

BOTETOURT COUNTY BOARD OF SUPERVISORS
MINUTES OF JANUARY 24, 2023

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, January 24, 2023, at the Botetourt County Administration Center, 57 S. Center Drive, Daleville, Virginia, beginning at 12:30 p.m.

PRESENT: Dr. Richard G. Bailey
Mr. Steve Clinton
(Mr. Clinton was not present for the Closed Session portion of the meeting but was present for the duration of the 2:00 meeting.)
Mr. Billy W. Martin, Sr.
Dr. Donald M. Scothorn
Mrs. Amy S. White (Arrived at 12:40 p.m.)

OTHERS PRESENT: Mr. Mike Lockaby, County Attorney
Mr. Mark Popovich, County Attorney
Mr. Gary Larrowe, County Administrator
Mr. David Moorman, Deputy County Administrator
Mr. Jonathan Lanford, Assistant County Administrator
Mrs. Lorie Bess, Deputy Clerk to the Board

Dr. Bailey called the meeting to order at 12:36 p.m.

CONSIDER APPROVAL FOR BOARD MEMBER TO ELECTRONICALLY PARTICIPATE IN MEETING

Dr. Bailey informed the Board that he had received written notification from Steve Clinton that he would be unable to attend the meeting in person due to a medical reason and requested approval to attend remotely. Dr. Bailey explained the by-laws require a vote to approve a Board member's remote attendance. Dr. Bailey noted Mr. Clinton would not be attending the Closed Session portion of the meeting but would join the meeting at 2:00 p.m.

MOTION: That the Board approve Steve Clinton to attend the meeting remotely.

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

ABSENT: Mr. Clinton, Mrs. White (arrived at 12:40 p.m.)

RESOLUTION #23-01-01

On motion by Dr. Bailey, seconded by Dr. Scothorn, 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, Acquisition or disposition of real property for economic development purposes where discussion in open session would adversely affect the County's bargaining position or negotiating strategy namely concerning the Amsterdam (including Greenfield), Blue Ridge, and Valley Districts.
- Section 2.2-3711.A.5, Discussion on prospective businesses or industries or the expansion of existing businesses or industries where no previous announcement

has been made of their interest in locating or expanding facilities in the community in the Amsterdam (including Greenfield), Blue Ridge, Buchanan, Fincastle, and Valley Districts.

- Section 2.2-3711.A.7 - Consultation with legal counsel pertaining to actual or potential litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating/litigating posture of the County regarding bottomlands under Craigs Creek.

AYES: Dr. Bailey, Mr. Martin, Dr. Scothorn, Mrs. White (arrived at 12:40 p.m.)

ABSENT: Mr. Clinton

RESOLUTION #23-01-02

Dr. Bailey called the meeting back to order at 2:05 p.m.

On motion by Dr. Bailey, seconded by Dr. Scothorn, 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

ABSENT: Mr. Clinton (Mr. Clinton was present for the 2:00 p.m. meeting but was not present for the Closed Session portion; therefore, he could not certify the discussion.)

RESOLUTION #23-01-03

Mr. Martin led the group in reciting the Pledge of Allegiance. Dr. Bailey led a moment of silence.

BOARD OF SUPERVISORS' REORGANIZATIONAL MEETING 2023

ELECTION OF CHAIR

Dr. Bailey turned Chairmanship of the meeting over to Mr. Gary Larrowe, County Administrator. Mr. Larrowe then opened the floor for nominations for Chair of the Board of Supervisors for 2023.

Dr. Bailey nominated Dr. Scothorn as Chair of the Board of Supervisors for 2023. Mrs. White seconded the nomination. There were no further nominations for Chair.

MOTION: That nominations for Chair of the Board of Supervisors be closed and Dr. Scothorn be appointed as Chair for calendar year 2023.

MOTION: Dr. Bailey

SECOND: Mrs. White

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

RESOLUTION #23-01-04

ELECTION OF VICE CHAIR

Chair Scothorn opened the floor for nominations for Vice Chair of the Board for 2023.

Mr. Martin nominated Mrs. White for Vice Chair of the Board for 2023. Dr. Bailey seconded the nomination. There were no further nominations for Vice Chair.

MOTION: That nominations for Vice Chair of the Board of Supervisors be closed and Amy White be appointed as Vice Chair for calendar year 2023.

MOTION: Dr. Bailey

SECOND: Mr. Martin

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

RESOLUTION #23-01-05

COMMITTEE / COMMISSION / BOARD APPOINTMENTS - 2023

The Board reviewed a list of various committee/commission/board appointments for 2023. Positions involving the Chair and Vice-Chair were updated with the appointments of Dr. Scothorn and Mrs. White, per the results of the reorganization meeting.

MOTION: That the list of various committee/commission/board appointments for 2023 be approved, as presented.

MOTION: Dr. Bailey

SECOND: Mrs. White

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

RESOLUTION #23-01-06

COMMITTEE/COMMISSION/BOARD APPOINTMENTS - 2023

2022	2023	Position	MTG Date/Time/Location	Compensation
Dr. Bailey	Dr. Scothorn	Board Chair	4 th Tuesday 12:30 p.m. Greenfield	Additional \$100 per mo.
Dr. Scothorn	Mrs. White	Board Vice-Chair	4 th Tuesday 12:30 p.m. Greenfield	Additional \$40 per mo.
Dr. Bailey	Dr. Scothorn	Roanoke Regional Partnership (Chair)	June 1-8:00 a.m. November 9 Partnership Office	Mileage
Mr. Martin	Mr. Martin	Social Services Board	2 nd Wednesday 9:30 a.m. Greenfield	\$50 per mo.
Mr. Clinton	Dr. Scothorn	Parks & Rec Comm.	1 st Monday 6:30 p.m. Greenfield	\$50 per mtg.
Mr. Martin	Mr. Martin	Planning Commission	2 nd Monday 6:00 p.m. Greenfield	\$100 per mtg.
Mr. Clinton	Mr. Clinton	Library Board of Trustees	2 nd Wednesday 12:00 p.m. Greenfield	Mileage
Mrs. White	Mrs. White	Transp. Safety Comm	Quarterly 6:30 p.m. 2 nd Tuesday Greenfield	\$40 per mtg.
Mr. Martin	Mr. Martin	TAP Board of Directors	3 rd Tuesday 4:00 p.m. Roanoke Higher Ed Ctr. Room 314	Mileage

Dr. Bailey	Dr. Bailey	Economic Dev. Authority	Every other month 2:00 p.m. 4 th Friday Greenfield	Mileage
Mr. Martin Mrs. White	Mr. Martin Mrs. White	Fire & EMS Committee	3 rd Monday 7:00 p.m. Greenfield	Mileage
Mr. Martin	Mr. Martin	RVARC Transp. Planning	4 th Thursday 1:00 p.m.	Mileage
Mr. Clinton	Mr. Clinton	Organization Policy Board	RVARC Board Room	
Mr. Martin Mr. Clinton	Mr. Martin Mr. Clinton	RVARC	4 th Thursday 3:00 p.m. RVARC Board Room	Mileage
Mr. Clinton	Mr. Clinton	RVARC CEDS	Quarterly 3:00 p.m. 1 st Wednesday Alternate locations	Mileage
Dr. Bailey Mrs. White	Dr. Bailey Mrs. White	Agricultural Projects Committee	TBA	Mileage
Mr. Clinton	Mr. Clinton	Historic Greenfield Committee	3 rd Tuesday 3:00 p.m. Greenfield Room 229	Mileage
	Mr. Clinton	Historical Properties Commission	TBD Greenfield Room 229	TBD
All Board Members	All Board Members	General Fund Budget Committee		Mileage
Mr. Clinton Dr. Bailey	Mr. Clinton Dr. Bailey	General Fund Budget Subcomm		Mileage
Mr. Martin Mrs. White	Mr. Martin Mrs. White	School Budget Committee		Mileage
Mr. Larrowe Mr. Lockaby	Mr. Larrowe Mr. Lockaby	Parliamentarians		N/A
Mr. Larrowe	Mr. Larrowe	Clerk to the Board		N/A
Mrs. Bess	Mrs. Bess	Deputy Clerk to the Board		N/A

ADOPTION OF THE BY-LAWS

The current by-laws were last amended on March 24, 2020. Board members reviewed the proposed revisions and had no questions.

BYLAWS BOARD OF SUPERVISORS OF BOTETOURT COUNTY (Amended January 24, 2023)

I. CHAIR

The Chair of the Board of Supervisors shall preside at all meetings of the Board. In the event of the absence or disability of the Chair, the Vice-Chair shall preside. In the event of the absence or disability of both the Chair and Vice-Chair, the remaining members of the Board shall elect by a majority vote a temporary Chair who shall preside at the meeting for which they are elected.

II. CLERK

The County Administrator shall serve as Clerk of the Board of Supervisors. The books and records of the Board shall be deposited with the Clerk and shall be open, according to and in compliance with the Freedom of Information Act (FOIA). Minutes of the Board of Supervisors' meetings shall be posted electronically to the County's website as soon as possible after Board approval. The general duties of the Clerk shall be as prescribed by Section 15.2-1539 of the Code of Virginia, which is incorporated herein by reference.

III. QUORUM

A majority of the members of the Board of Supervisors shall constitute a quorum of the Board. Except when otherwise required by statute, or by the bylaws, the vote of a majority of those present shall prevail upon any question.

IV. AGENDA

The Clerk shall prepare and make available to each member of the Board a detailed agenda at least one (1) day prior to each regular meeting of the Board. The agenda may be departed from with the consent of the Chair or by a majority vote of the Supervisors present.

It shall be the responsibility of each Board member to notify the Clerk of any matter which such member wishes included on the agenda. Any matter not disposed of at a meeting shall be included on the agenda of the next regular meeting.

For any special meeting, the business to be discussed shall be stated in the call for such meeting. No other business shall be discussed or acted upon over the objection of any member present.

There shall be a "Citizens Time" time for the general public to address the Board of Supervisors on the regular meeting agenda on any County topic under the following conditions:

- A. These persons shall limit their presentations to three (3) minutes, unless the Board extends such time to individual persons.
- B. Recognition shall be given only by the presiding officer. No person shall address the Board without having first been recognized. When all public presentation has concluded, and the Board is considering and discussing the matter, no person shall thereafter be recognized to address the Board.
- C. Cumulative or repetitive testimony shall not be permitted on any matter, and persons of the same position as a previous speaker shall state their names and the position with which they agree.
- D. Questions by Board members shall be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the timekeeping process, and duplicating ground the speaker may cover.
- E. The Board may respond to comments or may not respond to comments and presentations by the public during "Citizens Time" time.

There shall be a "Board Member Comment Time" for the Board members to discuss any topic under the following conditions:

- A. Recognition shall be given by the presiding officer. No member shall address the Board without having first been recognized.
- B. Members may respond to comments or may not respond to comments and

presentations by other members during “Board Member Comment Time.”

V. HEARINGS

Any advertised public hearing shall be considered a special order of business at the time set for such hearing and shall supplant any matter on the agenda except the approval of the minutes and approval of payment of bills.

Agenda items and discussion topics will generally be presented by staff. For matters in which a third party is requesting an action by the Board, the applicant shall normally be granted fifteen (15) minutes to present their request, which will be followed by hearing comments from interested persons.

Generally, at a hearing, no person shall be allowed to speak more than three (3) minutes nor more than once upon any particular question. Cumulative or repetitive testimony shall not be permitted on any matter, and persons of the same position as a previous speaker shall state their names and the position with which they agree.

The Chair may, at their discretion, deviate from this rule. When all public testimony has concluded, the Board shall consider and discuss the matter without interruption from the audience.

VI. RULES OF ORDER

The deliberations of the Board of Supervisors, unless otherwise provided by statute or these bylaws, shall be governed by “A Handbook of Parliamentary Procedure” (Publication 305-772, Virginia Cooperative Extension Service), with the exception that the Chair may make a motion and will vote on any issue. If the foregoing is inapplicable, then Robert’s Rules of Order shall govern.

Appeal may be taken by any member from a ruling of the Chair. A majority vote of those members present shall determine any appeal. Any motion to close debate shall require approval by two-thirds (2/3) vote of those members present.

VII. REGULAR MEETINGS

The regular meeting of the Board of Supervisors shall be held on the fourth Tuesday of each month beginning at 12:30 p.m. for the Closed Session and then reconvene at 2:00 p.m. for the public meeting. Meetings will be held at the Greenfield Education and Training Center in Daleville, Virginia. An annual meeting schedule shall be approved by the Board at their reorganization meeting in January; however, the Board reserves the right to alter the meeting schedule as necessary and practical with required public notification. It shall be the duty of the Clerk to give timely notice of all meetings to all members of the Board and the news media. All meeting notices and agendas shall be posted on the County website.

If the Chair, or the Vice-Chair if the Chair is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for the Board members to attend a regular meeting, the regular meeting shall be continued until the next business day. Such conditions shall be communicated to the members of the Board and the news media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

VIII. SPECIAL MEETINGS

A special meeting of the Board shall be held when requested by the Chair or two or more Supervisors. Upon receipt of such request, the Clerk shall immediately notify each member of the Board, County Attorney, and the news media, in writing. Such notice shall specify the matters to be considered at the meeting. Such notice shall be sent in writing delivered in person or to their place of residence or business or, if requested by the member of the governing body, by electronic mail or facsimile, in accordance with Section 15.2-1418 of the Code of Virginia.

IX. PARTICIPATION IN MEETINGS THROUGH ELECTRONIC COMMUNICATION

Any Board member who is unable to attend a regular or special meeting in person due to (i) an emergency or a personal matter, or (ii) a temporary or permanent disability or other medical condition, may participate in the meeting through electronic communication from a remote location that may not be open to the public, subject to the following:

- A. A quorum of the Board is physically assembled at the central meeting location.
- B. The member notifies the chairperson on or before the day of the meeting that he or she is unable to attend (i) due to an emergency or personal matter identified with specificity, or (ii) due to a temporary or permanent disability or other medical condition that prevents the member's physical appearance. A member may participate in a remote meeting due to an emergency or personal matter at no more than two (2) meetings in each calendar year.
- C. The Board records in its minutes the (i) specific nature of the emergency or personal matter or the fact of the disability or medical condition, and (ii) the remote location from which the member is participating.
- D. The Board arranges for the voice of the absent member to be heard by all persons in attendance at the central meeting location.

The Board by motion shall vote to approve or disapprove the member's electronic participation. If the absent member's remote participation is disapproved because such participation would violate this Section, such disapproval shall be recorded in the Board's minutes.

X. AMENDMENTS

These bylaws may be amended by a majority vote of the Board at any time.

MOTION: That the Board of Supervisors' Bylaws be approved as submitted.

MOTION: Dr. Bailey

SECOND: Mr. Martin

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

RESOLUTION #23-01-07

ADOPT 2023 SCHEDULE OF BOARD MEETINGS

Board members discussed continuing regular board meetings on the 4th Tuesday of each month, except for the December 2023 meeting which would be held on the 3rd Tuesday, December 19, 2023.

MOTION: That the Board of Supervisors' schedule of meetings for 2023 be set for the 4th Tuesday of each month, except in December when the meeting will be held on the 3rd Tuesday on December 19, 2023.

MOTION: Mr. Martin

SECOND: Dr. Scothorn

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #23-01-08

INTRODUCTIONS

- Taylor Montgomery, Desktop Support Specialist
- Matt Paxton, Systems Engineer

RECOGNITIONS

Resolution honoring Robin Reed's retirement. Mr. Larrowe presented a resolution honoring Mr. Reed's retirement. Mr. Reed thanked Mr. Larrowe for his very kind words and stated the weather was not something he had planned to do but one day the weather lady did not show up, and for the next 40 years, the rest is history. Mr. Reed stated he and his wife love Botetourt County very much and are excited to continue their time here. He stated he is most impressed with how the County has navigated a lot of change the past 15 years and it is amazing to see the many things that have happened. He thanked the Board for the recognition.

Resolution Honoring the Retirement of Robin Reed

WHEREAS, Botetourt County resident Robin Reed has dedicated his life to serving and bringing the news and weather to the community for over four decades; and

WHEREAS, Reed was born October 26, 1955, and grew up in Vienna, VA where he found a love of playing sports; and

WHEREAS, he worked out with the Texas Rangers in 1974 at the age of 19 and was offered a contract but his mother said, "No, you are going to college"; and

WHEREAS, that choice changed the trajectory of Reed's life; he graduated from James Madison University in 1978 and while in college did play-by-play radio broadcasts for the Dukes baseball team on the college's public radio station WMRA-AM; and

WHEREAS, upon graduation, he began his career working at WKYY-AM in Amherst County as a program director and DJ and then began his television broadcast career at WHSV in Harrisonburg, VA as a sportscaster, but soon felt the calling to report the weather; and

WHEREAS, his career brought him to WDBJ-7 in Roanoke, VA in March of 1982 and he was prompted to become a meteorologist after covering the Flood of 1985; and

WHEREAS, during his tenure at WDBJ, he was a trusted and valued member of the WDBJ Team; he was called "encouraging, a team player, a mentor, and a friend" and was known as one that would "bring calm amongst the chaos" and that he "represents the best of Channel 7 over the last 40 years"; and

WHEREAS, on December 1, 2022, Reed retired after 40 years of service to WDBJ-7; and

WHEREAS, he has traded his microphone for a tractor; you will find him and his wife, Teresa, raising crops on their Fincastle farm or teaching classes at Virginia Tech.

NOW, THEREFORE BE IT RESOLVED that the Botetourt County Board of Supervisors recognizes Mr. Robin Reed for his service to the community and his incredible 40-year career in broadcast journalism in the Roanoke Valley,

PROCLAIMED this 24th day of January 2023.

Retirement of Janet Buttram, Library staff member (not present)

Fire & EMS Officer Promotions:

Captain Ryan Hartberger
Captain Jonathan Rodgers
Captain Travis Collins
Lieutenant Kayla Jones
Lieutenant Seth Mowles
Lieutenant Nathan Shields (not present)
Lieutenant Michael Simpson

CITIZEN COMMENT PERIOD

Christine Liana, Country Club Road read the following statement:

"Good afternoon, my name is Christine Liana. My address is Troutville and I served Botetourt County for over 10 years in local government. I bring before you a problem that is serious enough to be introduced by Virginia House Bill 1708, to "Prohibit the sales and loans of materials deemed harmful to juveniles regarding sexual conduct". Let the record show I'm presenting photos and screen-shots of obscene and satanic materials cataloged under "Fiction" and "Juvenile" in our library system – including children's books with illustrations of two naked men showing their anatomy in a shower with a young boy; a homosexual man with a beard wearing a wedding dress; and the adult DVD "Bros" about sodomy - the cover of which shows two men grabbing each other's bottoms – that was prominently displayed on the shelf near the children's section. It's direct rebellion to God's creation of men and women. When questioned by concerned citizens, library staff is told to recite the American Library Association's narrative of, "provid[ing] information and enlightenment." However, "information" CANNOT be construed to include FICTIONAL materials – these are NOT the same as documentaries or legitimate news sources. And "enlightenment" CANNOT be construed to include immoral and demonic doctrines. The ALA defiantly fights censorship. But fighting ALL forms of censorship ALSO means allowing perversion, pornography, bestiality, pedophilia, and Satanic worship under the excuse of "tolerance" and "diversity". As proof of this brainwashing indoctrination, libraries across the United States host transsexual "drag queens" interacting with children. What are you going to tell your children or grandchildren when they see library materials and ask: Why are those grown-ups showering with children?! Why are those people standing in a circle, wearing masks, standing 6 feet apart around a pentagram and an upside down cross?" A person's sexual orientation is none of our business, and people should treat each other with mutual courtesy. But ironically, perversion and satanism is pushed in libraries and schools under the defiant demand of "tolerance and diversity" – some claiming themselves "victims of hate" if we oppose it - yet people who stand for Jesus Christ and our Constitution are kicked out of public places, threatened, and harassed. We are a CONSTITUTIONAL REPUBLIC, "One Nation Under GOD" in our Pledge of Allegiance that we just recited. In closing, we in Botetourt County DO NOT WANT OUR TAX DOLLARS spent on satanic and sexually perverted materials brainwashing and confusing the children. We want it REMOVED. The Botetourt County boards have the ability to do this, and we hold them accountable to do so. Thank you."

CONSENT AGENDA

- a. Minutes of December 20, 2022 Regular meeting
- b. Amendment to the County's Personnel Policies and Procedures Manual Related to Short-term Uninsured Disability Benefit

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

MOTION: Mr. Martin

SECOND: Dr. Bailey

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

RESOLUTION #23-01-09

APPROVAL OF TRANSFERS AND ADDITIONAL APPROPRIATIONS

TRANSFERS - Tony Zerrilla, Director of Finance, stated for the month of January, there were two transfer requests with both being quarterly recurring items.

1. Transfer \$535.26 to Central Purchasing – Pool Car Transfers, 100-4012530-12530-6020 000, from various departments as follows for fuel usage:
 - \$ 9.77 Co. Admin.–Veh. & Power Equip. – Fuels, 100-4012110-12110-6008
 - \$ 14.97 Comm. Rev. – Veh&Power Equip – Fuels, 100-4012310-12310-6008
 - \$ 46.02 Treasurer – Veh. & Power Equip – Fuels, 100-4012410-12410-6008
 - \$ 17.34 Central Garage–Veh.Power Equip – Fuels, 100-4012560-12560-6008
 - \$264.80 Techn'y Svces – Veh &Pwr Equip – Fuels, 100-4012510-12510-6008
 - \$ 37.99 Purchasing – Veh. & Power Equip – Fuels, 100-4012530-12530-6008
 - \$ 5.99 Purchasing – Pool Car Repairs, 100-4012530-12530-3312
 - \$ 9.61 Comm'ns - Veh & Power Equip. – Fuels, 100-4012600-12600-6008
 - \$ 26.32 Maint.– Vehicle & Power Equip – Fuels, 100-4043000-43000-6008
 - \$ 4.57 Recreation– Veh & Power Equip – Fuels, 100-4071100-71100-6008
 - \$ 5.20 Sports Compl– Veh & Pwr Equip – Fuels, 100-4071300-71300-6008
 - \$ 11.35 Library – Veh. & Power Equip – Fuels, 100-4073100-73100-6008
 - \$ 21.59 Comm. Dev't–Veh & Power Equip – Fuels, 100-4081200-81200-6008
 - \$ 59.74 Econ.Dev't – Veh & Power Equip – Fuels, 100-4081500-81500-6008
2. Transfer \$865.10 to Central Purchasing – Store Supplies, 100-4012530-12530-6021-000, from various departments as follows for store supplies usage:
 - \$ 74.00 Comm. Revenue – Office Supplies, 100-4012310-12310-6001
 - \$ 15.00 Fire & EMS – Office Supplies, 100-4035500-35500-6001
 - \$148.00 Treasurer – Office Supplies, 100-4012410-12410-6001
 - \$ 85.10 Fin'l Services – Office Supplies, 100-4012430-12430-6001
 - \$ 25.00 Technology Svces. – Office Supplies, 100-4012510-12510-6001
 - \$100.00 Maintenance – Office Supplies, 100-4043000-43000-6001
 - \$ 74.00 CSA – Office Supplies, 100-4053500-53500-6001
 - \$ 52.00 Parks & Recreation – Office Supplies, 100-4071100-71100-6001
 - \$ 25.00 Sports Complex – Office Supplies, 100-4071300-71300-6001
 - \$113.00 Library – Office Supplies, 100-4073100-73100-6001
 - \$117.00 Comm'y Devel't – Office Supplies, 100-4081200-81200-6001
 - \$ 37.00 Economic Devel't – Officer Supplies, 100-4081500-81500-6001

ADDITIONAL APPROPRIATIONS - Mr. Zerrilla noted there were seven pass-through appropriations and two regular appropriations being requested. The pass-through

appropriations represented expenditure reimbursements, insurance funds, donations, and state grant funds, notably \$558,005.76 from a Virginia telecommunications initiative for their portion of grant funds to date for the Lumos Broadband Project #1. These funds were transferred to the EDA and passed along to Lumos, as payment to the EDA is included in the Accounts Payable figures presented. As for the two regular appropriations, #8 is for continuing A&E services for the Circuit Courthouse Renovation project, and #9 is for a trailing bill for the Treasurer's turnover audit duly performed at the time of the change in County Treasurer.

PASS-THRU APPROPRIATIONS

1. Additional appropriation in the amount of \$145.30 to Library – Books & Subscriptions, 100-4073100-73100-612. This is for donations and miscellaneous receipts.
2. Additional appropriation in the amount of \$12,861.22 to the following Correction & Detention Department accounts: \$150.00 to Uniforms, 100-4033100-33100-6011, and \$12,711.22 to Medical and Lab Supplies, 100-4033100-33100-6004. This is for contract payments and reimbursement funds for medical and laboratory supplies costs.
3. Additional appropriation in the amount of \$3,517.69 to the following Sheriff's Department accounts: \$2,922.68 to Overtime Wages, 100-4031200-31200-1200, \$191.19 to Uniforms, 100-4031200-31200-6011, and \$203.82 to Office Supplies, 100-4031200-31200-6001, 100.00 to Other Operating Supplies, 100-4031200-31200-6014, and \$100.00 to Anti-Drug Education, 100-4031200-31200-5860. These funds are for various reimbursements of expenses and contract payments.
4. Additional appropriation in the amount of \$6,092.67 to Sheriff's Department – DMV Salaries, 100-4031200-31200-1800. This is for Federal grant funds passed through to the State and received by the County in December and January for Speed, Alcohol, and Occupant Protection initiatives.
5. Additional appropriation in the amount of \$8,704.83 to Fire & EMS – Repairs & Maintenance – Vehicles, 100-4035500-35500-3312. These are insurance funds reimbursed for vehicle repairs.
6. Additional appropriation in the amount of \$558,005.76 to Transfer to EDA, 100-4091800-91800-3800. This is for a pass-through of VATI State grant funds for the Lumos #1 Broadband Project. These funds will be disbursed by the EDA to Lumos.
7. Additional appropriation in the amount of \$30,000.00 to ARPA Act of 2021 – Tourism Grant, 261-5002033-00000-0000-000. These are funds from the Virginia Tourism Corporation that will be passed through to Visit Virginia's Blue Ridge for operating and administrative expenditures relating to the Tourism Recovery Program.

REGULAR APPROPRIATIONS:

8. Additional appropriation in the amount of \$188,440.25 to CIP – Circuit Courthouse Renovation, 100-4094000-21600-8012-415. These funds will be used to cover the next invoice from Architectural Partners for pre-construction services for this project.
9. Additional appropriation in the amount of \$720.00 to Treasurer – Accounting & Auditing Services, 100-4012410-12410-3120. This appropriation will cover Final services performed by Robinson, Farmer, Cox Associates for the Required Turnover Audit necessitated by the change in County Treasurers.

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

MOTION: Dr. Bailey

SECOND: Dr. Scothorn

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

RESOLUTION #23-01-10

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

Total expenditures being requested for approval for January for the General Fund including debt service and all other funds was a combined total of \$2,002,843.98. Payable disbursements of note for the month are as follows:

Fire & EMS – A total of \$49,861 to VFIS for installment payments for Fire & EMS vehicle and property insurance coverage.

Community Organizations - \$38,300 paid to Visit Virginia's Blue Ridge for FY23 3rd quarter dues.

Community Organizations - \$34,772 paid to Roanoke Regional Partnership for the second of two FY23 Semi-annual support payments.

CIP – Cardiac Monitor Replacement Plan: \$29,682 paid to Stryker Sales Corporation for two ACLS Defibrillators and packages.

CIP – Radio System Replacement Plan: \$55,713 paid to Morcom International for design of proposed radio system. (Includes potential tower site locations)

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

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

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

RESOLUTION #23-01-11

VDOT MONTHLY UPDATE

Brian Blevins, resident administrator, reviewed the following report:

Construction Project Updates

- **0220-011-786 (UPC 105543) Route 220 Safety Improvements – South of Route 43 to South of Iron Gate**
 - Project has been completed. Expect occasional erosion and sediment control maintenance activities.
- **Route 622 - Prices Bluff Road - Road Closure for Bridge Work**
 - Project is completed.

Yearly Resurfacing Contracts

- **Prep Work:**
 - Prep work for paving on the secondaries and primaries has wrapped up and will resume in the spring.

Traffic Engineering Work Orders

- None to report

Land Development Projects & Land Use Permits

- **Site Plan Reviews:**
 - APEX Wind Farm Plans (on-site plans)
2nd review comments sent to Botetourt County on April 4, 2022.
Plans will be resubmitted in the near future.
 - APEX Wind Farm Dagger Spring Road Plans (off-site plans)
2nd review comments sent to Botetourt County on May 27, 2022.
Plans will be resubmitted in the near future.
 - Daleville Town Center Phase 5 Subdivision
2nd submittal received on December 6, 2022.
Plans are currently under review.
 - Daleville Town Center Village South
2nd submittal received on January 3, 2023.
VDOT plan approval granted on January 4, 2023.
 - Daleville Town Center Hampton Inn
1st submittal received on November 21, 2022.
Comments sent to the county on January 17, 2023.
 - Roanoke Apartments
1st submittal received on November 3, 2022.
Comments sent to the county on December 19, 2022.
 - WVWA Sanderson Drive WL Replacement
1st submittal received on November 9, 2022.
Plans are currently under review.
 - WVWA Iron Gate WL Replacement
1st submittal received on January 17, 2023.
Plans are currently under review.
- **Permits Issued:**
 - Permits issued between 12/11/2022 –01/11/202:
4 Utility Permits
1 Private Entrances

Residency Projects

- **Highland Drive**
 - Project is complete other than paving and curb and gutter work which will be done in the spring. The road is open to traffic.

Area Headquarters In-House Projects

- **Planned Routine Maintenance Work:**
 - Blue Ridge Area:
Grading various gravel roads, adding stone where needed and dust control where necessary.
Mowing/trimming on primaries and some secondary roads.
PMSS 2022 Routes Completed.
Starting on PMSS 2023 Routes.
 - Buchanan Area:
Grading various gravel roads, adding stone where needed and dust control where necessary.
PMSS 2023: patching on Route 628, Prease Road.
Ditching along various routes:
 - Route 628, Prease Road.
Mowing/trimming on secondary roads:
 - Mow trimming and hand cutting on Route 635, Timber Ridge Road.
 - Mow trimming and hand cutting on Route 641, Oak Ridge Road.
 - Mow trimming and hand cutting on Route 635, Beaver Dam Road.
 - Eagle Rock Area:

Grading various gravel roads, adding stone where needed and dust control where necessary. Grading will continue when conditions allow.
Mow trimming will resume when our machine is repaired.

o Fincastle Area:

Grading various gravel roads, adding stone where needed and dust control where necessary.
Mow trimming on primaries and some secondary roads.

o Troutville Area:

Grading various gravel roads, adding stone where needed and dust control where necessary.
Ditching, patching various work orders throughout the Troutville area.
Mow trimming on primary routes and some secondary roads.
Machine shoulders on Route 11 (Lee Highway) and Route 220 (Roanoke Road).
Shoulder work along Route 11 (Lee Highway) and Alt-220 (Cloverdale Road).
Pipe replacement on Route 600 (Breckinridge Mill Road) and Route 606 (Grove Hill Road) intersection.
Ditching on Route 657, Rainbow Forest Drive. Then cutting brush per PMSS 2023.
Pipe replacement on Route 805, Hastings Lane.
Tree trimming and patching in the Stratford Subdivision.
Pipe replacement on Route 1413, Knollwood Drive.
Pipe replacement Route 1431, Heather Lane.

Amy White thanked Mr. Blevins for attending the Buchanan Town Council meeting recently and for considering their town. She thanked him for also considering all the issues that are outside of her town, including Fringer Trail. She noted there are still citizens having significant concerns of dust control and grading this winter has led to some washout. She noted Fringer Trail was added to the Six-Year Plan and the Board probably needed to move that up on the list when the time comes. Mr. Blevins explained the process with the Board and that it has to be done every year by the end of June. He stated the Board adopts by resolution what their priorities are and they do have the right to change the priorities on the list and if the Board wants, as a whole, to adjust things, which might also involve reworking the budget, it would not be too difficult to move up on the list; however, it would obviously move a few items down the list and may push other items out a while. Mrs. White stated the citizens have done everything they know to do including petitions and speaking at meetings. She stated it was over ten years ago that the Board made a commitment to the residents to fix that road and it is the right thing to do to fix it. Mr. Blevins stated there are currently seven roads on the list, but it would only need to bump down three or four to move it to the top of the list.

Mr. Martin reported the sheriff's office had radar out on Mountain Pass Road and he appreciates it. He asked if there could be speed limit signs placed for safety. Mr. Blevins responded the traffic engineer did take a look at that and found there are more safety related signs out there than what they would normally have posted, and they do not normally post "Slow Down" signs. He concluded there doesn't seem to be anything else they can do expect to look at additional speed limit signs.

Mr. Martin asked if there is anything similar VDOT could do with Greenfield Street. Mr. Blevins responded they had reviewed the citizen comments and they do not want the 35-mph zone, but it is not a subdivision street. He stated most street sign changes normally occur after a development is in place and until something changes significantly, it would be difficult to make any changes at this point, but they could look at it. Mr. Martin thanked him for his consideration.

Dr. Bailey thanked Mr. Blevins for his report. He stated he understands how heavy rain affects gravel roads and that every winter we get into these issues with gravel roads. He stated he appreciated VDOT looking at the maintenance of Roy Road and Sugar Tree Hollow Road. He stated he wondered about the golf carts paths/crosswalks on Greenfield Street because there are two different spots that certainly are a safety hazard.

Dr. Scothorn stated Hunters Green area is a rollercoaster road and asked if VDOT could look at the potholes. Mr. Blevins responded they are aware of the "rollercoaster" and they are looking into improving it during paving season. Mr. Blevins stated they would fix the potholes.

Dr. Scothorn asked if something could be done to widen or resurface Richardson Road. Mr. Blevins responded they had received several calls about it and would look at it, as the weather and time allows.

CONSIDER APPROVAL TO AUTHORIZE ISSUANCE OF A SOLICITATION UNDER THE PUBLIC PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002 AND PROVIDING FOR THE EVALUATION THEREOF REGARDING THE PUBLIC SAFETY RADIO SYSTEM

Chief Ferguson reported the Emergency Communications Committee had been working over the past two years with the County's third-party contractor, MORCOM International, to systematically review the emergency communications radio system needs. Since mid-2022, the committee had met extensively with technical experts from MORCOM to develop specification documents to put forth a Request for Proposal, under the Public Private Education Facilities and Infrastructure Act of 2002.

The committee and MORCOM felt confident that the specifications were at a stage for the issuance of an RFP in order to begin the next steps in the process of contemplating the next emergency communications radio system for Botetourt County, he noted.

Chief Ferguson noted this was last discussed about eight months ago when the Board took action to move forward with Phase 2. Through the Emergency Communications Committee, the Department of Fire/EMS, the Sheriff's Office, and the County Administration team there were numerous meetings with MORCOM and their subcontractor to design the three elements of the Emergency Communication System. He noted the RFP was provided in their agenda packet.

Chairman Scothorn stated this was a much-needed system.

Mr. Clinton asked if there had been an update to the cost estimate. Chief Ferguson replied when they did Phase 1 they provided the highest levels for consideration, which was a very bold number, but there had been no talk of new quotes or new numbers. He explained approval that evening would allow him to issue the proposal to get more exact costs from vendors. Mr. Clinton stated they should be prepared for it to be considerably higher.

Mr. Clinton asked who are the point of contact and administrator that oversee this project. Chief Ferguson replied Kim Hartman, Purchasing Manager, is the point of contact and Jon Lanford is the administrator overseeing the project. Dr. Scothorn reminded the Board that Mr. Lanford had gone through this process before in Alleghany County and was well-versed with it.

MOTION: That the Board authorize the issuance of a Request for Proposals under the Public Private Education Facilities and Infrastructure Act of 2002 for the Public Safety Radio System.

MOTION: Dr. Bailey
SECOND: Dr. Scothorn
AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #23-01-12

APPOINTMENTS

- a. Consider appointment for the unexpired term of the Amsterdam District representative on the Planning Commission. This unexpired term will end January 1, 2025. Mr. Clinton recommended Tim Snyder be appointed.

MOTION: That the Board appoint Tim Snyder as the Amsterdam District representative to the Planning Commission to fulfill an unexpired term ending January 1, 2025.

MOTION: Mr. Clinton

SECOND: Mr. Martin

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

RESOLUTION #23-01-13

- b. The term of Charles Grant, Jr. on the Building Code Board of Appeals expires March 17, 2023. This is a four-year term. Mr. Grant was willing to be reappointed.

MOTION: That the Board reappoint Charles Grant, Jr. to the Building Code Board of Appeals for a four-year term expiring March 17, 2027.

MOTION: Dr. Bailey

SECOND: Mr. Martin

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

RESOLUTION #23-01-14

- c. The term of Darrin Hill on the Board of Zoning Appeals expires March 31, 2023. This is a five-year term. Mr. Hill was willing to be reappointed for another 5-year term. The Board considered a recommendation to the Circuit Court Judge for reappointment of Darrin Hill.

MOTION: That the Board recommend to the Circuit Court Judge that Darrin Hill be reappointed to another five-year term for the Board of Zoning Appeals (BZA), with a term expiring March 31, 2027.

MOTION: Dr. Bailey

SECOND: Mr. Martin

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

RESOLUTION #23-01-15

BOARD MEMBER COMMENTS

Dr. Bailey stated it was his honor to serve as Chair the past year. He stated it was remarkable to him the fine staff that makes this job doable. He stated the Board members work very hard for the citizens of the County. He thanked everyone for the opportunity to serve.

Mr. Martin thanked Dr. Bailey and commended his outstanding job as Chair the past year. He congratulated Dr. Scothorn and Mrs. White for their leadership for 2023.

Dr. Scothorn thanked Dr. Bailey for serving as Chair and stated he had done a fantastic job. He stated serving on a Board takes a lot of dedication to the county, the public, and it takes a lot of time to do it right, which Dr. Bailey had done.

Mrs. White thanked the Board for the opportunity to serve as Vice-chair. She stated it was a pleasure to work with Dr. Bailey and all the Board members. She echoed Dr. Bailey's comment about the outstanding staff. She congratulated Gary Larowe and Lorie Bess on becoming grandparents.

Chairman Scothorn recessed the meeting at 3:13 p.m. The meeting reconvened at 3:24 p.m.

FREEDOM OF INFORMATION ACT (FOIA) TRAINING SESSION FOR BOARD MEMBERS

Section 2.2-3704.3 of the *Code of Virginia* requires elected officials to receive annual FOIA training. Mike Lockaby, County attorney, provided this training and reviewed FOIA laws with the Board. Each Board member was given a copy of the FOIA presentation. Following the presentation, Mr. Lockaby welcomed questions from the Board.

Mr. Clinton asked for further explanation about non-Virginia residents submitting requests. He stated he understands there is Federal FOIA and Virginia FOIA but questioned what differentiates them because a federal issue could directly involve Botetourt County. Mr. Lockaby replied the only FOIA that should impact Botetourt County directly would be the Virginia FOIA. He further explained no one should make a request to Botetourt County through Federal FOIA and if a request is made directly to us, it is Virginia FOIA. If someone were to submit a request to the Army Corps that would fall under the Federal FOIA and would have to be requested and processed through Federal FOIA, he concluded.

Mr. Clinton asked how Board members should handle questions from citizens regarding discussions held in Closed Session. Mr. Lockaby replied FOIA law only covers documents or recordings, not oral questions, and Board members are not required to answer oral questions. He further explained Board members should not discuss topics that are discussed in Closed Session with anyone not directly involved with the matter.

The meeting was recessed at 4:15 p.m. The meeting reconvened at 6:00 p.m.

6:00 P.M. PUBLIC HEARING

AMSTERDAM DISTRICT: GREENFIELD PARTNERS LLC REQUESTS A COMMISSION PERMIT IN ACCORDANCE WITH §15.2- 2232 OF THE CODE OF VIRGINIA FOR THE CONSTRUCTION OF PUBLIC ROAD(S) AND UTILITIES, AND ALSO REQUESTS A REZONING OF A 53.448 PORTION OF A 78.948-ACRE PARCEL FROM THE AGRICULTURAL (A-1) USE DISTRICT TO THE RESIDENTIAL (R-1) USE DISTRICT, WITH POSSIBLE PROFFERED CONDITIONS, IN ACCORDANCE WITH SECTION 25-581. – ZONING MAP AMENDMENT—OWNER INITIATED, AND CHAPTER 25 ZONING, ARTICLE II – DISTRICT REGULATIONS GENERALLY, DIVISION 4.- LOW DENSITY RESIDENTIAL DISTRICT R-1 OF THE BOTETOURT COUNTY CODE, FOR THE PURPOSE OF CREATING A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. THE PROPERTY IS LOCATED ON GREENFIELD STREET (ROUTE 673), DALEVILLE, VA, AND ACCESS TO THE DEVELOPMENT IS PROPOSED VIA GREENFIELD STREET AT THE O'HARA DRIVE (ROUTE 1155) INTERSECTION, APPROXIMATELY 0.5 MILES NORTHEAST OF THE ROANOKE ROAD (US ROUTE 220)/GREENFIELD STREET INTERSECTION AND ALSO TO A DRIVEWAY LOCATED ACROSS FROM THE ENTRANCE TO 925 GREENFIELD STREET. IT IS IDENTIFIED ON THE REAL PROPERTY IDENTIFICATION MAPS OF BOTETOURT COUNTY AS SECTION 88, PARCEL 94.

Chairman Scothorn announced he would recuse himself from voting on this item.

Jonathan McCoy presented the request. He noted there had been some changes to the proffers since the packet was submitted and a copy of the changes were left at each Board members seat. He explained the land is roughly 79 acres and the original application had 117 lots proposed. The Applicant made some revisions, but what had not changed was the proposed paved sidewalk trail and the proposed open space lots. What had changed was the reduction of lots on Greenfield Street, a reduction of five lots. The other proposed 117 lots were increased to 127. He noted staff had determined there would be some changes needed to the cul-de-sac on the concept plan to satisfy some of the subdivision ordinances, and the Applicant had amended the proffer statement to include a 50-foot right-of-way.

Mr. McCoy further noted the lots on Greenfield Street would be reduced by five and all single-family homes on Greenfield Street would be 75% brick while the rest of the lots would be 50% brick. He noted Fire/EMS reported the street is slightly long, but it is not an issue from their standpoint.

Mr. McCoy discussed and provided a copy to the Board of the following revised proffers offered by the Applicant:

A. The development shall substantially conform to the concept plan included in the rezoning application, titled "Greenfield Street, R. Fralin Homes, Concept Plan", sheet 2, dated 11/14/22 as prepared by Engineering Concepts, Inc. with the following revisions noted:

1. The maximum number of lots on Greenfield Street shall be 19.
2. The maximum number of lots shall be 127 through a reduction in lot widths on internal streets only.
3. The cul-de-sac at lots 105 and 106 will include a 50' right-of-way that connects to adjacent Tax Parcel #88-95.

B. Prior to receiving final plat approval, Greenfield Partners, LLC, hereafter referred to as the declarant, shall include, at a minimum, the following list of covenants, conditions and restrictions within the Declaration of Covenants, Conditions and Restrictions document that shall govern the development. The listed covenants, conditions and restrictions shall provide for the creation of a homeowner's association (HOA), with a Board of Directors and specify that each lot owner shall be a HOA member. The listed covenants, conditions and restrictions shall contain provisions for amendments, but shall not provide for the declarant to amend or modify such at their sole discretion.

1. No portion of the land conveyed shall be improved or occupied for other than residential purposes and no commercial activity of any nature shall be carried on any of the lots in the subdivision. All residences shall be for the use of a single family and in addition to the erection of a principal residence; detached garages will not be authorized.
2. If one owner acquires two or more adjoining lots, the adjoining one or more lots may be used together as the site for a single building, in which even the sideline easements hereof shall apply to the outside perimeter property line of such adjoining lots. No lot or lots in said subdivision can be resubdivided except a lot may be subdivided providing each part is allotted to an adjoining lot.

3. No commercial signs, billboards or advertising of any nature shall be erected, placed or maintained on any residential lots herein designated, nor upon any building erected thereon, except directional and information signs erected by the Declarant/Board of Directors, their heirs, and assigns. "For Sale" signs may be erected temporarily for the sale of lots or residences. However, Declarant/Board of Directors shall have the right, and may give builders the right to erect Declarant/Board of Directors approved signs.
4. All electric, telephone, cable TV or other utility lines shall be installed below ground. No overhead utility lines shall be permitted for any purpose.
5. Any dwelling or outbuilding on any lot in the subdivision which may be destroyed in whole or in part by fire, windstorm or for any other cause or act of God, must be rebuilt or all debris removed, and the lot restored to a slightly condition within reasonable promptness, but in no event shall debris remain longer than three (3) months.
6. In order to implement effective insect and fire control, the Declarant/Board of Directors reserves for itself and its agents the right to enter upon any lot on which a residence has not been constructed, and upon which no landscaping plan has been installed, or other suitable devices, for the purpose of mowing, removing, clearing, cutting, or pruning underbrush, weeds, or other unsightly growth, which in the opinion of the Declarant/Board of Directors detracts from the overall beauty, setting and safety of the property. The Declarant/Board of Directors and its agents may likewise enter upon such lot to remove any trash which has collected on such lot. This provision shall not be construed to create an obligation on the part of the Declarant/Board of Directors to perform any act or service.
7. All residences and other permanent structures in the subdivision shall be completed within six (6) months after commencement of construction except where such completion is impossible or would result in great hardship to the owner or builder due to fire, natural emergency, or natural calamity. No structure shall be used at any time either temporarily or permanently as a residence until the entire structure is completed in a turnkey manner and approved for occupancy.
8. All new homes shall conform to the following minimum square footage requirements, excluding any basement and garage area:
 - a. One Story: 1,800 SF
 - b. One & One-Half Story: 2,000 SF
 - c. Two Story: 2,300 SF
9. All roof lines shall have a minimum pitch of 7/12 unless changes are approved by Declarant/Board of Directors.
10. No unfinished foundation walls shall be exposed within 6" of final grade.
11. Exterior siding type T1-11 will not be permitted.
12. All horizontal siding will not exceed an 8' lap.
13. No aluminum windows of any kind, with the exception of storm windows, and basement windows, will be permitted without the approval of Declarant/Board of Directors.

14. Garages shall be attached or under, with a minimum of two cars and not more than four.
15. Utility storage sheds shall not be constructed of metal/fiberglass or T1-11 siding material. Sheds must be "in keeping" with the house.
16. Architectural statues or sculptures shall not be located within 20' of the right-of-way line.
17. All driveways shall be a minimum 12' wide at the curb line and will be paved with asphalt or concrete, within one (1) year of occupancy.
18. No outside storage of unlicensed or untagged cars for longer than 7 continuous days will be permitted.
19. All recreational vehicles, boats and other accessory vehicles shall be parked in rear of home or in garage or screened from the street or neighbor's yard by a natural border such as trees. No recreational vehicles larger than 20 feet in length may be parked on a residential lot.
20. Approved fence materials shall be as follows:
 - a. Post and split rail
 - b. No chain link fence to be in front or rear of property
21. No railroad ties shall be used for landscaping or other exterior use, treated landscape timbers will be acceptable.
22. Retaining walls shall be faced with an approved material.
23. There shall be no more than two cats or dogs per household for more than 8 weeks.
24. All lots that are sold must be left free of debris and have a grass height of no more than 12".
25. No materials, vehicles, or boats may be stored at any time except construction material during the actual dwelling construction.
26. Declarant/Board of Directors will review all construction plans in the effort to maintain neighborhood compatibility. Plans may be rejected in an effort to maintain a reasonable variety to protect the integrity of the subdivision. House plans will also be reviewed to ensure compatibility to the individual lot.
27. Exterior color shall be reviewed and approved by the Declarant/Board of Directors.
28. No dogs or dog pens shall be allowed within 10 feet of rear lot line.
29. TV satellite dishes must be approved by the Declarant/Board of Directors as to size and location on lot and must be screened by natural material not less than 5 foot in height.
30. For the sake of uniformity, Declarant/Board of Directors will provide a mailbox and post of Declarant/Board of Directors' choice for each residence at Declarant/Board of Directors' expense.
31. Duplication of a house in its entirety of another residence already constructed in the same section shall not be permitted. No bizarre or exotic ornamentation shall be permitted on residence or in landscaping.

32. No hogs, chickens, goats, cattle, or other nuisance will be allowed, and nothing shall be done to disturb the peace and quietude of the neighborhood.
33. No prefabricated houses shall be erected hereon. (Prefabricated homes for the purpose of interpretation are considered to be pre-constructed home modulars delivered and installed on foundations. However, pre-constructed wall sections erected on a job site are not to be considered prefabricated homes. Declarant/Board of Directors reserves the right of sole interpretation of what is a prefabricated home.)
34. No split foyers or split levels shall be allowed.
35. All houses must have a minimum of 50% brick.
36. All houses fronting on Greenfield Street must have a minimum of 75% brick.
37. On each lot, the rights-of-way and easement areas reserved by Declarant/Board of Directors or dedicated to public utility purposes shall be maintained by the owner of each lot, but no structures, plantings, or other materials shall be placed or permitted to remain on the right-of-way, which may change to direction of flow drainage channels in the easements, or which may damage or interfere with established slope ratios or create erosion or sliding problems, provided, however, that where the existing location of a drainage channel would hinder the orderly development of a lot, the drainage channel may be relocated, provided such relocation does not cause an encroachment on any other lot in the subdivision. Improvements within such areas shall also be maintained by the respective lot owner except for those for which a public authority or utility company is responsible.
38. The lots in the subdivision shall be burdened by such additional easements as may be shown on the recorded plat.
39. No above-ground swimming pools shall be permitted or constructed on any lot.
40. Front porches shall not be constructed with exposed wooden bases or eaves, and front porches must not be allowed to deteriorate in condition, which would not only detract from the appearance of the rest of the structure but would also be detrimental to the appearance of adjoining properties.
41. Each residence shall pay a yearly assessment, determined by the Declarant/Board of Directors, for the maintenance of the entrance sign. This assessment shall be used to cover the cost of cutting grass, planting shrubs and flowers and to pay for any lighting that the entrance may have.
42. All lots shall have a minimum of 3 trees and shrubbery commensurate with the value of the homes.

Mr. McCoy stated staff had heard some concerns from the community, which would be shared that evening by the citizens. He noted the Applicant was in attendance and available to answer questions.

The Applicant, Bobby Wampler with Engineering Concepts, stated the impact to the infrastructure is less than what you have heard before. He explained a cluster lot, from their standpoint, dictates the width of the lot. He stated different types of cluster lots doesn't really change what they build and it does not represent a different house. He explained A-1 properties are a by-right use and the developer has the right to build what he wants; however, the owner is

willing to encumber the added proffers, including the paved trail that will continue across the A-1 lots also. He stated he had made himself available to the community with any questions they have had. The community desired to have less homes on Greenfield Street and the developer agreed to reduce by five lots so the lots will be larger, he noted.

Mrs. White asked the prices of the homes. Mr. Wampler replied the homes are expected to be in the \$450k-\$700k range, maybe even \$1m. He stated these lots are a little more expensive to develop and they will do the best they can.

Mr. Martin asked if the sidewalk would be concrete or gravel. Mr. Wampler replied that would be determined during final design, but it would be a minimum of 3 foot wide, a max of 5 foot, and it would be a hard surface. The sidewalk will go across the entire front of the property, he noted.

Mr. Clinton asked the attorney for clarification of a Board member recusing himself from voting. Attorney Mark Popovich stated a Board member can recuse himself based on his belief that he has a conflict of interest, meaning he can recuse himself from the vote but can still listen to the conversation. He further explained as the Chair, Dr. Scothorn had the responsibility to run the meeting, but it was also permissible for him to recuse himself from the vote. Mr. Clinton asked if it is required for the person to state the reason they are recusing themselves. Mr. Popovich replied it is not required to state the reason.

Chairman Scothorn declared the public hearing open.

Michelle Adkins, 190 Tara Court stated it was difficult to hear about the new changes five minutes before the meeting. She stated the community does not have the answers to the sizes of the lots. She stated the walking trail was a must have. She stated she was thankful that they have cut down to five lots. She stated the community does not know what the concept plan looks like. She stated the \$450k-\$700k price range does not equate to an 1800-2300 sq ft home. She thanked Mr. Wampler and Mr. Fralin for their 75% brick allowance and the walking trail. She stated if the proposal is passed, she was asking for there to be an amendment to require the Greenfield lots be a minimum of one-half acre so the developer would be required to maintain the current look of Greenfield. She stated they live in a premier neighborhood and do not want their neighbors to have tiny lots, short driveways, and using their garages as storage. She encouraged the Board to preserve their safety and look at Greenfield Street. She provided to each Board member pictures of a Rocky Mount neighborhood with similar development and stated they do not want the same.

Arnie Adkins, 190 Tara Court stated he serves on a variety of boards and knows Mr. Fralin and Mr. Alexander well. He stated he thinks a lot of improvements have been made and as indicated by Mr. Wampler. He stated he had serious concerns about the cumulative effect of these changes. He stated he appreciated the increase of 75% brick. He stated he was familiar with the Rocky Mount neighborhood and the small lots cause cars to be parked on the street; however, VDOT does not allow parked cars on Greenfield Street. He asked how ten more lots got added to the plan at the last minute. He stated he thinks they are headed in the right direction but are not quite there yet.

John Alderson, 98 Magnolia Lane stated he agreed with Mr. Adkins and this last minute development didn't give him a chance to look at it. He stated he hears a lot about safety and the original proposal would have doubled the number of driveway cuts on Greenfield, and that

folks that live there say it is a safety problem, especially if the speed limit is not reduced. He stated conceptually he thinks what they have come up with is good but the community needs more time to look at these last minute changes. He requested that the Board take more time, time to allow citizens to look at the changes, and vote on it at a later date. He explained no one is opposed to the development, but they want to make sure it is smart and fits in with the community.

Coy Renick withdrew his request to speak.

Judith Kivlen, 214 Tara Court stated she does not oppose the building of this land but she has some serious concerns. She asked if the development would truly harmonize with the Ashley community. She stated she is concerned these homes do not complement the existing homes and 3 HOAs, but she is glad it was changed to 75% brick. She stated 1800 square foot homes are not compatible with current homes in Ashley. She stated she was glad the lots are reduced by five but quarter-acre lots need to be increased to half-acre lots. She noted all houses should have larger square footage than 1800 and should also have an all-brick front. She stated the original concept plan showed 24 lots with driveways exiting on Greenfield Street but thankfully this was reduced. She expressed concerned an accident might occur with residents trying to enter their driveway from drivers who use Greenfield Street. She requested lots be made to one-half acres.

Tonya Poindexter, 19 O'Hara Drive stated she was not opposed to residential development, but they want the right development. She stated they want to be good neighbors to this new development and they want to be great neighbors in an effort to help Mr. Fralin promote this project to people that could market these homes. She stated she was simply asking for larger lots and she does not want the homes to look subpar to the rest of the neighborhood. She stated she wants the speed limit reduced on Greenfield Street. She concluded with two questions:

1. The concept plan mentioned a right-of-way at the cul-de-sac. Is that going to open up a road to Roanoke Road or Trinity Road?
2. The proposed cost of homes will be \$450k-\$1m. Would there be an associated HOA?

Jonathan Wolfe, 228 Tara Court stated he had lived there 17 years and moved from Roanoke City because Botetourt appealed to him with its growth and safety. He stated Greenfield Street traffic obstructs the use of the path. He noted cars have swerved around him on Greenfield Street onto O'Hara Street. He stated Greenfield Street is a connector road between Route 220 and Route 11 and adding homes is too much to bear without the necessary improvement to infrastructure. He stated he is thankful for the paved walkway for his children and neighbors. He stated he is concerned having that many homes with curbs on Greenfield Street will create an unsafe environment. He asked while building a residential community, why not make all of the lots as residential lots? He stated he would love to see one-half acre lots throughout the entire neighborhood. He stated he and his wife plan to be there for many more years.

Rebecca Wolfe, 228 Tara Court stated she was not opposed to the development but requested that the development be residential and not have the agricultural lots held back. She stated she appreciated the paved trail for her children. She expressed safety concerns about adding extra driveways and that she would hate for anyone to be backed into as they are backing out of their driveway. She stated the lots should be one-half acre lots to preserve the look of the neighborhood.

Greg Lowe, 175 Tara Court stated he was not familiar with A1 and R1 verbage as it different terminology than what he was used to. He stated he was grateful to have business people looking for opportunities because there is nothing wrong with opportunities. He stated he did not have the voice to work with a developer but it sounded like we are making progress from where we all started. He stated he agreed with the residents that have spoken previously. He stated as a homeowner, he would ask the Board to consider the lot sizes. He stated it was said at the Planning Commission meeting that this is a by-right zone and the developer could put pig lots there, if he so desired. He encouraged the Board to choose the harder right than the easier wrong in their decision.

Ali Kahn, 119 Tara Court commended the Board for considering all the facts. He noted some of the Board members have even parked their cars in the area to see what is happening and to see the safety concerns on Greenfield Street. He stated he appreciated the current changes, but they are not quite there yet. He stated Greenfield Street is not a neighborhood road anymore, it is a highway, and this will be a nightmare. He stated the lots will be smaller and cars could be parked on the street. He questioned when there are family gatherings, where will cars be parked? He stated the proposal for more 75% brick and larger sizes will bring the proposal to more of what the community currently has. He noted safety is the top concern for everyone, noting there is not room to park school buses and people cannot ride their bike or walk for concern of speeding cars. He stated he is not against development, but the Board knows the concerns.

Steve Hartman, 130 Antietam Hill Road stated he had been a Botetourt County resident for 30 years and had supported a lot of small businesses, even owning a lot of commercial property. He stated he knows this land well because he had made offers over the years to buy it. He stated the developer made some good improvements over what was seen in the beginning, and they have a good concept. He stated the water service and Fire/EMS services are good there. He stated the concerns about traffic cannot be fixed by the developer. He stated in his opinion, they have a good concept and he hoped that the Board would move for approval. He stated they have done their due diligence and although he was a minority, he supported the developer. He stated the developer wants to make this right and the Board owes it to them to give them a chance. He encouraged the Board to vote yes.

James Modrak, 641 Greenfield Street stated he was very proud of the community he moved into, and he has a support group like no other. He stated he had concerns with the safety, curb cuts, etc., that had been mentioned. He stated he was a Marine for 22 years and served all over the world, but last-minute changes must be reevaluated. He stated there are approximately 12 children in elementary school around his house and sometimes the ball rolls down the hill, which concerns him. He stated he is not necessarily opposed to the development, but he had concerns about the environment, the trash from construction, and the population increase, noting there is no way this would not affect the neighborhood, increasing its population by 75%.

Danny Goad, 4766 Read Mountain Road expressed concern that Dr. Scothorn recused himself from voting on this item. He stated he was troubled by the fact that the sitting Chair would have a conflict of interest and recuse himself from voting. He stated the attorney says it is acceptable, but principally, it is not proper because the Chair cannot be neutral. He noted the Chair may have influence on what shows up on the agenda in future board meetings. He requested Dr. Scothorn step away from the discussion if he was planning to recuse himself from voting. Mr. Goad stated since Dr. Scothorn was his representative, it was important for him to

know why he was recusing himself. Dr. Scothorn replied although he was not required to publicly state his conflict, he would state that Vistar Eye Center has a business relationship with the developer of this project.

Amil Dorra, 125 Tara Court stated he is building a new house and the reason he is moving to this area is the size of the lots; however, the main thing is safety, for sure. Houses in the \$400k-\$1m range cannot have that size lot with that price. He expressed concern about the community and keeping it the same quality of community. He stated he was so happy he moved there, and he recently had a flat tire and five people stopped to help him. He stated it is a great neighborhood with quality neighbors.

(Did not obtain first name) Brumfield, 123 Savannah Court expressed concern for the sizes of the houses, stating 1,800 square feet is small and the homes in Ashley Plantation have a minimum square footage of 2,200, which is not compatible with what is already there.

Bill Sinclair, 230 Summit Ridge Road stated to put the safety issues into perspective, when people decide to buy a home, there are certain things that you cannot tell them to do. You cannot tell them they cannot have a car. You cannot tell your parents they cannot move in with you and bring their vehicle. You cannot tell them they cannot put all their storage in their garage because they do not have room for it anywhere else, so the cars end up along the road. He stated they have had the same issues in the Hills of Ashley. At some point, somebody is blocking someone in, moving vehicles around, and this occurs days and nights. He asked the Board to take this into consideration.

The Applicant, Mr. Wampler, stated he had worked in Botetourt County since 1995 and he wished to address some of the citizen comments.

- Regarding the right-of-way, this project has no plans for that.
- The “pig farmer” comment made during the Planning Commission did not come from the Developer. He confirmed the property is zoned A1 which, by-right, allows for 27 homes to be built on this street, but that is not the proposal they are presenting.
- The Developer has listened to the community and made changes accordingly.
- 1,800 square foot homes are allowable in the HOA, and we adopted all 40 changes. These are minimums and folks may not have built to those minimums, but they are in the HOA. Further, an 1,800 square foot home size does not equate to the quality of the home.
- The Greenfield Street lots cannot get smaller. Lots could approach one-half acre. A road that may have had 20 homes on it before, may now have 22-23 homes and they probably already have that flexibility anyway.
- Safety on Greenfield Street – the walking trail was directly to address concerns from citizens. They will now have a dedicated space to walk.
- Speed – it may help for VDOT to consider a speed limit reduction. VDOT looks at the number of mailboxes for a traffic study. There are already curb cuts on Greenfield Street, and there may be more, but this would actually help with getting the speed limit reduced.

Mr. Wampler concluded by saying the property had been purchased and it will be developed, hopefully in a cooperative manner.

Mr. Clinton thanked Mr. Wampler for his comments, noting the majority of them were accurate. He stated more mailboxes and more curb cuts does not enhance safety. Mr. Clinton asked Mr. Wampler if, based on the various comments received that night, he was stating that he had

done all he is going to do or was he open to more improvements. Mr. Wampler replied he had nothing more planned at that time and they are all in, all done at this point.

Mrs. White asked for confirmation for some of the questions she heard:

1. Regarding the cul-de-sac: Mr. Wampler stated VDOT has a regulation when you subdivide property to keep traffic on all main roadways, with access to develop roads without having to go on the main road, such as a “connectivity road”. There is no change in the concept plan for this, this is just a matter of clarification.
2. HOA – Would the new development include an HOA? Mr. Wampler replied it would with enhancements to the covenants and restrictions.
3. Sidewalk along Greenfield Street – Would the sidewalk go through the driveways that come onto Greenfield Street? Mr. Wampler replied that would be determined in the final design and they would probably want to discuss that with VDOT, as there may be a sidewalk going through the driveway but they may do an extension of pavement, and this is still a work in progress.
4. How many cars do you envision in the driveway? Mr. Wampler replied with 130-foot-wide lots, there is no way to really predict that, but they would have the same rights as current homeowners do.
5. A-1 and R-1 combination? Mr. Wampler replied in a rural area, cluster lot subdivisions are ideal because people are not filling up all the open spaces. This is of benefit to the developer with reduced road lengths. There is green space in the middle, which is maintained naturally. The HOA would determine how they want to do that. There is a significant wetland in the middle that must be untouched.

Mr. Martin asked why each lot could not be one-half acre. Mr. Wampler explained some lots exceed one-half acre, the R-1 lots. The A-1 lots are approximately 0.4 acres.

Mr. Martin asked why all the lots could not be rezoned residential. Mr. Wampler replied this is a residential development, but they use the terms A-1 and Cluster.

Mr. Martin stated there is a lot of reckless driving on Greenfield Street. He stated there is a similar problem on Mountain Pass Road too. He stated he had asked the Sheriff and VDOT what could be done to mitigate the reckless driving and the enforcement of the speed limit. VDOT is reviewing an option to install more speed limit signs and maybe the same could be done with Greenfield Street. He reported the Sheriff’s Office had put an officer out there with radar, and he was thankful for that. He stated as far as safety goes with bikes and walking in the area, a sidewalk helps but it is still up to the drivers to slow down. He stated the first two times this proposal was considered by the Board he had voted against it because he didn’t think it was the right plan or the right time, but he appreciated the changes that have been made. He stated there is plenty of water to supply these homes and adequate electricity to supply the homes. Also, school buses and school space is adequate.

Mr. Clinton stated they had utilized the portable speed limit signs over the past five years and also increased controls by deputies. While those things work for a period of time, they do not last forever. He stated it is basically a drag strip, which is very different from the curvy Mountain Pass Road and the geography of Mountain Pass Road tends to slow people down. Greenfield Street is straight and it is hard to slow people down, he said.

Dr. Bailey stated Greenfield Street is zoned by-right so they can have 27 lots there, and we’ve gone to 19, so there is the potential for 27 curb cuts if we don’t approve this. He reminded

everyone the Planning Commission's vote to approve this was unanimous both times it was voted upon.

Hearing no other citizens wishing to speak, Chairman Scothorn declared the public hearing closed. Chairman Scothorn asked Board members if they had any further questions or comments.

Mrs. White stated she had a few questions for staff.

1. Have you heard from other residents? Jon McCoy – we have heard from other Ashley residents other than folks that live in the immediate vicinity.
2. This is a by-right use, meaning there can be 27 homes on Greenfield Street? Drew Pearson – A-1 would allow cluster style development and would yield 52 cluster lots in the total development. By right, with no oversight, and including any building materials.
3. Safety issues – any leverage with VDOT to implement safety strategies? Jon McCoy– Mr. Wampler is correct that more mailboxes and driveways could lead to a traffic study. There are some treatments that could be done to the road itself and we work with VDOT closely. There is not a yes or no answer for this.
4. Parking on a public street. They can park on the street and there is nothing preventing them from parking there now. Drew Pearson – there is a section in county code pertaining to parking on streets but that would have to be in conjunction with VDOT.

Dr. Bailey stated it was important to remember this property is going to be developed at some point and time and it would be best for Board to have some impact on the development. As it stands right now, there could be 27 lots on Greenfield Street with no input on building materials. He commended the developer for working with the citizens and staff. He noted there had been a lot of discussion on this and this was the third time this has been before the Board.

Mr. Clinton stated he conceptually agreed with cluster A-1 lots and R-1 lots are pretty good for concepts in the scheme of things. They are a good way to go with utilities, open spaces, and done correctly they are good, he stated. We are all influenced by the fact that this is a by-right development and it is unfortunate that it is completely by-right. He noted if there hadn't been so much effort and a third attempt to get this right, he might feel differently, but it was awful hard to say no on this one. He stated the Board had to step back and think about the cumulative effects of what they were doing. He noted the Developer has a lot of money involved in this and has worked with the community. We are bringing people into the area, and we do not have the amenities for them, but I tend to support this, he concluded.

Mr. Martin stated the Board is not voting without a lot of information. He noted he had personally been on the street watching speeding vehicles and cars pulling out. Ashley Plantation is a beautiful place and they have that community pride, he said. He stated he looks at this proposal as though he lived there too and what could he accept and not accept. The developers have changed a lot up to this point and what they have done, what we have looked at, we have all done our due diligence to take on this new community. He stated he would shudder to think what would go in over there if the Board did not approve this. Based on that, he was in favor of supporting this project, he said. He stated he appreciated everyone being very respectful during the evening.

Mrs. White stated there had been a lot of good discussion about this proposal. She stated the Board's tax that night was to decide on this land for this development. This land is going to be developed so we should look to the positive, what are we here to do, and what are our

limitations. She commended the residents for their sense of community and encouraged them to take that sense across the road to their new neighbors. She commended the developers for showing compromise, for the third time. She stated these are never easy, clear-cut decisions but she was very encouraged by what she saw and heard that evening. She thanked everyone for their respectful engagement.

MOTION: That the Board approve the Commission Permit for public roads and utilities by Greenfield Partners, LLC., as recommended by the Planning Commission.

MOTION: Mr. Clinton

SECOND: Mr. Martin

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

RECUSED: Dr. Scothorn

RESOLUTION #23-01-16

MOTION: That the Board approve the zoning map amendment for Greenfield Partners, LLC., with the proffered conditions submitted by the Applicant.

MOTION: Mr. Martin

SECOND: Dr. Bailey

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

RECUSED: Dr. Scothorn

RESOLUTION #23-01-17

ADJOURNMENT

MOTION: That the meeting be adjourned.

MOTION: Dr. Bailey

SECOND: Mr. Martin

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

TIME: 7:44 p.m.

Resolution Number 23-01-18