

BOTETOURT COUNTY BOARD OF SUPERVISORS
MINUTES OF FEBRUARY 22, 2022

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, February 22, 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: None

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

Chairman Bailey called the meeting to order at 12:32 p.m. Mrs. White arrived at 12:45 p.m.

On motion by Dr. Scothorn, seconded by Mr. Martin, 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 Buchanan 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 (Greenfield) and Fincastle Districts.

(Resolution Number 22-02-01)

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

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. (Resolution Number 22-02-02)

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

Mrs. White led the group in reciting the Pledge of Allegiance. Chairman Bailey led in a moment of silence.

RECOGNITIONS

- Julie Phillips introduced the new Blue Ridge Library Branch Manager, Amanda Taylor.
- Jason Ferguson introduced Elliot Emerick, new Fire/EMS personnel. He noted Adam Murray was not available to attend due to being on a rescue call.
- Jason Ferguson introduced recent Volunteer Fire Academy graduates, Gary Fisher and Kourtnie Orth. Joseph Bona and Ethan Porch are also recent graduates but were unable to attend the meeting.
- Mr. Larrowe introduced new VDOT Resident Engineer, Brian Blevins. Mr. Larrowe stated Mr. Blevins had been selected as the new Salem Resident Engineer. He noted Mr. Blevins had served as the assistant resident engineer in the Salem Residency since 2016. In addition, he began his career with VDOT in 2005 as a transportation engineer in Location and Design. He had also held positions as a land development engineer and area land use engineer in the Salem Residency. Before working at VDOT, Mr. Blevins was a consulting engineer for six years and served as a lead designer/project manager at Pentree, Inc. in Princeton, West Virginia. In this role, he produced design plans for several sections of the Coalfields Expressway along with one section of the King Coal Highway in West Virginia. He is a licensed professional engineer in West Virginia and Virginia. Mr. Blevins began his new role on February 10.

Board members and staff welcomed all new employees.

PUBLIC COMMENT

Trey Roberts, 5040 Breckinridge Mill Road, Fincastle, stated he has lived in Botetourt County for 20 years and has been a teacher for 14. He spoke in support of the school system and asked the Board of Supervisors to fully fund Botetourt County Public Schools. He explained teaching is different today than it was in the past and teachers and students are using more technology than before. He discussed support for teacher assistants, replacing old desks, chairs, replacing old light bulbs with LED bulbs, smartboards, projectors, and extra chargers for Chromebooks. He noted prices for paper, calculators, and school supplies in general are steadily increasing.

Jana Heck, 4900 Orchard Park Drive, Roanoke, stated she had been teaching for 23 years and is the Botetourt Education Association (BEA) vice president. She discussed the cost of health insurance for her family (\$900 per month) and averages for other employees in other school divisions. She noted one-third of her salary goes to health insurance and she had utilized all options for ways to decrease costs. She requested the Board of Supervisors fully fund the school division budget.

Kevin Minnix, 2662 Forest Oak Drive, stated he is president of the Botetourt Education Association (BEA) and a teacher at Lord Botetourt High School. He commended the school board for improving available technology this year, but students need teacher aides in the classroom because teachers are stretched too thin. He reported there are not enough substitute teachers to help the teachers. He commended the bus drivers, cafeteria workers, secretaries, and custodians for what they do for the students each day because they are the backbone of the schools. He encouraged the Board to fully fund the school division budget.

Danny Goad, 4766 Read Mountain Road, read the following statement: *"I have reviewed the 2021 Annual Comprehensive Financial Report, formerly known as CAFR. Two issues have been brought to mind in reading this report.*

1. *The report states that as of June 30, 2021, the EDA reported funds totaling \$845,985 is being held by the Law Firm of Guynn, Waddell, Carroll, and Lockaby, PC. In my opinion it is a conflict of interest for the County Attorney to provide such services. By placing himself in the middle of Botetourt County's business, the County Attorney nor his firm are able to provide the County unbiased advice because it has inserted the firm in the middle of a transaction to which the firm's interests may conflict with that of the County. In the future the County Attorney should oversee such transactions being performed by another firm to which he has no affiliation.*

2. The second item deals with audit findings. The auditor has two findings which involve the EDA which is heavily funded by the Board of Supervisors. One involves the conveyance of land to the EDA, and the second involves Federal funds passed through the EDA.

I have learned that the funds controlled by the EDA are not held by the elected representative tasked with keeping the funds of the County. Wherever the EDA funds are held, they should be moved to the County Treasurer who has been elected by the people of Botetourt County to watch over the money held by Botetourt County. The County Treasurer currently holds the funds for both the County and School Board.

I will provide each of you a copy of my remarks along with a copy for the Secretary for inclusion in the meeting minutes.”

Attachment #1:

COUNTY OF BOTETOURT, VIRGINIA
 NOTES TO FINANCIAL STATEMENTS (CONTINUED)
 JUNE 30, 2021

Note 24 – Contingencies and Commitments: (Continued)

As of June 30, 2021, the EDA has reported funds totaling \$845,985, as funds held by others. This balance represents funds held in escrow from the land sale by the Law Firm of Guynn, Waddell, Carroll and Lockaby, P.C.

Note 25 – Self Health Insurance:

The County established a limited risk management program for health insurance. Premiums are paid into the health plan fund from the County and are available to pay claims, and administrative costs of the program. During the fiscal year 2021, a total of \$3,633,199 was paid in benefits and administrative costs. The risk assumed by the County is based on the number of participants in the program. The risk varies by the number of participants and their specific plan type (Keycare, Bluecare, etc.). Incurred but not reported claims of \$333,129 have been accrued as a liability based primarily on actual cost incurred prior to June 30 but paid after year-end. Interfund premiums are based primarily upon the insured funds' claims experience and are reported as quasi-external interfund transactions. Changes in the claims liability for the current and prior two fiscal years are as follows:

<u>Fiscal Year</u>	<u>Balance at Beginning of Fiscal Year</u>	<u>Current Year Claims and Changes in Estimates</u>	<u>Claim Payments</u>	<u>Balance at End of Fiscal Year</u>
2020-21	\$149,196	\$3,817,132	\$(3,633,199)	\$333,129
2019-20	436,760	4,145,640	(4,433,204)	149,196
2018-19	501,716	4,078,198	(4,143,154)	436,760

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Attachment #2:

County of Botetourt, Virginia
 Schedule of Findings and Questioned Costs
 For the Year Ending June 30, 2021 (Continued)

Section II – Financial Statement Findings

2021-001
Material Weakness

Criteria: Identification of adjustments to the financial statements that were not detected by the entity's internal controls indicates that a material weakness may exist.

Condition: The County's financial statements required year end adjusting entries as recommended by the Auditor to ensure such statements were presented in accordance with current reporting standards.

Cause: Financial agreements with the EDA (such as the conveyance of land to the EDA) were not reviewed for financial statement implications and some entries were missed in the final close of the books.

Effect: there is a reasonable possibility that a misstatement of the entity's financial statements would not have been prevented or detected and corrected by the entity's internal controls over financial reporting.

Recommendation: Overall, the County does a good job of identifying year end adjustment entries; however, we recommend that the Finance Department begin reviewing EDA agreements to determine if same require adjustments to the County's books or subsidiary ledgers.

Management's Response: The County's current staff has a good understanding of the books and accounting processes and agree that a review of EDA contracts going forward is necessary to identify potential impacts on the County's financial statements.

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Attachment #3:

County of Botetourt, Virginia
 Schedule of Findings and Questioned Costs
 For the Year Ended June 30, 2021 (Continued)

Section III – Federal Award Findings and Questioned Costs

2021-002
(Noncompliance and Material Weakness)

Agency: Department of Treasury
 Program Title: COVID-19 Coronavirus Relief Fund
 Assistance Listing Number: 21.019
 Pass-through Entity: Virginia Department of Accounts

Criteria: Pass-through entities should establish guidelines and monitor compliance with same for subrecipients of federal awards.

Condition: The County and EDA transferred CARES Act Funding to the Roanoke Valley Broadband Authority (RVBA) (a governmental organization) to carry out part of a federal award; however, agreements (and related guidelines) were not in place to ensure compliance with terms of the award at the onset of same.

Context: A pass-through entity (PTE) must clearly identify to the subrecipient: (1) the award as a subaward at the time of subaward (or subsequent subaward modification) by providing the information described in 2 CFR section 200.331(a)(1); (2) all requirements imposed by the PTE on the subrecipient so that the federal award is used in accordance with federal statutes, regulations, and the terms and conditions of the award (2 CFR section 200.331(a)(2)); and (3) any additional requirements that the PTE imposes on the subrecipient in order for the PTE to meet its own responsibility for the federal award.

Questioned Costs: Not Applicable

Effect: Failure to properly document requirements of subrecipients could result in the misuse of federal funds.

Cause: The project was fast-tracked due to the COVID-19 pandemic and the consideration of the sub-recipient relationship was inadequate.

Recommendation: Going forward the County and EDA should follow federal guidelines for subawards.

Views of Responsible Officials: Management agrees with the recommendation and will expand procedures related to subrecipients in the future. Management has performed procedures to ensure grant funds were properly spent and is in the process of closeout out the subaward.

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APPROVAL OF MINUTES OF THE REGULAR MEETING HELD ON JANUARY 25, 2022

The minutes were provided to the Board in their agenda packet.

MOTION: That the Board approve the minutes of the regular meeting held on January 25, 2022, as presented. (Resolution Number 22-02-02)

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

APPROVAL OF TRANSFERS AND ADDITIONAL APPROPRIATIONS

TRANSFERS - Tony Zerrilla, Director of Finance, stated for the month of February there were no transfer requests.

ADDITIONAL APPROPRIATIONS - Mr. Zerrilla noted there were 7 regular pass-through appropriations and 1 walk-on pass-through appropriation. The pass-through appropriations represented expenditure reimbursements, miscellaneous receipts, contributions, and grant funds.

Mr. Zerrilla explained #7 was requested by the Botetourt County School Board through Dr. Jonathan Russ, superintendent. The appropriation, which would be directed to the School's Self-Sustaining Fund, is for 2 federal grants. The first is a welding grant for \$25,000 for equipment at the Botetourt Technical Education Center to assist with the expansion of the number of welding booths. The second grant awarded is in the amount of \$380,100 in the form of an Emergency Connectivity Grant that will replace teacher chromebooks, and end-of-life chromebooks in chrome carts, and also some student end-of-life chromebooks.

Mr. Zerrilla requested a walk-on pass-thru appropriation in the amount of \$21,953.00 to American Rescue Plan Act of 2021 – Fund 261. He explained these funds were applied for by the Library Director and will be used towards design work being performed for the Buchanan Library.

PASS-THRU APPROPRIATIONS:

1. Additional appropriation in the amount of \$830.00 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. This is for contributions received in memory of Greg Stump and Gloria Stephens.
2. Additional appropriation in the amount of \$11,435.29 to Sheriff's Department – DMV Salaries, 100-4031200-31200-1800. These are grant funds received for enforcement of alcohol and speed violations.
3. Additional appropriation in the amount of \$4,676.04 to the following Correction & Detention accounts: \$2,024.19 to Medical and Lab Supplies, 100-33100-33100-6004, \$201.85 to Uniforms, 100-33100-33100-6011, and \$2,450.00 to Salaries, 100-33100-33100-1100. The first item is for reimbursement of medical costs including those for Craig County inmates, the second item is for contract payments, and the third item is for VDOT work crew payments.
4. Additional appropriation in the amount of \$4,410.00 to the following Correction & Detention accounts: \$4,400.00 to Food Supplies and Services, 100-4033100-33100-6002, and \$10.00 to Office Supplies, 100-4033100-33100-6001. The former is for Social Security Bounty payments, and the latter is for fingerprint charges.
5. Additional appropriation in the amount of \$164.56 to the following Sheriff's Department accounts: \$64.56 to Office Supplies, 100-4031200-31200-6001, and \$100.00 To Other Operating Supplies,

- 100-4031200-31200-6014. The former is for charges for FOIA requests, and the latter is for contract payments.
6. Additional appropriation in the amount of \$750.00 to the following Sheriff's Department accounts: \$50.00 to Firing Range Expenses, 100-4031200-31200-6015, and \$700.00 to Overtime, 100-4031200-31200-1200. The former is for range use, and the latter is for reimbursement of overtime from TMS Holdings.
 7. Additional appropriation in the amount of \$405,100.00 to School Fund – Self-Sustaining Funds - Fund 200. This is for grant funds received by the School System for A) an Emergency Connectivity Fund grant (\$380,100.00) to replace teacher and student Chromebooks and B) a Welding grant for equipment at BTEC (\$25,000.00).

WALK-ON PASS-THRU APPROPRIATION:

8. Additional appropriation in the amount of \$21,953.00 to American Rescue Plan Act of 2021 – 261-3330259-73100-0000-000. These are funds for use by the County Library to assist in the coverage of costs for design work being performed for the Buchanan Library.

MOTION: That the Board approve the additional appropriations, as presented. (Resolution Number 22-02-03)

MOTION: Mr. Clinton

SECOND: Mr. Martin

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

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

Total expenditures being requested for approval for February for the General Fund including debt service and all other funds is a combined total of \$1,284,552.24. Payable disbursements of note for the month are as follows:

Community Organizations - \$34,667 paid to Roanoke Regional Partnership for semi-annual support. This is payment 2 of 2.

Transfer to EDA - \$254,158 paid to EDA of Botetourt County for funding for a payment to ED Pace for the 2nd application for work performed for the Munters Sewer Extension Project.

CIP – Expenses Reimbursed from Grant Funding: \$32,990 paid to Verde, Inc. for 2 trailers

CIP – Fire & EMS: \$51,978 paid to Berglund Chevrolet for a 2022 Chevrolet Silverado.

A total of \$49,009 paid to VFIS for installment payments for Fire and EMS vehicle and property insurance coverage.

MOTION: That the Board approve the accounts payable and short accounts payable list for February, as presented. (Resolution Number 22-02-04)

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

RESOLUTION OF APPRECIATION FOR DR. RUPERT M. CUTLER

Mr. Clinton introduced Dr. Cutler and commended his service throughout the years. Dr. Cutler thanked the Board for the acknowledgement and stated Greenfield is a real jewel in Botetourt County and he hopes that everyone will continue to treat it as such by protecting the Native American sites. Board members thanked Dr. Cutler for his service to Botetourt County and the state of Virginia. Mr. Clinton read and presented the resolution to Dr. Cutler.

***Resolution In Recognition of and Appreciation for
Dr. Rupert Malcolm Cutler (Resolution Number 22-02-05)***

WHEREAS, Dr. Rupert Malcolm Cutler is an acclaimed scholar, leader, author, and practitioner of environmental science, wildlife management, and natural resources conservation, among other professional fields; and,

WHEREAS, he has served in an array of professional positions, including assistant professor at Michigan State University; senior vice president of National Audubon Society; Managing Editor of National Wildlife magazine; assistant secretary, U.S. Department of Agriculture; and president and chief executive of Defenders of Wildlife; and,

WHEREAS, Dr. Cutler's expertise led to his appointment as executive director of Virginia's Explore Park, a habitat conservation park, living history museum, and education center in the Valley of Virginia; and

WHEREAS, Dr. Cutler has generously shared his time and expertise in diverse community activities such as Councilman and Vice Mayor, Roanoke, VA, executive director of Western Virginia Land Trust; member of Sons of the American Revolution and countless other civic and benevolent organizations; and

WHEREAS, Dr. Cutler's dedication to the history and heritage of western Virginia led to his role in the creation of the Colonel William C. Preston Memorial at Greenfield, Botetourt County; and

WHEREAS, Dr. Cutler expanded his service to Botetourt County as an active participant in Friends of Greenfield Preston Plantation and Historic Greenfield Preservation Advisory Council; and

WHEREAS, through personal contacts and energetic promotion, Dr. Cutler attracted important monetary contributions to Greenfield; and

WHEREAS, through his professional renown, Dr. Cutler elevated the visibility and image of Historic Greenfield; and

WHEREAS, through his optimism, high energy, good humor, and forthcoming manner, Dr. Cutler was a reassuring and inspirational participant in Historic Greenfield's activities, and helped to establish the collaborative atmosphere and productive ethos that is the hallmark of the Greenfield Advisory Council; and,

WHEREAS, after more than a decade of tireless volunteer service to the Botetourt County community, Dr. Cutler has chosen to reduce his activities and relinquish his membership in the Greenfield Advisory Council.

NOW, THEREFORE BE IT RESOLVED that the Botetourt County Board of Supervisors recognizes Dr. Rupert Cutler as an exemplar of civic leadership at its best, gratefully acknowledges the positive results rendered by his service, and warmly thanks him for his service to our county.

PROCLAIMED this 22nd day of February 2022.

Gary Larrowe, Botetourt County Administrator

MOTION: That the Board approve a resolution in recognition of and appreciation for Dr. Rupert Malcolm Cutler, as presented. (Resolution Number 22-02-05)

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

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

ACTIVITY REPORT BY HISTORIC GREENFIELD PRESERVATION ADVISORY COUNCIL

Mr. Clinton shared a PowerPoint presentation offering historical information about Greenfield, its people, and culture.

a. Review of Advisory Council Statement of Organization

Mr. Clinton reviewed the Advisory Council's Statement of Organization.

b. Review and consider approval of HGPAC By-Laws

Mr. Clinton reviewed and requested approval of the Historic Greenfield Preservation Advisory Council's By-laws, as presented.

MOTION: That the Board approve the Historic Greenfield Preservation Advisory Council By-Laws, as presented. (Resolution Number 22-02-06)

MOTION: Mr. Clinton

SECOND: Mr. Martin

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

VDOT MONTHLY UPDATE

Ashley Smith, assistant resident engineer, 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
 - Expect daily flagging.
 - Contractor is working to complete incidental items including dressing shoulders and slopes, clearing ditches, installing handrails, signage, and punch list corrections.
 - Weather permitting, Contractor will install the remaining white edge and yellow centerline pavement markings south of Gala and will install the yellow hash markings at the remaining designated turn lanes throughout the project.
 - Contractor is setting ROW monuments and markers (U-posts).
 - Punch list corrective actions are expected to continue into February.
 - Expect job trailers to be removed at the completion of punch list corrections.
 -

Land Development Projects & Land Use Permits

- Site Plan Reviews:
- APEX Wind Farm Plats
 - 1st review was received on January 12, 2022.
 - Plats are currently under review.
- DTC Crossover Removal
 - 1st review was received on January 12, 2022.
 - Plans are currently under review.
- The Jackson at Ashley Plantation
 - 1st review comments sent to Botetourt County on January 11, 2021.
- Fincastle Mennonite Church and School
 - 2nd submission was received on October 25, 2021.
 - Comments sent to Botetourt County on November 9, 2021.
- Permits Issued:
 - Permits issued between 11/08/2021 –12/06/2021:
 - 7 Utility Permits
 - 1 Private Entrances
 - 1 Special Events
 - 1 Maintenance of Traffic

Residency Projects

- Stone Coal Road - Rural Rustic (UPC 110955)
 - Non-paving work should be complete by the time of this BOS meeting. We are currently working on bidding the paving portion of this work which will be done this spring.
- Clydes Run - Rural Rustic
 - We have begun the planning and preliminary engineering on this project with the expectation construction will begin in late spring.

Area Headquarters In-House Projects

- Planned Work to Grade Gravel Roads and Add Stone:
 - Route 616, Blue Ridge Springs Road

- Route 634, Cedar Lane
- Route 634, Spreading Spring Road
- Route 635, Beaver Dam Road
- Route 637, Connect Road
- Route 637, Sleepy Hollow Road
- Route 638, Flowing Spring Road
- Route 649, Lake Catherine Drive
- Route 652, Short Road Drive
- Route 663, Rhodes Lane
- Route 670, Huff Road
- Route 691, Church Avenue
- Route 712, Stevens Road
- Route 724, Goad Road
- Route 732, Loope Lane
- Route 739, Tin Top Road
- Route 741, Bear Wallow Road
- Route 748, Stone Coal Road
- Route 783, Cartmills Gap Road
- Route 820, Pond Road
- Planned Patching:
 - Route 625, Mount Joy Road
 - Route 629, Davis Run
 - Route 630, Springwood Road
 - Route 635/636, Beaver Dam Road
 - Route 640, Lithia Road
 - Route 670, Trinity Road
- Planned Ditch/Shoulder/Brush Trimming Work:
 - ALT VA-220 (Southbound Lane) - Pull Shoulders
 - Frontage Route 53, Saturn Road - Brush Trimming Complete
 - Route 43, Narrow Passage Road -Brush Cutting
 - Route 460, Blue Ridge Boulevard - Ditching
 - Route 625, Mount Joy Road - Spot Ditching
 - Route 628, Prease Road - Brush Trimming
 - Route 629, Davis Run - Brush Trimming
 - Route 630, Blacksburg Road - Ditching
 - Route 630, Springwood Road- Ditching
 - Route 637, Sleepy Hollow Road/Davis Run intersection - Ditching
 - Route 640, Lithia Road - Ditching
 - Route 640, Lithia Road - Brush Trimming 75% Complete
 - Route 640, Nace Road / Lithia Road, from Church Hill Road to Blue Ridge Turnpike - Ditching
 - Route 641, Oak Ridge Road - Brush Cutting
 - Route 643, Bobletts Gap Road - Spot Ditching
 - Route 647, Back Creek Road - Brush Trimming
 - Route 652, Mountain Pass Road - Ditching
 - Route 779, Catawba Road - Brush Cutting, Pull Shoulders
 - Route 1208, Water Street - Ditching
- Planned Pipe Replacements:
 - Route 608, Gilmers Mill Road - 2 Pipe Replacements
 - Route 618, Chestnut Run - 2 Pipe Replacements
 - Route 635, Beaver Dam Road - 1 Pipe Replacement
 - Route 752, Old Mill Drive - 1 48-inch Pipe Replacement
 - Route 772, Long Run Road - Multiple Pipe Replacements

- Route 795, Orchard Drive - Double Line of 48-inch Pipe Replacements
- Other Work:
 - Ditch cleaning and leaf removal as needed.
 - Potholes repair on various roads.
 - Cleaned all pipes
 - Continuing work from storm damage on several roads including:
 - Route 611, Greyledge Road
 - Route 702, Hayden Loop Road - One pipe replacement

Mrs. White reported there is no speed limit sign on Purgatory Mountain Road. Ms. Smith replied if a road is unposted, it is 55 mph, but she would look into it. Mrs. White also reported there needs to be a “no GPS” sign on Rt. 624 and Bobletts Gap Road. She thanked Ms. Smith for the work done to the road shoulders on Beaver Dam Road. Mr. Martin recommended ditch work on Mountain Pass Road. Ms. Smith noted Rainbow Forest Road had some drainage issues and that is currently being worked on. Board members thanked Ms. Smith for the report.

PUBLIC HEARING - BUCHANAN MAGISTERIAL DISTRICT: BUTTONS BLUFF LLC IN ACCORDANCE WITH SECTION 25-581.4. COMPREHENSIVE PLAN AMENDMENT AND REVIEW OF THE BOTETOURT COUNTY ZONING ORDINANCE, REQUEST TO REMOVE AN APPROXIMATE 0.75+/- MILE PORTION OF BUTTONS BLUFF (STATE ROUTE 690) FROM MAP 12 OF THE BOTETOURT COUNTY TRANSPORTATION MAP FOR THE PURPOSE OF SEEKING TO ABANDON THE ROAD ALONG BETWEEN THE RAILROAD AND THE DEAD END OF THE ROAD AS MAINTAINED BY VDOT, UPON A 259.87-ACRE PARCEL IN EAGLE ROCK, VA AND IDENTIFIED ON THE REAL PROPERTY IDENTIFICATION MAPS OF BOTETOURT COUNTY AS SECTION 40, PARCEL 31. THE APPLICANT HAS REQUESTED THAT THIS REQUEST BE WITHDRAWN; HOWEVER, TO FORMALLY WITHDRAW THIS APPLICATION, THE BOARD MUST VOTE ON WHETHER TO ACCEPT THE WITHDRAWAL REQUEST.

Jonathan McCoy noted that the applicant had recently asked to withdraw his request and follow up in a few months. The application was advertised in accordance with law; therefore, the Board needed to formally vote to approve or deny the withdrawal.

MOTION: That the Board approve the request from the applicant to withdraw his request, as presented. (Resolution Number 22-02-07)

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

PUBLIC HEARING ON THE ABANDONMENT OF 0.75-MILE SECTION OF BUTTONS BLUFF (STATE ROUTE 690) IN THE SPRINGWOOD AREA. THE APPLICANT HAS REQUESTED THIS REQUEST BE WITHDRAWN. THE PLANNING COMMISSION GRANTED THE WITHDRAWAL BY THE APPLICANT BUT THE BOARD WILL STILL NEED TO CONSIDER THE WITHDRAWAL BECAUSE IT HAD BEEN ADVERTISED.

In November, John and Michelle Higginbotham, representing Buttons Bluff, LLC., requested, and the Board approved, the advertisement for a public hearing to formally abandon an approximate 0.75-mile portion of Buttons Bluff (Route 690) in accordance with Virginia Code §33.2-909. The application was advertised in accordance with law. However, the applicant has indicated to staff their desire to withdraw the application. The applicant has indicated they will be reapplying for an abandonment later this year. To withdraw the application requires Board approval. Staff recommended the Board approve the request to withdraw the application to abandon a portion of Buttons Bluff (Route 690).

MOTION: That the Board approve the request from the applicant to withdraw his request, as presented. (Resolution Number 22-02-08)

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

RESOLUTION APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH ISSUANCE AND SALE OF LEASE REVENUE BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY OF BOTETOURT COUNTY

Mr. Moorman stated the Board would be asked to consider three documents: a resolution, a compliance policy, and a MOU. He reviewed a resolution to approve documents related to the issuance of bonds by the County's Economic Development Authority (EDA) to finance capital improvements related to the County's circuit courthouse and to lease space for Virginia Western Community College at Greenfield.

As provided in the resolution, the principal amount of the bonds will not exceed \$33,500,000 and the financing term shall be 30 years.

The resolution authorizes the Chairman or Vice Chairman of the Board of Supervisors or the County Administrator to select and appoint a trustee to manage bond proceeds, to approve details of the bonds, to execute all necessary documents, and to otherwise administer this financing as necessary.

A companion resolution was adopted by the County's EDA on February 17, 2022.

The resolution had been reviewed and approved by the County's financial advisors (VML-VACO Finance), by the EDA's bond counsel, and by the County Attorney.

Upon approval by the Board, bonds would be marketed for sale on or about March 9, 2022. Closing is scheduled for the week of March 28, at which point the bond proceeds will be disbursed to the County's trustee and available to pay project expenses.

Mr. Taylor Bryant of VML-VACO Finance, Mr. Webster Day, the County Attorney, and County staff were available for questions. Mr. Bryant explained there had been four interest rate hikes last year and there have already been seven in 2022. He explained rates are expected to increase throughout the remainder of the year.

MOTION: That the Board adopt the resolution approving documents in connection with the sale of revenue bonds for the courthouse and Virginia Western Community College, as presented. (Resolution Number 22-02-09)

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

Mr. Lockaby reviewed the Post-Issuance Compliance Policy and noted it was recommended by our bond counsel.

MOTION: That the Board approve the Post-Issuance Compliance Policy, as presented. (Resolution Number 22-02-10)

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

Mr. Lockaby reviewed a Memorandum of Understanding (MOU) titled "Courthouse and Academic Building Construction Projects". He explained the MOU provides clarity as to who is legally responsible for carrying out certain tasks and ensures all approvals are done by the correct entity. He noted the building is owned by the EDA and is leased to the County.

MOTION: That the Board approve the MOU, "Courthouse and Academic Building Construction Projects", as presented. (Resolution Number 22-02-11)

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

CONSIDERATION OF PROPOSED AMENDMENTS TO CHAPTER 9. ELECTIONS OF THE BOTETOURT COUNTY CODE

With the completion of the Commonwealth’s redistricting of US Congressional and State General Assembly election districts in January, a work team consisting of Brandon Moore with King-Moore, Inc. (consultant), Director of Elections & General Registrar Traci Clark, and Deputy County Administrator David Moorman, conducted an analysis of the County’s 2020 Census population data relative to the County’s local election districts. State and federal law require that local election districts have equalized populations. Based on the 2020 US Census, each Botetourt County local election district should, ideally, contain 6,723 persons. Recognizing that exactly equal population districts are not practical, legal precedents have established an acceptable standard of deviation of +/- five percent.

A map was viewed showing a proposed election districts boundary option. This option results in a maximum population deviation of less than one percent for all districts. The option preserves all existing polling places and requires no change in polling places.

The proposed option moves the southern boundary between the Fincastle and Amsterdam Districts (shown as Area A) from Catawba Creek southward to Blackberry Lane and Country Club Road, incorporating that area north of Blackberry Lane and Country Club Road between Blacksburg Road and Catawba Creek that is currently in the Amsterdam District into the Fincastle District.

The proposed option (in Area B) moves the boundary between the Buchanan and Fincastle Districts, shifting an area between Interstate 81 and Brughs Mill Road and Ammen Road from the Amsterdam District to the Buchanan District.

In Area C, the boundary between the Buchanan and Fincastle districts moves eastward to add to the Fincastle District the area between Salt Peter Cave Road, Shiloh Church Road, Shiloh Drive, and Narrow Passage Road.

Between the Buchanan and Valley Districts, the proposal shifts the boundary southward in two areas: 1) between Interstate 81 and US Route 11 from Gravel Hill Road to the Town of Troutville boundary (Area D); and 2) from the railway line between Stoney Battery Road and Houston Mines Road south to the boundary of the Appalachian Scenic Trail and west, generally to Stoney Battery Road and/or Stoney Battle Creek (Area E).

The County’s voting district boundaries are described in Chapter 9. Elections of the County Code. To modify the boundaries to reflect US Census data, the ordinance must be amended following public notice and hearing and in compliance with certain requirements specific to redistricting. The following action steps and deadlines have been reviewed and approved by the County Attorney and are suggested to comply with all legal requirements:

February 22	Present proposed plan to the Board of Supervisors
February 23	Advertise a March 22, 2022, public hearing on the proposed plan; post the proposed map and ordinance amendments on the County’s website and social media, in County libraries, in the Voting and Elections Office, and in the County Administrator’s Office for public review.
February 27	Advertise the March 22, 2022, public hearing in the Roanoke Times
March 22	Board of Supervisors’ public hearing
April 26	Board of Supervisors consider approval of the proposed plan
April 27	First publication of the approved election district changes in the Fincastle Herald

May 1	First publication of the approved election district changes in the Roanoke Times
May 4	Second publication of the approved election district changes in the Fincastle Herald
May 5	Second publication of the approved election district changes in the Roanoke Times
May 6	Department of Elections & Voter Registration begins mailing new voter cards to all County voters
June 21	First election (a primary election) utilizing the new election districts

A copy of the proposed amendments to the County's elections ordinance was provided to the Board. Ms. Clark noted out of approximately 26,000 registered voters, only 700 are affected by the proposal, which is a very small percentage. Ms. Clark, Mr. Lockaby, and Mr. Moorman were available to answer questions.

MOTION: That the Board authorize a public hearing on March 22, 2022, to consider proposed amendments to Chapter 9, "Elections of the Botetourt County Code". (Resolution Number 22-02-12)

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

APPROVAL OF OUTSTANDING RECREATION INCENTIVE FUND APPLICATION FOR COLONIAL ELEMENTARY SCHOOL

Mandy Adkins, Director of Parks and Recreation, stated that on December 6, 2021, multiple community groups came before the Parks and Recreation Commission to present their applications for the 2021-2022 Recreation Incentive Fund.

The Parks and Recreation Commission asked the group from Colonial Elementary School for additional information on their proposal to build a baseball field at the new Colonial Elementary School. The Commission invited the Colonial Elementary group to revise their application and return to the next meeting for further consideration. The Parks and Recreation Department worked closely with Colonial Elementary School on their plans to build a new baseball field. Ultimately the Colonial Elementary School principal and PTA determined that this was a much bigger project than they anticipated, and they needed to spend more time planning for the field. At this point, the team from Colonial Elementary decided to apply for Recreation Incentive Fund funding for enhancements to their outdoor play equipment.

Colonial Elementary presented their application for new outdoor play equipment to the Parks and Recreation Commission on February 7. The Commission voted in favor of supporting this project. The total cost of the project is \$15,623.97. The Recreation Incentive Fund would support the project with the matching amount of \$7,800.

Dr. Scothorn questioned if the budget should be increased in the future. Mrs. Adkins replied it is a great program and gives way for opportunities that may not otherwise be available, and a budget increase would be welcomed in the future. Mr. Clinton stated this group is very engaged and the process is impressive.

MOTION: That the Board approve the enhancements to Colonial Elementary School through the FY22 Recreation Incentive Fund, as presented. (Resolution Number 22-02-13)

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

PARKS AND RECREATION BOOSTER CLUB UPDATE

During the August 24, 2021 Board of Supervisors meeting, Parks and Recreation Commission Chairman, Tim Snyder, provided a Commission update to the Board of Supervisors. During his update he reported to the board that a booster club survey was conducted in June and booster club leaders provided feedback to the county that has been used to guide decision making in the formation of a single County wide Booster Club. Those survey results indicated that:

- 100% of respondents indicated they were in support of Parks and Recreation staff setting a consistent registration fee.
- 100% of respondents indicated they would like to see Parks and Recreation staff be responsible for ordering uniforms.
- 100% of respondents indicated they would consider a single County wide booster club model with participation in, and representation from each current booster club.

During the February 7, 2022, Parks and Recreation Commission meeting, the Commission members formally voted to proceed forward with a single, county wide Booster Club. The Commission and Parks and Recreation staff will help support the formation of this new nonprofit, which will be named Botetourt Recreation Sports Booster Club and will go by Botetourt Rec Club for short. At this time the Parks and Recreation Department is working with the existing six Booster Clubs and the Eagle Rock community to identify the representatives who will serve on the Board of Directors for the Botetourt Rec Club.

Once the members of the Botetourt Rec Club are identified, Mandy Adkins will work with the Commission and with Mr. Mike Lockaby to finalize a MOU and Bylaws. At which time the new Booster Club model and agreements related to it will be presented to the Board of Supervisors for consideration and approval.

DISCUSSION ON OLD COLONIAL ELEMENTARY SCHOOL

Jon Lanford gave a brief overview of the condition of the building. He reported the building had been used as storage by the school division and the School Board needs to surplus the building to the County. The County would issue an RFP to repurpose the building and pass on to the Economic Development Authority (EDA). Board members gave consensus for Mr. Lanford to proceed.

COMMITTEE REPORTS

Broadband Report – Dr. Scothorn reported he participated in a leadership meeting with Lumos recently and shared a PowerPoint presentation from that meeting. He stated it is the hope to have universal coverage very soon, by the end of 2023. He stated fiber brings a lot of value to homeowners and one advantage of the pandemic has been the funding that has been made available to localities for things such as fiber. He stated there is another meeting coming up and the county is working closely with Lumos to help get information out to citizens.

Chairman Bailey thanked Dr. Scothorn for his work on this project and the many hours that has gone into it. He stated fiber is one of the best things to happen to Botetourt County in a long time and the new website has been very helpful in getting information out to citizens.

BOARD MEMBER COMMENTS

There were no comments.

Chairman Bailey recessed the meeting at 3:54 p.m. until 6:00 p.m.

6:00 P.M. - PUBLIC HEARINGS

REQUEST FROM MELINDA SIMPSON

Jonathan McCoy reviewed the request from the Amsterdam District. Melinda Ann Simpson requested a Special Exception Permit, with possible conditions, in accordance with *Sec. 25-583 Special Exceptions and Sec. 25-73. – Uses Permissible by Special Exception* to permit a private kennel for up to 20 dogs in the Agricultural (A-1) Use District on a 3.47-acre lot at 515 Etzler Road (State Route 672), Troutville, VA, and identified on the Real Property Identification Maps of Botetourt County as Section 87, Parcel 141A. The applicant was present and explained the kennel would only receive senior and special needs dogs from shelters. Mr. Clinton questioned noise control. Ms. Simpson noted she had

a fenced area for outside use and that the dogs would be supervised at all times; however, if any were disruptive, they would be brought back inside. Mrs. White questioned the applicant on the amount of experience she had with this type of service. Ms. Simpson replied she had fostered many animals for the SPCA over the years.

The Planning Commission recommended approval with conditions recommended by staff and added a condition of substantial conformance with the approved site plan.

Chairman Bailey declared the public hearing open. There were no citizens wishing to speak. The public hearing was declared closed.

MOTION: That the Board approve the request for a private kennel. (Resolution Number 22-02-14)

MOTION: Mr. Clinton

SECOND: Mr. Martin

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

REQUEST FROM JOEL AND RIETTA PLANTE

Drew Pearson reviewed the request from the Amsterdam District: Joel F. and Rietta L. Plante requested a rezoning of a 4.26-acre parcel, with possible proffered conditions, from the Agricultural Rural Residential (AR) Use District to the Agriculture (A-1) Use District for agricultural uses, and a Homestay, Short-Term Rental, in accordance with *Sec. 25-581.-Zoning map amendment—Owner initiated. and Article II, Division 1. – Agricultural (A-1) Sec 25 72 (20). - Permitted Uses of the Botetourt County Code*. Located at 50 Ottaway Road, Troutville, this parcel is identified on the Real Property Identification Maps of Botetourt County as Section 101B(4), Parcel 24. There were no public comments at the Planning Commission meeting. The Planning Commission recommended approval of the rezoning.

Chairman Bailey declared the public hearing open. There were no citizens wishing to speak. The public hearing was declared closed.

MOTION: That the Board approve the rezoning request, as presented. (Resolution Number 22-02-15)

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

PROPOSED TEXT AMENDMENTS – CHAPTER 25

Drew Pearson reviewed the request for consideration of proposed text amendments to Chapter 25 of the Botetourt County Zoning Ordinance, as follows: *Article VI. – Definitions, Section 25-601. Definitions, to amend the existing definition of Convenience store and add a definition for the proposed use: Convenience store, highway; Article II. – District Regulations Generally, Division 11. Business District B-2, Section 25-243. Uses permissible by special exception, to add the proposed use Convenience store, highway that would be permitted through granting only by special exception permit and subject to supplemental regulations; Article IV. – Supplemental Regulations, Division 1. – Use Regulations, to add standards under which the proposed use Convenience store, highway use would be permitted; and Article IV. – Supplemental Regulations, Division 3. – Parking, Section 25-473. – Required Off-street Parking and Loading Spaces, to amend the parking requirement for the use of Convenience store and to add a parking requirement for the proposed use Convenience store, highway. The Planning Commission recommended unanimous approval of the text amendments for a new use, highway commercial, and corresponding definitions and supplemental regulations with an addition that an additional requirement of the supplemental regulations would be to require a Traffic Impact Analysis (TIA) with the submission of an SEP application.*

Mr. Pearson explained the primary difference with this is the business could also supply high-flow diesel fuel and parking for tractor trailers. He noted no use category currently allows for a truck stop. He stated the applicant is basically asking to combine zoning districts and edit the text to update the definition of Convenience Store and Convenience Store– Highway. The Planning Commission requires a Traffic Impact Analysis to be done and approved by VDOT, he noted. He reported at the Planning Commission

meeting there was 1 comment received in favor, and one comment received in opposition. The petitioner did speak at the Planning Commission meeting but did not share any exhibits or maps, but they were present that evening and had pictures available to the Board.

Mrs. White stated she had heard from a lot of citizens about this request. She reminded everyone that the current vote is on the text amendment only, and not voting on any specific project. She stated at least two more public hearings would be held before a project could be considered for approval. She stated she has heard from citizens that the timeline is quick, but it is in line with the process.

Mr. Clinton questioned the criteria for additional parking spaces and asked if that is of concern. Mr. Pearson replied it is important to have language in there to make sure there is two-way traffic and that basically the language would be updated to be applicable to current day standards. He noted the recommended parking spots are at the minimum level.

Mr. Martin stated the concern is large tractor trailers and asked if the Board could not allow diesel vehicles. Mr. Pearson replied the developer wants high-flow diesel included.

Chairman Bailey emphasized this was not a site-specific conversation and only a text amendment. He asked how Exit 150 came about. Mr. Pearson explained it was done a long time ago but if it were done today, it would have to go through the same process as the current request.

Mrs. White asked if this would allow a truck wash. Mr. Pearson replied the request is for fueling and parking only and that would be a site-specific discussion later.

Chairman Bailey declared the public hearing open. The following citizens addressed the Board:

Mary Ann Smith, 1202 Hardbarger Road, read the following statement: "*Lady and Gentlemen of the Board: I come here to speak to the proposed text amendment to Chapter 25 of the Botetourt County Zoning Ordinance. It appears that the intent of these text amendments is to allow for increased opportunities for development within one mile of interstate or major route interchanges. While I support appropriate commercial development in the County, I do have significant concerns regarding one element of the proposed text changes, truck parking.*

The text change to Article 4, Division 3, Section 25-473 states that the minimum number of parking spaces shall be "...1.0 truck space per truck designated to be parked on the premises...". Further, the text change adding Section 25-447 to Division 1 of the same Article notes that the minimum lot size shall be ten acres. Per conversations with the Zoning Department, the maximum parcel size can be 20 acres, assuming certain conditions exist.

So, what does this mean?

I believe that the Sheetz Convenience Store in Daleville is a good representation of the convenience store model proposed by this ordinance. The lot size of the Daleville Sheetz is approximately 2.4 acres, per the county tax information. Assuming a 10-acre lot for a development per these zoning requirements, this leaves approximately 7.6 acres for truck parking. Should the parcel be the maximum size of 20 acres, then the truck parking area would increase to 17.6 acres.

Some of you may remember the Truck Stops at the 150 Exit. That Truck Stops area was just over nine and one-half acres, with the truck parking area there just under five acres. The minimum lot allowed here is 1.5 times larger than the truck parking of the Truck Stops. Let me repeat, one and one-half times larger truck parking area than the Truck Stops. The maximum lot size could be 3 and one-half times larger than the truck parking area that was at the Truck Stops.

Some of you remember sitting in this room over ten years ago hearing of all the problems caused by the trucks parked overnight at the Truck Stops. Now you are considering text changes to the ordinance that

would allow truck parking areas up to 3 and one-half times larger than the nuisance that was the Truck Stops at all of the interstate interchanges in the county.

Please do not make the same mistake again. Reject the text changes allowing the developer to set the number of truck parking spaces.”

Arleen Boyd, 853 Hardbarger Road, read the following statement: “I come to you because it has come to my attention that this proposed change in text creates a legitimate path for a facility with overnight truck/tractor trailer parking to be developed. The developer looking to buy the property, which has resulted in this textural change being brought to you, and his attorney, approached me after the Planning Commission meeting last week. Mr. Vakos stated, and I quote, “We have already done this two times. It is a done deal. We have the utilities in place.” While I recognize such as possible blustering and attempted intimidation tactics, it raises alarms.

The issue before you today is simple. Do you allow this verbiage, written clearly for a particular party to more easily proceed with development, or not? I am not anti-development. I do recognize that the SEP and safety/traffic study included are simply a standard part of the process. If they “clear the process” or “jump through these hoops”, they get their convenience store with overnight truck parking. This is not the same as the light commercial use for which the property is currently zoned.

I searched for 3.5 years for the perfect property, the perfect place to have my forever home. I chose his neighborhood after researching the level of commercial zoning for the exit in my neighborhood.

If you approve this change in text you create the path to the following:

1. Increasing crime, human trafficking, drugs, gangs, and violence in my neighborhood as acknowledged as being an issue of overnight truck parking facilities by Mr. Kidd in the Planning Commission meeting last week. I am told that these were substantial reasons why VDOT shut down the truck stop at Exit 150.
2. Increased noise pollution and air pollution to levels of discomfort by those of us who live on Hardbarger and the surrounding area. Before purchasing our property, my husband, a master of geology and a scientist, studied the air flow thinking we might grow a crop. The air flow is great coming down from State highway 11 down Hardbarger to Lithia Road and along Back Creek. This would carry the roaring of the parked trucks 24/7 and the obnoxious “BEEP BEEP BEEP BEEP” of them backing up at all hours. The stench of diesel fuel would be the new scent of Hardbarger and Lithia. There is no “mitigating” this with any SEP adjustments.
3. The light pollution caused by an overnight parking facility in the areas applicable to this text change will forever turn our beautiful star-studded dark night sky bright. Even pointing lights downward does not mitigate this. I don’t need an SEP to show this. My business is next to the Sheetz on 220 and Catawba in Daleville. Those lights point down. Yet, their glow is bounding off my building across the street. And it is welcome for safety purposes when I go to my car late at night. That location is already a highly commercial area. It isn’t interfering with dark sky assets. Should overnight truck parking go in, we can forget our nights of star gazing around our fire pit in the countryside.
4. Property values will go down for myself and my neighbors. So, while my quality of life is eroded, you will be sentencing me to a lesser life.
5. Traffic will increase enormously at the exit where this overnight truck parking is allowed. All of us are familiar with the backed-up debacle at the former Pilot in Daleville. This will be much worse due to the increased size of any proposed facility and the overnight truck parking. Please, consider the frustration, added stress, and accidents that will inevitably follow, which further impede a peaceful country lifestyle. NO traffic study will change the fact that the traffic will be awful. You can’t tell people not to exit the highway. Sheetz currently has companies that fuel up every morning in Daleville, including FedEx home delivery drivers and Lumos vehicles. A facility with diesel fuel will contract with every trucking company they can that uses I-81 to stop at their location for fuel – increasing the traffic far beyond what any traffic study will have predicted. It’s just good business.

6. *A possible new interchange could be added. The developer who is pushing for this text change to go forward has already met with VDOT. Is the County unable to get a new interchange for anything other than a facility with overnight truck parking? Does the County consider a new interchange worth the lowering of the quality of life and the property values of its residents? I hope not.*

I would like to stress that although this change in verbiage to the Zoning is being put forward as just a text change, it is in effect an enticement for a developer to go forward with a facility with overnight truck parking, and after going through procedures such as the SEP and safety/traffic studies, it will degrade Botetourt County, and certainly the surrounding neighborhood.

Another consideration is that overnight truck facilities as we know them will be obsolete in 20 years. Virginia is set to be the first state with predominately driverless, diesel free trucking. What will become of the "truck stop"? Will they be low end stops for travelers to relieve themselves and throw away their trash? Will they become known as "trash stops"? Adding such a facility at this time seems short sighted.

Realizing that the County needs revenue, almost any other type of development could add value for the County and the community. Beaver Dam Farms is a strong business model. Why not create a Lavender or Soybean Festival? A middle-income housing project is very much needed and would bring in property taxes. A store such as the Heritage Market would certainly be patronized. Add an area for a midweek Farmers Market and Weekend Crafts Stop. Such a venue would provide multi-purpose space for use such as Youth Street Hockey and other events. Botetourt has a problem retaining our well-educated youth. Wouldn't a Gaming Arena with a Code Academy and Cyber Security School assist as both an enticement for people to stay and bring in revenue from all over the world?

I recognize such things are not for consideration of a simple change in a Zoning text. I share them so you may be knowledgeable of possibilities, including the possibility of the short sightedness should you choose to approve this proposed change.

I ask you not to pass this proposed change. I ask you not to be responsible for lowering my property values, for bringing crime to my neighborhood, and diminishing my way of life and country lifestyle. Thank you for your consideration."

Linda Rottman, 970 Hardbarger Road, read the following statement: *"The public, including residents who will be directly affected by the proposed textual zoning amendment, have been given only a few business days to prepare any opposition they may have to an amendment that will dramatically affect the quality of their lives and value of their properties. The developer has had far longer to craft the language of its proposed amendment (to serve its own interests) than any of us residents have had to mount a meaningful opposition to protect their interests. Even obtaining clear information during these few days has proven impossible.*

For example, I understand, from the notice in the Fincastle Herald, that a purpose of today's vote, is to "add standards under which a Convenience Store/Highway Use project would be permitted." I have written to my District Supervisor, Amy White, and to Drew Pearson to attempt to clarify what standards, exactly, are being considered. Copies of my emails and the one (uninformative) response I received will be provided at the hearing. I ask you to please read through them.

Drew Pearson, as of the writing of this email, did not respond to my questions to attempt to clarify what standards might apply. Amy's initial response seemed to be mainly that no formal project has been proposed and therefore no standards are being considered other than an undefined traffic study. I asked her for further clarification as to what the post-amendment mechanism for establishing standards might be, but, again, as of the writing of this email, she has not responded.

So here we are. The developer has proposed the only standards that I have been so far able to ascertain — which seem to be an undefined safety study and 10+ acres within proximity of an exit. I am not licensed to practice law in Virginia, but I am a retired veteran trial lawyer, and my reading of the Virginia statutes seems to require quite a bit more than simply voting on a request made by a sophisticated developer that must be assumed to operate only in the developer's best interests.

We all know that those interests are likely to be inconsistent with the public's interest, and in particular, the interests of surrounding property owners.

Section 15.2-2283 of the Virginia statutes provides: "Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objections of Section 15.2-2200. To these ends, such ordinances shall be designed to give reasonable consideration to such purposes as: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, ... crime and other dangers; (ii) to reduce or prevent congestion in the public streets, and (iii) to facilitate the creation of a convenient, attractive, and harmonious community.

Section 15.2-2284 requires that Zoning ordinances shall be drawn and applied with reasonable consideration for, among other things, the comprehensive plan, and the conservation of properties and their values.

The planning vision for the County on the County website, states, in part, the vision is of "a community where county residents are attaining higher educational and economic goals; are enjoying a quality of life marked by safety and security, environmental protection, quality business and residential development; and a variety of recreational opportunities. The stated purpose of the County's Comprehensive Plan is "to promote valanced growth and development while protecting the County's environment and cultural resources" through the "application of sound planning principles and implementation of complementary development controls."

As far as I can ascertain, none of the elements required by statute, the stated vision for the County, or the County's Comprehensive Plan requiring development controls have been addressed. I submit that this failure renders any action on the proposed amendment language premature, unreasonable, and capricious and an abdication of the Board's responsibilities.

I have heard from Amy: "But it's a textual amendment only." Is it? It creates an entirely new category of zoning that did not exist or was even contemplated when I purchased my farm seven years ago. Realistically, we know that despite the convenience store label, what is being proposed is a truck stop that could not be built under existing law, and which will have a profound effect upon traffic, crime, environmental impact, light pollution, noise pollution, the blight upon our landscape as the entranceway to the Blue Ridge, and a decline in the values of properties purchased in reliance on then existing codes.

The vote should be either tabled or denied until such time as all the elements required by statute and the County's vision and Comprehensive Plan are fairly addressed and the affected residents may know exactly what conditions are being proposed and meaningfully oppose any conditions that adversely affect their interests.

At a minimum, as I wrote to Amy: "Realistically, I think we can all agree without any kind of safety study, that the current configuration of Exits (162) is completely inadequate to in any way safely handle the kind of traffic that will be invited by high-speed fuel pumps and overnight truck parking. Why not just say it expressly, in a standard? In other words, why not say something on the order of that no convenience store/highway use can be constructed where the existing highway/exit structure will not support increased traffic invited, anticipated, or potentially created by the project. I trust that is the actual intention of the board, since no one wants to increase the hazards of what must be the mostly poorly designed set of exists in the county, but it is not encompassed in the existing language. All that it says now, as proposed by the developer, is that it can do its own safety study and, regardless of the outcome, move forward.

That, I submit is a bare, bare minimum. And, while safety is a critical issue, a truck stop inevitably carries with it other important effects that have thus far not been addressed, including increased crime (a well-recognized universal problem at truck stops and reportedly already experienced at the Exit 152 truck stop), environmental impact (particularly given the proximity of the James and the potential impact on the water table), noise pollution, light pollution, air pollution, and compensation to affected property owners for the decline in value to their properties.

Under Virginia law, and pursuant to the County's vision and comprehensive plan, all these elements must be given a fair consideration before making a zoning change. That does not appear to have been done and needs to be. A vote is therefore premature and should either be tabled or denied. Sincerely, Linda Rottman"

Danny Simmons, 14822 Lee Highway, stated his business is within one mile of the proposed site and he was in favor of it. He asked the Board to consider the revenue it could bring in. He reminded everyone of the Loves Truck Stop in Low Moor and what a nice facility it is. He stated some truckers have 10-hour runs and they are looking for a place to park overnight for food and rest. He stated personal property taxes could be offset by the additional business tax.

Danny Goad, 4766 Read Mountain Road, stated he reviewed the traffic study, and the numbers did not match up. He stated the Comprehensive Plan tells us where we want development to be, and the business owner should have a business plan in place. He encouraged the Board to not change the Comprehensive Plan to accommodate a developer. Doing so ties the hands of the Board, he said. He thanked the Board for allowing him to speak.

Bill Vakos (applicant), 10 Franklin Road, thanked the Board for allowing him to present some information on behalf of the request. He stated he resides in Spotsylvania County and has a home in Rockbridge County also. He showed a PowerPoint presentation to the Board showcasing other truck stops they have developed and gave brief descriptions of each. He welcomed questions from the Board.

Jon Puvak (applicant) stated no one can put a truck stop anywhere right now. He stated some of the comments were that the standards are inadequate and if so, he welcomed an opportunity to discuss. He noted they would need the zoning text amendment regardless. He stated this proposed amendment is not for a truck stop, it is for a convenience store-highway, and they are trying to go through this process in pieces.

Mrs. White stated a Virginia Truck Study for VDOT was done in July 2015 and questioned if the applicants had referenced that document. Mr. Vakos replied they had hired people to review information, but they had not used that specific study.

Dr. Scothorn commented that Board members are elected to serve, and public safety is a top priority. He said he does not want a repeat of Exit 150 and he wants to do right by the citizens of Botetourt County.

Mr. Clinton asked why it is so important to have high-flow diesel. Mr. Vakos replied when he comes forward with the SEP, he will provide a financial impact analysis but in short answer, there is approximately a 40-50% increase in revenue for the locality. He noted there are 4,100 cars per day on Route 11, and truckers running up I-81, and the market is asking for this to be in Botetourt County. He noted more details would come later but right now there is no path forward to be able to even be allowed to do this without a text amendment.

Mrs. White stated there had been no discussion on electric charging stations. She explained these will be more important than diesel in the future and can these be converted down the road. Mr. Vakos replied plans would have to be modified to take out the diesel pumps and put in the charging stations. Mrs. White thanked everyone for their comments and stated she does not want to miss out on an opportunity, but she does want to be careful. She stated the Board is doing the best it can and this is not a done deal.

The following comments were received via the online comment portal:

Polly Haag, 239 Cherry Tree Bottom, *"I support the proposed amendments that will open up the county for development and much needed jobs. The addition at exit 162 will be a welcome boost to our economy through jobs and tax revenue."*

Pete Burris, 14455 Lee Highway, *"Does anyone believe that building a ten-acre truck stop, accommodating over 50 trucks, would be a possibility in the Daleville area? Of course not. Citizens on the south end would be lawyering up and fighting the proposal with all the resources at their disposal."*

Some of our fellow citizens don't have those options. The north end of the county is populated by people of lesser means and, for the most part, less education. They are good, decent hard-working folks that seem to never get a break. The craziness of the past two years has hit them harder than most. They have been failed by institutions charged with protecting them. Now it is being seriously suggested that a truck stop is just what they need. It is not.

There is talk of getting a "safety study" completed as if "safety" is the only issue to be considered. We tried that for the past two years. Again, it did not serve the working class of this country very well. Where is the "quality of life" study? Where is the study that measures how much more anxiety and stress will come with additional traffic congestion? Heading north at mile marker 161.3 a traveler is blessed with a spectacular view of rolling pastureland and the Blue Ridge Mountains. It is a special thing to witness. Who will conduct the study to measure the effect on the people of the area when that view is forever destroyed?

The developers claim to be looking forward to providing "jobs and revenue" for the area. These will not be mid-level executive positions. It's a truck stop. They will be offering entry level service positions. The very sort of jobs that are currently going unfilled all over America. Restaurants cannot find help, same for a myriad of other businesses. They are operating on abbreviated schedules as a result. "Help Wanted" signs are everywhere. So "jobs" is not a reason.

As to revenue, most municipal coffers are full. The federal government gave and gave. So, if there was ever a time to resist the temptation to make a bad decision for a buck, now is that time.

For the people of the north end of the county exit 162 is their portal to the rest of the world. That exit is the only way to access jobs, groceries, building supplies, prescriptions, and medical care. The truck stop would make that experience exponentially more stressful and time consuming. It would needlessly complicate the lives of those you are supposed to be looking out for.

If you have not heard dissent from many on the northern end of the county it does not mean they like the idea. They are not the sort to stand for three minutes at a public forum. They don't make waves. They are uncomfortable with calling attention to themselves. Unlike the developers, they cannot afford attorneys. I have heard from enough of them to know that they have strong feelings on the matter but, for the most part, they have no voice. That's where you come in.

Would any single member of the board prefer to have a truck stop in their area? Would they want their elderly parents or their young niece or nephew navigating all that a truck stop brings with it? Would they prefer to sacrifice the beautiful view now there for one of asphalt and diesel exhaust? I think not.

Develop the exit but do it wisely. A convenience store, a restaurant, a combination of the two, any of those would be welcome. There is revenue to be had there. There is business to be done there. Wait for the right project to come along. It will.

Doing the right thing is always hard. The developers and certain individuals will be unhappy, maybe even furious. Such is the price for doing the right thing."

Lynwood Funk, 2445 Lithia Road, "Just a couple of thoughts regarding the proposed convenience store at E162.

- 1. A business which will have parking for 50 trucks is a truck stop not a convenience store.*
- 2. I suggest the new truck stop be designated a "no idle zone" as the rumbling and exhaust from 50 plus trucks will undoubtedly impact the neighborhood. I'm sure that all the county supervisors understand that as a truck driver sleeps or takes a break in the winter and summer they will idle their trucks, for comfort heating and cooling, from the time they arrive until they depart.*
- 3. Traffic and enforcement controls should be implemented to regulative incoming truck traffic when all truck parking spots are taken. If you have driven by the former Pilot truck stop in Daleville, I am sur that you have noticed trucks blocking the Northbound Lane while waiting for a parking spot to open*

up in the parking lot. I have witnessed these trucks block the right lane for lengthy periods of time with no type of feedback from law enforcement. I have always been amazed as to why this is tolerated by local and state authorities.

I will not address other obvious issues that come to mind such as trash control, fuel spillage/overflow containment and enforcement as I am sure you folks are on top of your game. We all know that at some point, both will be issues. I do hope that the county government will be detail oriented with the owner/operators if this project proceeds. Demand that they provide you details for the small stuff, like how many times a day trash will be picked up off the ground from the parking areas and so on.

Progress is progress and change is change, two other businesses in the same area operate impound lots which are just temporary junk yards, so one more eye sore will fit right into the landscape. I do hope that the county will oversee the project and make the owners do it right the first time. Regards, Lynwood Funk"

MOTION: That the Board table the text amendment request for 90 days to gather and consider additional information. (Resolution Number 22-02-16)

MOTION: Mrs. White

SECOND: Mr. Martin

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

ADJOURNMENT

MOTION: That the meeting be adjourned. (Resolution Number 22-02-17)

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

TIME: 7:27 p.m.