may abuts a side lot line, and thus has only one (1) side yard.

A public hearing was then held on a request in the Amsterdam Magisterial District from Sherman D. Foutz for the following text amendments to Chapter 25. Zoning, Article II. District Regulations Generally, Division 6. Residential R-3 of the Botetourt County Code: Section 25-164(c) Maximum lot coverage from 60% to 50%; Section 25-165(4) a. Building requirements; minimum yards, Single-family attached dwellings, Front from 25' to 20'; and add Section 25-165(4) d. 3. Building requirements; minimum yards, Single-family attached dwellings, Groups of dwellings to read, "In cases where attached dwellings are located on separate lots, the dwelling

units shall adjoin the interior lot lines where the units share a common wall. An attached dwelling unit shall be setback not less than twenty (20) feet from all exterior lot lines.”; and requests to rezone a 4.873 acre portion of a 15.741 acre parcel from an Agricultural A-1 Use District to a Residential R-3 Use District, with possible proffered conditions, for the construction of 24 single-family attached dwelling units, with a special exception permit, with possible conditions, for private roads on property located on the north side of Wesley Road (State Route 653), approximately 0.27 miles northeast of its intersection with Roanoke Road (U. S. Route 220), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 136E.

It was noted that the Planning Commission had recommended approval of the text amendments and recommended conditional approval of the rezoning and SEP requests.

Mr. Jeff Busby, County Planner, stated that this rezoning request is for the construction of 24 single-family attached dwelling units known as quadraplexes. He noted that this design allows four units to be connected back to back and side to side with each located on a separate lot.

Mr. Busby noted that the rezoning request was recommended for approval by the Commission with the following conditions: “the development will be built in substantial conformity to the concept plan dated April 24, 2014; the walking trail as shown shall be installed when 75% (18) units of the development is completed; dwellings shall be built with vinyl siding, stone and brick exteriors and tacit.”

He then stated that the SEP was recommended for approval with the following conditions: “the developer shall provide a 4’ wide access easement along both sides of each of the 12’ wide side streets, for a total width of 20’ for access; the homeowners’ association shall manage and maintain all open space areas, private streets, and stormwater management areas within the development; certification from a licensed professional engineer that the main street within the subdivision, except as specifically exempted by the Planning Commission, complies with VDoT standards shall be provided to the Zoning Administrator; the side streets shall comply with VDoT standards in regards to compaction, base, and sub-base materials. The 4’ wide access easement along both sides of the 12’ wide side streets shall comply with VDoT standards in regards to compaction.” Mr. Busby noted that in condition #4 on the SEP the Planning Commission did not mention the standards for the top coat of asphalt to be placed on the side streets.

After discussion, Mr. Busby noted that at the Planning Commission meeting two adjacent property owners expressed concerns about this request. He noted that they indicated that the proposed side streets were too narrow for EMS and trash trucks to maneuver through and the project was too close to the Appalachian Trail. Mr. Busby stated that the Commission discussed the EMS access on the side streets which were only proposed to be 12’ wide

Mr. Busby noted that the County’s Comprehensive Plan designates this area for medium-density residential uses and Mr. Foutz’s plan is consistent with the Comp. Plan’s future use for this area.

Mr. Busby noted that the traffic count on this segment of Wesley Road is 80 vehicles per day (vpd) according to VDoT’s 2007 traffic count and the proposed development is proposed to generate an additional 240 trips per day onto this roadway.

Mr. Busby then noted that David Firestone, the County’s Division Chief for Emergency Management and Support Services, commented via e-mail that the 12’ access easement was too narrow for admittance by some of the County’s emergency services vehicles. Mr. Busby

stated that this resulted in the condition that an additional 4' wide access easement along both sides of the side streets be provided by the developer.

After discussion, Mr. Busby stated that the County and VDoT require connectivity of roadways between adjacent developments for alternative access; however, this requirement was waived by the Commission as part of the subdivision review of this request. Mr. Busby noted that the Supervisors do not take formal action on this portion of the request.

Mr. Busby then gave a PowerPoint presentation on this proposal which included photographs of quadrplexes located in The Orchard Villas development in the Bonsack area of Roanoke County. He noted that the Planning Commission discussed street widths and whether private roads should be constructed to VDoT standards in Mr. Foutz's development. Mr. Busby further noted that there are some residential developments in the County with private streets where the landowners have asked the County or VDoT to take over maintenance of the streets.

Mr. Busby noted that Mr. Chris McMurry, Certified Land Surveyor, and Mr. Sherman Foutz, applicant, were present to answer questions on this request.

After questioning by Mr. Williamson regarding the proposed text amendment to reduce the maximum lot coverage in R-3 districts from 60% to 50%, Mr. Busby noted that the 60% coverage requirement was, on average, a little high compared to the requirements for this type of development in other localities.

After further questioning by Mr. Williamson, Mr. Busby stated that this text amendment is a staff request, not a request by the applicant. Mr. Williamson noted that this amendment, if approved, would affect all future R-3 projects in the County.

Mr. Peter Fields, developer, stated that his company has completed a lot of R-3 projects in the County and he does not think that the 60% versus 50% maximum lot coverage makes any difference.

After questioning by Mr. Williamson, Mr. Jason Ferguson, the County's Division Chief for Fire and EMS Operations, stated that the width of the main street through this proposed development is adequate for access by fire trucks; however, the 12' wide side streets/alleys create a different situation. Mr. Ferguson stated that, if there was a fire in this development, they would not place an emergency response vehicle between these buildings.

After questioning by Mr. Leffel, Mr. Ferguson stated that in the situation he previously discussed the fire trucks would be parked on the main street and 2½" fire hoses extended down the alley to the fire's location. Mr. Ferguson noted that if the County had an aerial truck in the future it would also remain on the main street while being used to fight the fire from above.

After questioning by Mr. Williamson, Mr. Ferguson agreed that you cannot fight a fire if the fire fighting vehicle is in jeopardy.

After questioning by Dr. Scothorn, Mr. Ferguson noted that, if there were a medical emergency in this development, then the ambulance would probably reverse down the alley to access the location of the emergency.

After questioning by Mr. Leffel, Mr. Ferguson stated that this proposed development plan does not impact the fire fighting capability of the County's response units.

Mr. McMurry then stated that it was difficult to come up with sufficient width for this development's design because of the 25' setback requirements for single family dwellings. He noted that the original design showed this side street as an easement. Mr. McMurry stated that the front of the structures had to be located 20' from the edge of the alley to meet the County's front yard setback requirements. Mr. McMurry noted that the site design allows the homeowner

to park two vehicles in each garage and he believes there will be sufficient parking for several vehicles on each parcel.

After discussion, Mr. McMurry stated that they “were trying to come up with something different” with this quadraplex design. He noted that condominium development is regulated by the State and it is expensive to construct and maintain. Mr. McMurry stated that he thinks that the quadraplex design is a unique development, is totally different from a row-house, and has a “different feel.”

He noted that private roads are being proposed because people like to walk and there would be less vehicular traffic on private streets. Mr. McMurry further stated that a copy of the homeowner’s association’s covenants, conditions, and restrictions was included in the Board’s agenda package. He noted that this document includes provisions for maintenance of the development’s roadways and the implementation/collection of fees. Mr. McMurry noted that the applicant believes that adequate maintenance of the roadways would be more viable through the association than VDoT.

After discussion, Mr. McMurry stated that these units will be marketed to the older generation so school buses will probably not use the development’s roadway.

After questioning by Dr. Scothorn regarding trash collection, Mr. McMurry stated that they believe that there is sufficient area at the end of the proposed main street for trash trucks to turn around. He noted that there is additional acreage to modify this turnaround space if needed.

After questioning by Dr. Scothorn, Mr. McMurry noted that there is a walking trail proposed to be constructed around the perimeter of the property.

After questioning by Mr. Dodson, Mr. McMurry stated that he believes the developer’s intention is to have these units for sale, not for rent.

Mr. Williamson noted that a condition on the rezoning portion of this request is that the walking trail will be installed when 75% (18 units) of the development is completed and questioned how the County would regulate this condition.

Mrs. Guzi stated that the County would not issue any additional building permits beyond 18 until the walking trail is constructed.

After questioning by Dr. Scothorn regarding the homeowner association’s fees, Mr. Foutz stated that he would have a controlling interest in the association until the last lot is sold.

After questioning by Mr. Martin, Mr. McMurry noted that the main street will be designed to VDoT standards. Mr. McMurry noted that the developer wants “to do things up front correctly to ensure it is a good development.”

Mr. Busby noted that condition number 3 on the proposed SEP request states that the main street has to be certified by a licensed professional engineer that it has been constructed to VDoT’s secondary road standards.

After further questioning by Mr. Martin, Mr. Busby stated that condition number 4 on the SEP request says that the base and sub-base materials on the side streets should also be compacted according to VDoT’s standards; however, there was no mention of any requirements for the pavement’s top coat.

Mr. Sherman Foutz of Etzler Road, applicant, stated that he has been informed by the School administration that buses will not drive down a road that is less than 1 mile in length to pick up school children; therefore, any children living in this development would have to wait at

the main entrance/Wesley Road intersection to catch the bus or their parents could drive them to school.

Mr. Williamson suggested that Mr. Foutz discuss this issue further with the School Board.

Regarding the issue of fire trucks being able to access these structures, Mr. Foutz stated that the County's current ordinances allow for eight townhomes to be constructed side-to-side.

Mr. Williamson stated that this is an interesting project and he likes the design.

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.

After discussion, it was requested that the various aspects of this request be considered via separate motions.

On motion by Mr. Dodson, seconded by Mr. Williamson, and carried by the following recorded vote, the Board adopted the following resolution to amend Chapter 25 Zoning, Article II. District Regulations Generally, Division 6. Residential R-3, Section 25-164 Lot Requirements, to reduce the maximum lot coverage from 60% to 50%; to amend Section 25-165 Building Requirements; Minimum Yards, to reduce the front setback requirement for single family attached dwellings from 25 feet to 20 feet; and to add Section 25-165(4) d. 3, to clarify that all setbacks shall be measured from exterior lot lines when quadraplexes are located on separate lots, effective immediately.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 14-05-20

WHEREAS, Sherman D. Foutz, requested text amendments to Chapter 25 Zoning of the Botetourt County Code to reduce the maximum lot coverage from 60% to 50%, reduce the front setback requirements for single family attached dwellings from 25 feet to 20 feet, and to add language to the Zoning Code clarifying that all setbacks shall be measured from exterior lot lines when quadraplexes are located on separate lots; and,

WHEREAS, legal notice and advertisement has been provided as required by law; and,

WHEREAS, the Board of Supervisors has found that the public necessity, convenience, general welfare, and good zoning practice are consistent with such requests and approves the text amendments.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF BOTETOURT COUNTY, VIRGINIA, THAT the Zoning Ordinance, Chapter 25 of the Botetourt County Code, is amended and reordained as follows effective immediately:

BOTETOURT COUNTY CODE
CHAPTER 25 ZONING

ARTICLE II. District Regulations Generally

Division 6. Residential R-3

Sec. 25-164. Lot requirements.

All lots existing prior to the adoption of this chapter shall be regulated by the prior setback requirements for the district in force at the time of adoption of this chapter. For lots created after the date of adoption of this chapter, the following requirements shall apply:

(c) *Maximum lot coverage:* ~~Sixty (60)~~ Fifty (50) percent; impervious surfaces on any lot shall not exceed seventy-five (75) percent of the gross lot area.

Sec. 25-165. Building requirements; minimum yards.

All lots existing prior to the adoption of this chapter shall be regulated by the prior setback requirements for the district in force at the time of adoption of this chapter. For lots created after the date of adoption of this chapter, the following requirements shall apply:

(4) *Single-family attached dwellings.*

a. Front: ~~Twenty-five (25)~~ Twenty (20) feet; not more than seventy (70) percent of front yard shall be devoted to parking areas.

d. Groups of dwellings.

1. Groups of attached dwellings (townhouses) on a site shall be separated from each other by a minimum of twenty (20) feet. No more than eight (8) and not less than three (3) single-family attached dwellings shall be included in a single connected group.
2. The front facades of individual townhouse units shall be offset from adjoining units by a minimum of two (2) feet.
3. In cases where attached dwellings are located on separate lots, the dwelling units shall adjoin the interior lot lines where the units share a common wall. An attached dwelling unit shall be setback not less than twenty (20) feet from all exterior lot lines.

After further discussion, on motion by Mr. Dodson, seconded by Mr. Leffel, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this request with the following conditions. 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 14-05-21)

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

NAYS: None

ABSENT: None

ABSTAINING: None

SHERMAN D. FOUTZ

In the Amsterdam Magisterial District to rezone a 4.873 acre portion of a 15.741 acre parcel from an Agricultural A-1 Use District to a Residential R-3 Use District for the construction of 24 single-family attached dwelling units on property located on the north side of Wesley Road (State Route 653), approximately 0.27 miles northeast of its intersection with Roanoke Road (U. S. Route 220), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 136E.

1. The development will be built in substantial conformity to the concept plan dated April 24, 2014.
2. The walking trail as shown shall be installed when 75% (18) units of the development is completed.
3. Dwellings shall be built with vinyl siding, stone and brick exteriors and tacit.

Discussion was then held on the proposed conditions for Mr. Foutz's request for a Special Exceptions Permit to allow private roads in this development.

Mr. Dodson noted that fire trucks cannot drive down the development's proposed side streets/alleys because of the 12' width. He questioned if the 4' wide access easement along both sides of this 12' street would be landscaped, grassed, or compacted dirt or stone.

It was noted that this 4' easement would not be landscaped.

Mr. Foutz stated that the easement would be either grass or gravel.

Mr. McMurry noted that the driveways in The Orchard Villas development in Bonsack are only 9' – 10' wide.

Mr. Dodson noted that the 12' side street should meet VDoT's compaction standards and but he does not believe that the 4' easement should be required to do so.

Mr. McMurry noted that he has no objection to the 4' easement.

After discussion, the Board then agreed that the second sentence in condition number 4 on the Special Exception Permit ("The 4' wide access easement along both sides of the 12' wide side streets shall comply with VDoT standards in regards to compaction.") should be removed.

There being no further discussion, on motion by Mr. Dodson, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved a request in the Amsterdam Magisterial District from Sherman D. Foutz for a special exception permit for private roads on property located on the north side of Wesley Road (State Route 653), approximately 0.27 miles northeast of its intersection with Roanoke Road (U. S. Route 220), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 136E, with the following conditions: (Resolution Number 14-05-22)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. The developer shall provide a 4' wide access easement along both sides of each of the 12' wide side streets, for a total width of 20' for access.
2. The homeowners' association shall manage and maintain all open space areas, private streets, and stormwater management areas within the development.
3. Certification from a licensed professional engineer that the main street within the subdivision, except as specifically exempted by the Planning Commission, complies with VDoT standards shall be provided to the Zoning Administrator.
4. The side streets shall comply with VDoT standards in regards to compaction, base, and sub-base materials.

Mr. Busby then noted that the request in the Fincastle Magisterial District from Ray M. and Anne F. Crush (U. S. Cellular, lessees), for a Commission permit in accord with §15.2-2232 of the Code of Virginia, in addition to a Special Exception Permit, with possible conditions, in an Agricultural A-1 Use District to construct and maintain a 195 foot monopole telecommunications tower within a 10,000 square foot lease area, to be accessed from a proposed 30' access and utility easement, on a 31 acre parcel located on the southwestern side of Three Oaks Road (State Route 678), approximately 0.7 miles southeast of its intersection with Craig Creek Road (State Route 615), identified on the Real Property Identification Maps of Botetourt County as Section 34, Parcel 45, had been tabled by the Planning Commission for up to 60 days to allow additional information to be obtained.

Mr. Busby noted that this request may be withdrawn and resubmitted at a later date.

After discussion, Mrs. Dillon noted that the Commission tabled this request for 60 days because of the requirements for consideration of the Section 15.2-2232 permit. She noted that if the request is withdrawn the matter can be resubmitted for readvertisement and scheduling of public hearings in 90 days.

Mrs. Guzi then noted that the Tinker Creek Interceptor project incurred several change orders over the course of the project's construction. She noted that the County has received revised change order request #31 from English Construction in the amount of \$307,000 and requests the Board's approval of this amount. Mrs. Guzi noted that this is the last payment to the contractor on this project.

On motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved payment of change order #31 from English Construction in the amount of \$307,000 for construction work on the Tinker Creek Interceptor project and approved a change in contract time as follows: Substantial Completion = 248 days; Ready for final payment = 489 days. (Resolution Number 14-05-23)

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

NAYS: None

ABSENT: None

ABSTAINING: None

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the meeting was adjourned at 7:27 P. M. (Resolution Number 14-05-24)

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

NAYS: None

ABSENT: None

ABSTAINING: None