

BOTETOURT COUNTY BOARD OF SUPERVISORS

MINUTES OF JUNE 28, 2022

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, June 28, 2022, at the Botetourt County Administration Center, 57 S. Center Drive, Daleville, Virginia, beginning at 12:30 p.m.

PRESENT: Dr. Richard G. Bailey, Chairman
Dr. Donald M. Scothorn, Vice Chairman
Mr. Steve Clinton
Mr. Billy W. Martin, Sr.
Mrs. Amy S. White

ABSENT:

OTHERS PRESENT: Mr. Mark Popovich, County Attorney
Mr. David Moorman, Deputy County Administrator
Mr. Jonathan Lanford, Assistant County Administrator
Mrs. Lorie Bess, Deputy Clerk

Chairman Bailey called the meeting to order at 12:40 p.m.

On motion by Mr. Martin, seconded by Mrs. White, the Board went into Closed Session pursuant to the Code of Virginia, 1950, as amended, to discuss the following:

- Section 2.2-3711 (A) (3): Discuss the acquisition and disposition of real property for purposes of economic development, in the Amsterdam (including Greenfield), Blue Ridge, and Buchanan districts where discussion in an open meeting would adversely affect the County's bargaining position or negotiating strategy.
- Section 2.2-3711 (A) (5): Discuss prospective businesses or industries or the expansion of existing businesses or industries, in the Amsterdam (Greenfield) and Fincastle districts where no previous announcement has been made of the businesses' or industries' interest in locating or expanding facilities in the community.
- Section 2.2-3711 (A) (8): Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice regarding the Roanoke Valley Broadband Authority and housing discussions.

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #22-06-01

Chairman Bailey called the meeting back to order at 2:00 p.m.

On motion by Dr. Scothorn, seconded by Mr. Martin, that the Board return to regular session from Closed Session and adopted the following resolution by roll-call vote.

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.

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #22-06-

Mr. Martin led the group in reciting the Pledge of Allegiance. Dr. Bailey led in a moment of silence. Chairman Bailey announced agenda items #12 and #13 would be discussed at 6:00 p.m.

PUBLIC COMMENT

Andy Tunnell, 352 Settlers Road

Ted Westmoreland, 115 Black Hill Lane,

INTRODUCTIONS AND/OR RECOGNITIONS

- Staff transition in Treasurer's Office
- Nick Hudson, Systems Engineer
- Retirement of Vincent Seneker, Systems Support Engineer II
- Kathie Smith, Assistant Deputy Registrar
- Girls' Fire Camp Event video
- 2022 Gauntlet Winners

CONSENT AGENDA

- a) Minutes of May 24, 2022 Regular Meeting
- b) Ratification of Noise Ordinance Variance Request from Jeter Farms
- c) Settlement Agreement with Roanoke Valley Broadband Authority

MOTION: That the Board approve the consent agenda items, as presented.

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

RESOLUTION #22-06-

APPROVAL OF TRANSFERS AND ADDITIONAL APPROPRIATIONS

For the month of June, there were 8 transfer requests, the first three are recurring quarterly transfers, while the fourth item is a transfer of County funds to provide a match of contributions received for the Greenfield Preservation area initiative. Transfers 5 through 8 represent transfers of FY22 budgeted funds from one department to another in consideration of year-end activity in those areas. With respect to appropriation requests, there were 8 pass-through appropriations and 13 regular appropriations.

1. Transfer \$ 733.80 to Central Purchasing – Store Supplies, 100-4012530-12530-6021-000, from various departments as follows for store supplies usage:

\$ 37.00 Comm Revenue- Office Supplies, 100-4012310-12310-6001-000

- \$ 7.40 Finance – Office Supplies, 100-4012430-12430-6001-000
- \$ 25.00 Technology Services - Office Supplies, 100-4012510-12510-6001-000
- \$ 7.40 Purchasing -Office Supplies, 100-4012530-12530-6001-000
- \$ 474.00 Jail – Other Operating Supplies, 100-4033100-33100-6014
- \$ 44.00 Jail – Police Supplies, 100-4033100-33100-6010-000
- \$ 20.00 Fire & EMS– Office Supplies, 100-435500-35500-6001-000
- \$ 37.00 CSA – Office Supplies, 100-4053500-53500-6001-000
- \$ 20.00 Library – Uniforms, 100-4073100-73100-6001-000
- \$ 25.00 Comm Development – Office Suppl., 100-4081200-81200-6001-000
- \$ 37.00 Eco. Development – Office Supplies, 100-4081500-81500-6001-000

2. Transfer \$ 1,416.14 to Central Purchasing – Pool Car Transfers, 100-4012530-12530-6020-000, from various departments as follows for fuel usage:

- \$108.36 County Admin- Fuel, 100-4012110-12110-6008-000
- \$ 1.86 Finance – Fuel, 100-4012430-12430-6008-000
- \$ 55.48 Purchasing – Pool Car Repairs, 100-4012530-12530-3312-000
- \$105.38 Purchasing – Fuel, 100-4012530-12530-6008-000
- \$ 61.07 Technology Services. – Fuel, 100-4012510-12510-6008-000
- \$ 11.54 Communications – Fuel, 100-4012600-12600-6008-000
- \$738.99 Maintenance – Fuel, 100-4043000-43000-6008-000
- \$ 95.70 Recreation – Fuel, 100-4071100-71100-6008-000
- \$223.80 Community Development – Fuel, 100-4081200-81200-6008-000
- \$ 13.96 Economic Development – Fuel, 100-4081500-81500-6008-000

3. Transfer \$1,113.22 to Sheriff's Department – Vehicle & Power Equipment Supplies, 100-4031200-31200-6009, from the various departments as follows for vehicle repairs at the County Garage:

- \$375.42 Animal Control–Veh&Pwr Suppl., 100-4035100-35100-6009-000
- \$ 66.39 Community Devel't – Rep. & Maint. Vehicles 100-4081200-81200-3312-000
- \$ 6.59 Co. Admin - Rep. Vehicles, 100-4012110-12110-3312-000-000
- \$589.71 Purchasing – Rep. & Maint Vehicles 100-4012530-12530-3312-000
- \$19.08 Library – Rep. & Maintenance – Vehicles 100-40731000-73100-3312-000
- \$23.85 Maintenance – Rep & Maint Vehicles 100-4043000-43000-3312-000
- \$32.18 Van Program – Rep. & Maint. Vehicles 100-4071500-71500-3312-000

4. Transfer \$465.00 from General Fund – 100-Undesignated Fund Balance to Greenfield Preservation Fund – Fund 240. This provides a match of recent FY22 private donations received into the Preservation Fund.
5. Transfer \$7,918.00 from General Fund – 100-Undesignated Fund Balance to Botetourt Wild / Fishing Carnival – Fund 236, Transfers In, account 236-3189946-00000-0000-000. This transfer in addition to private donations and sponsorships covers the expenditures for this recent event.
6. Transfer budgeted funds in the amount of \$25,000.00 from Human Resources Department 100-4012220 to the following departments: \$15,000.00 to Board of Supervisors – Dept 100-4011100 and \$10,000 to County Administrator - Department 100-4012110. These transfers will cover projected FY22 year-end expenditures.

7. Transfer budgeted funds of \$30,000.00 from Sports Complex – Department 100-4071300 to Parks & Recreation – Department 100-4071100. This transfer will serve to cover FY22 year-end expenses.
8. Transfer budgeted funds of \$20,000 from Sports Complex – Department 100-4071300 to Van Program – Department 100-4071500. This transfer will serve to cover FY22 year-end expenses.

PASS-THRU APPROPRIATIONS:

1. Additional appropriation in the amount of \$5,648.23 to Clerk of Circuit Court – Maintenance Contracts, 100-4021500-21500-3320. This is an appropriation of funds received from the Supreme Court of Virginia to cover records management system maintenance costs that are included in this month's accounts payable listing.
2. Additional appropriation in the amount of \$25.00 to Library – Books & Subscriptions, 100-4073100-73100-6012. These are donated funds received for the Tuesday Morning Club.
3. Additional appropriation in the amount of \$265.00 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. These are contributions received in memory of Greg Stump.
4. Additional appropriation in the amount of \$15,650.88 to Fire & Ems – Fire Insurance, 100-4035500-35500-5302. This is an insurance reimbursement received for equipment repairs.
5. Additional appropriation in the amount of \$20,000.00 to Economic Development – Marketing, 100-4081500-81500-5840. These are Virginia Tourism Grant funds received for the Botetourt County Small Towns Recovery Grant.
6. Additional appropriation in the amount of \$5,682.61 to Sheriff's Dept. – DMV Salaries, 100-4031200-31200-1800. These are grant funds received for enforcement of alcohol and speed violations.
7. Additional appropriation in the amount of \$304.64 to the following Sheriff's Dept. accounts: \$100.00 to Uniforms, 100-4031200-31200-6011, and \$204.64 to Office Supplies, 100-4031200-31200-6001. These are for contract payments and FOIA expense reimbursements.
8. Additional appropriation in the amount of \$5,682.59 to the following Correction & Detention accounts: \$2,815.74 to Medical & Lab Supplies, 100-4033100-33100-6004, \$351.85 to Uniforms, 100-4033100-33100-6011, and \$2,525.00 to Salaries, 100-4033100-33100-1100. The first item is for medical reimbursements from medical copays and for Craig County inmates, the second items is for contract payments, and the third is for VDOT Work Crew payments.

REGULAR APPROPRIATIONS:

9. Additional appropriation in the amount of \$1,039.42 to E-Summons Fund – Fund 213. This appropriation will fully cover FY22 expenditures for this fund.
10. Additional appropriation in the amount of \$475,000.00 to Capital Project Fund – Fund 315. This appropriation is to cover projected construction invoices and related expenses that will be paid during the FY22 accrual period. This appropriation is funded by financing proceeds for the VWCC Expansion and the Circuit Courthouse Renovation projects.

11. Additional appropriation in the amount of \$500.00 to Fund 236 – Botetourt Wild / Fishing Carnival. This appropriation will serve to cover final bills relating to the recent event.
12. Additional appropriation in the amount of \$219,124.59 to CIP – Broadband – DHCD Grant Refund, 100-4094000-12110-8012-104. This is for a refund of grant funds to the Virginia DHCD for Broadband deployment.
13. Additional appropriation in the amount of \$5,000.00 to Treasurer Department – Department 100-4012410. This appropriation will serve to cover potential FY22 year-end expenses.
14. Additional appropriation in the amount of \$800.00 to General District Court – Department 100-4021200. This appropriation will serve to cover potential FY22 year-end expenses.
15. Additional appropriation in the amount of \$75,000.00 to Fire & EMS – 100-4035500. This appropriation will assist in covering FY22 year-end costs for vehicle repairs and fuel.
16. Additional appropriation in the amount of \$10,000.00 to Animal Control – Hospital & Medical Costs, 100-4035100-35100-2300. This is to cover projected FY22 year-end costs.
17. Additional appropriation in the amount of \$35,000.00 to Waste Management – Department 100-4042400. This appropriation will serve to cover potential year-end FY22 expenses.
18. Additional appropriation in the amount of \$15,000.00 to Parks & Recreation - Department 100-4071100. This appropriation will serve to cover potential year-end FY22 expenses.
19. Additional appropriation in the amount of \$50,000.00 to Correction & Detention – Food Supplies, 100-4033100-33100-6002. This appropriation will assist in covering these costs for FY22 year-end activity.
20. Additional appropriation in the amount of \$19,086.28 to CIP – Buchanan Library, 100-4094000-73100-8012-704. This appropriation covers recent FY22 year-end project billings.

Additional appropriation in the amount of \$2,953.64 to CIP – VWCC Workforce Training Center, 100-4094000-12110-8012-412. This appropriation covers recent expenses charged to this CIP account.

MOTION: That the Board approve the transfers and additional appropriations, as presented.

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

RESOLUTION #22-06-

APPROVAL OF ACCOUNTS PAYABLE AND RATIFICATION OF THE SHORT ACCOUNTS PAYABLE LIST

Total expenditures requested for approval for May for the General Fund including debt service and all other funds was a combined total of \$988,042.06. Payable disbursements of note for the month were as follows:

Sheriff	\$37,338 paid to Sheehy Auto for a 20222 police interceptor and related accessories
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CIP - CCH Renovation

\$89,188 paid to Architectural Partners for A&E project work

MOTION: That the Board approve the accounts payable and short accounts payable list for May, as presented.

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

RESOLUTION #22-06-

CONSIDERATION OF FY23 BUDGET APPROPRIATION RESOLUTION AND ADOPTION OF THE CAPITAL IMPROVEMENT PLAN

The Board was presented the FY23 Budget Appropriations for consideration.

MOTION: That the Board approve the FY23 Budget Appropriations, as presented.

MOTION: Mr. Clinton

SECOND: Mrs. White

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

RESOLUTION #22-06-

The Board was presented the FY24-27 Capital Improvement Plan. It was noted the Plan is to be used for planning purposes.

MOTION: That the Board adopt the Capital Improvement Plan for planning purposes.

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

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

RESOLUTION #22-06-

VDOT MONTHLY UPDATE

Robin Keeler, assistant resident administrator, reviewed the monthly VDOT report and noted the following:

RECONSIDER AUTHORIZATION OF PUBLIC HEARING FOR REVISIONS TO CHAPTER 11, ARTICLE IV PARTICIPATION OF MINORS IN VOLUNTEER FIRE COMPANIES

The Fire & EMS Commission has spent many months discussing and evaluating the need for changes to the current departmental level policy and associated local ordinance that addresses the participation of minors, ages 16 and 17 years old, in volunteer fire companies.

The Fire & EMS Commission has reached a consensus and recommendation, which includes a more detailed and robust department policy; however, that policy would allow for the full participation of 16- and 17-year-old members, after achieving the minimum training certification.

The current ordinance only allows for full participation in order to achieve certification.

MOTION: That the Board authorize a public hearing in July to consider revisions to Chapter 11, Article IV.

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

RESOLUTION #22-06-

AUTHORIZE COUNTY ATTORNEY TO PETITION THE COURT FOR A WRIT OF ELECTION FOR A SPECIAL ELECTION TO FILL THE UNEXPIRED TERM FOR THE OFFICE OF TREASURER

Pursuant to §24.2-226 of the Code of Virginia, the governing body, within 15 days of the occurrence of a vacancy in a constitutional office, shall petition the circuit court to issue a writ of election to fill the vacancy if there is more than one year remaining in the officer's term. Bill Arney's term does not expire until December 31, 2023. Donna Boothe has been appointed to fill the office until the special election takes place concurrent with the November 8, 2022 General Election.

MOTION: That the Board authorize the County Attorney to file a petition for a Writ of Election for a Special Election to be concurrent with the November 8, 2022 General Election for the unexpired term for the office of Treasurer.

MOTION: Mrs. White

SECOND: Dr. Scothorn

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

RESOLUTION #22-06-

APPOINTMENTS

- a) The Board appointed Mrs. Patsy Dickerson to the Board of Social Services to replace Bill Burleson, whose term expires July 1, 2022. Mr. Burleson had served two terms; therefore, he was not eligible for reappointment. Mrs. Patsy Dickerson had been contacted and was willing to serve the four-year term, expiring July 1, 2026.

MOTION: That the Board appoint Mrs. Patsy Dickerson to serve on the Board of Social Services, for a four-year term, expiring July 1, 2026.

MOTION: Dr. Bailey

SECOND: Dr. Scothorn

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

RESOLUTION #22-06-

- b) The Board appointed Mrs. Laura Mays-Smith, Director of Social Services, as CPMT representative.

MOTION: That the Board appoint Mrs. Laura Mays-Smith to serve as the CPMT representative.

MOTION: Dr. Bailey
SECOND: Mrs. White
AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #22-06-

BOARD MEMBER COMMENTS

CONSIDER APPROVAL OF NEW BEGINNINGS CHURCH AT CLOVERDALE RESIDENTIAL (R-3) REZONING REQUEST

Chairman Bailey asked for a motion to approve the R-3 rezoning request from New Beginnings Church at Cloverdale.

MOTION: NONE

There was no consideration or action due to the lack of a motion.

RESOLUTION #22-06-

MOTION: That the Board table the R-3 rezoning request for 30 days.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

Following discussion amongst the Board, and before a vote was taken, Dr. Scothorn withdrew his motion with consent from the Board.

RESOLUTION #22-06-

MOTION: That the Board table indefinitely the R-3 rezoning request to obtain more information.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

AYES: Dr. Bailey, Dr. Scothorn

NAYES: Mr. Clinton, Mr. Martin, Mrs. White

Motion failed.

RESOLUTION #22-06-

MOTION: That the Board deny the R-3 rezoning request based on concerns about private roads and possible problems associated with HOA's.

MOTION: Mr. Clinton

SECOND: NONE

Motion failed.

RESOLUTION #22-06-

MOTION: That the Board approve the R-3 rezoning request, as presented.

MOTION: Mrs. White

SECOND: Mr. Martin

AYES: Mr. Martin, Mrs. White

NAYES: Dr. Bailey, Mr. Clinton, Dr. Scothorn

Motion failed.

RESOLUTION #22-06-

Having considered all possible actions without approval or denial, the rezoning request **failed/terminated/voided/disposed.**

CONSIDER APPROVAL OF NEW BEGINNINGS CHURCH AT CLOVERDALE SPECIAL EXCEPTION PERMIT (SEP) REQUEST

Because the R-3 rezoning request was not approved, the SEP could not be considered by the Board.

JOINT WORK SESSION WITH THE PLANNING COMMISSION REGARDING GATEWAY CROSSING OVERLAY DISTRICT

ADJOURNMENT

MOTION: That the meeting be adjourned.

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

TIME: 9:23 p.m.

RESOLUTION #22-06-