

BOTETOURT COUNTY BOARD OF SUPERVISORS
MINUTES OF MARCH 22, 2022

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, March 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 12:30 p.m.

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 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.
- Section 2.2-3711.A.8, Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice regarding the Roanoke Valley Broadband Authority.

(Resolution Number 22-03-02)

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

Chairman Bailey called the meeting back to order at 2:07 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 22-03-03)

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

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

Chairman Bailey announced agenda items #13 and #16 would be removed from the agenda. He also announced a revised memo was provided to the Board for agenda item #2.

INTRODUCTIONS

- Kim Stewart, Administrative Assistant, Economic Development Department
 - Jeremy Bennington, Captain, Buchanan Fire Station
 - Matt Hall, Building Inspector I, Community Development Department
- Board members and staff welcomed all new employees.

RESOLUTION OF SUPPORT FOR PEOPLE OF THE SOVEREIGN NATION OF UKRAINE

Steve Clinton read the resolution supporting the people of the sovereign nation of Ukraine and asked that the resolution be adopted by the Botetourt County Board of Supervisors.

Danny Goad, 4766 Read Mountain Road, requested to speak regarding the proposed resolution. Chairman Bailey granted his request. Mr. Goad spoke in opposition of the resolution, stating it was very strong and questioned if anyone knew the true facts about what is going on in Russia and Ukraine. He noted his grandfather fought in World War II. He stated he felt the resolution was a “precursor for war” and it should not be adopted.

Mr. Clinton thanked Mr. Goad for his comments. He stated he still fully supported the resolution because the Ukrainian people were suffering. He noted he also served 30 years in the military and appreciated his grandfather’s service.

Mr. Martin thanked Mr. Goad for his comments and for his grandfather’s military service. He stated his own grandfather served in World War I, his father in World War II, and himself in Vietnam. He reminded everyone that peace and freedom come with a price. He stated he does not believe the resolution would cause World War III, as implied. He stated there are a lot of videos showing what is happening to the people of Ukraine and we should consider how it would feel if it were happening to us. He stated if he could, he would join them in their fight.

The Board asked the Clerk to forward a copy of the Resolution to Senator Mark Warner, Senator Tim Kaine and Congressman Ben Cline.

MOTION: That the Board approve a resolution of support for the people of the sovereign nation of Ukraine, as read. (Resolution Number 22-03-04)

MOTION: Mr. Clinton

SECOND: Mrs. White

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

PUBLIC COMMENT

Eric Claunch, 2817 Mount Moriah Road, read the following statement: “*Good afternoon, Supervisors, The time is ripe for county action to kill the Rocky Forge Wind project. As the Supervisors are aware, Apex Clean Energy over these many years has gone from being intentionally vague with wind and wind turbine information to being wholly non-compliant to specific county request for information in their project Site Plan, FOURTH SUBMITTAL.*

Apex ignores, dismisses, and disregards the county. They must think state and federal officials will defeat the locality, allowing them to push through the project on their terms. This is wrong. Just as Sheriff Ward is the ultimate county law enforcer, the Board of Supervisors is the ultimate county regulation enforcer.

As you know, members of the Virginians for Responsible Energy (VRE) sued Apex and DEQ, who hired McGuireWoods, a powerful law firm, to thwart our efforts. They tried to end our attempt on technicalities, claiming we didn’t request our appeal within the required 30-day period and that we didn’t have standing, but they lost on both counts because the truth is not on their side. The case moved to the merits, focusing on a DEQ procedural error. Apex did not provide the full set of documents required for the DEQ

public hearing, and DEQ did not require Apex to do so, counter to State Code. Therefore, as of right now, Apex no longer has a modified DEQ permit for Rocky Forge.

VRE sent a letter to you all last Friday indicating the county can likewise use a technicality to thwart Apex, and the county would win. Apex's SEP required a copy of the DEQ permit to the county, by certified mail, within seven days. Apex failed on both counts. Precedence in multiple legal cases has established that overnight mail from private carriers such as FedEx is not a substitute for USPS certified mail. Apex violated a condition of the SEP from which it cannot recover.

Given Apex's recalcitrant attitude, even after FOUR SUBMITTALS, it is clear they are not serious in addressing county concerns.

In both the county Wind Ordinance and the SEP, the Zoning Administrator, like the sheriff, has ultimate authority to identify and resolve violations. I urge the Supervisors to encourage Mr. Pearson to pursue all legal remedies to terminate this project for cause, ending the county's drain on its resources by stopping a habitually non-compliant applicant.

Apex's attitude is brazen. Apex obviously believes the county can be worn down, defeated, and overcome. Please terminate this ill-sited project, for the benefit of our citizens, our county staff, and the protection of our environment."

Chris McCloud, P.O. Box 784, Buchanan, stated he is opposed to the truck stop/convenience store project. He said it is of no benefit to the citizens and that Exit 150 created a plethora of problems. He stated the Board should focus on bringing a quality grocery store to Buchanan or bringing a business to the Virginia Forge building. He stated truck stops cause a lot of problems and it is not needed there.

APPROVAL OF MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 22, 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 February 22, 2022, as presented. (Resolution Number 22-03-05)

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 discussed the following requests for transfers, noting they include a transfer of budgeted funds, a transfer of funds to the Colonial Elementary School project for final bills, including a retainage payment, and two recurring quarterly transfers. The following four transfers were presented for consideration:

1. Transfer budgeted funds in the amount of \$10,000 from Parks & Recreation – Instruction and Training Services (100-4071100-71100-3180) to Botetourt Children's Fishing Carnival Fund – Fund 236 – General Expenditures (236-5003308-00000-0000). These appropriated funds will be applied towards expenditures relating to this year's fishing carnival.
2. Transfer funds in the amount of \$90,200.75 from General Fund – Undesignated Funds – Fund 100 to Colonial Elementary – VPSA 2018A Fund – Fund 303. This transfer and appropriation provide for the cost of retainage and final balance due relating to the construction of the Colonial School Project. This transfer is primarily supported by recovered monies relating to the project.
3. Transfer \$519.00 to Central Purchasing – Store Supplies, 100-4012530-12530-6021-000, from various departments as follows for store supplies usage:
 - \$ 85.00 Library - Office Supplies, 100-4073100-73100-6001-000
 - \$ 50.00 Board of Supervisors - Operating Supplies, 100-4011100-11010-6014-000
 - \$ 44.00 Co. Admin. – Office Supplies, 100-4012110-12110-6001-000
 - \$ 74.00 Treasurer – Office Supplies, 100-4012410-12410-6001-000
 - \$ 37.00 Comm of Rev. – Office Supplies, 100-4012310-12310-6001-000
 - \$ 105.00 Finance – Office Supplies - 100-4012430-12430-6001-000
 - \$ 37.00 Central Garage – Office Suppl. – 100-4012560-12560-6001-000

- \$ 37.00 CSA – Office Supplies, 100-4053500-53500-6001-000
- \$ 25.00 Econ. Dev. – Office Supplies, 100-4081500-81500-6001-000
- \$ 25.00 Parks & Rec. – Office Supplies, 100-4071100-71100-6001-000
- 4. Transfer \$508.47 to Central Purchasing – Pool Car Transfers, 100-4012530-12530-6020-000, from various departments as follows for fuel usage:
 - \$ 8.70 Garage - Fuel, 100-4012560-12560-6008-000
 - \$313.06 Maintenance – Fuel, 100-4043000-43000-6008-000
 - \$ 13.26 County Administrator – Fuel, 100-4012110-12110-6008-000
 - \$ 89.21 Community Development – Fuel, 100-4081200-81200-6008-000
 - \$ 17.68 Economic Development – Fuel, 100-4081500-81500-6008-000
 - \$ 50.13 Van Program – Fuel, 100-4071500-71500- 6008-000
 - \$ 10.77 Purchasing – Pool Car Repairs, 100-4012530-12530-3312-000
 - \$ 5.66 Sports Complex – Fuel, 100-4071300-71300-6008-000

PASS-THRU APPROPRIATIONS:

Mr. Zerrilla noted the pass-thru appropriations represented expenditure reimbursements, miscellaneous receipts, donations, and grant funds.

1. Additional appropriation in the amount of \$450.00 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. These are contributions received in memory of Gloria Stephens and Greg Stump.
2. Additional appropriation in the amount of \$516.50 to Fire & EMS – Repair & Maintenance – Vehicles, 100-4035500-35500-3312. This is a reimbursement received from Hardman Roadside for a credit card convenience fee not taken off an invoice total.
3. Additional appropriation in the amount of \$4,500.00 to the following accounts: \$2,250.00 to Standing Room Only, 100-4072000-72241-3800-, and \$2,250.00 to Attic Productions, 100-4072000-72242-3800. This is for Challenge Grant funds received from the State and passed through to these organizations.
4. Additional appropriation in the amount of \$3,686.87 to the following Sheriff’s Department accounts: \$663.62 to Subsistence & Lodging, 100-4031200-31200-5530, \$1,000.00 to Uniforms, 100-4031200-31200-6011, \$49.72 to FICA, 100-4031200-31200-2100, \$1,393.35 to Overtime, 100-4031200-31200-1200, and \$580.18 to Vehicle Supplies, 100-4031200-31200-6009. These are for reimbursed expenses and providing security at various County school functions.
5. Additional appropriation in the amount of \$3,604.31 to the following Correction & Detention accounts: \$1,607.46 to Medical & Lab Supplies, 100-4033100-33100-6004, \$1,701.85 to Uniforms – 100-4033100-33100-6011, \$275.00 to Salaries and Wages - Regular, 100-4033100-33100-1100, and 20.00 to Office Supplies, 100-4033100-33100-6001. These are for reimbursed expenses, medical co-pays, and miscellaneous receipts.

REGULAR APPROPRIATIONS:

The two regular appropriations were for expenditures not anticipated at the adoption of the FY22 budget.

6. Additional appropriation in the amount of \$1,500.00 to Treasurer’s Department – Office Supplies, 100-4012410-12410-6001. This appropriation will cover one-time and unanticipated expenditures through June 30, 2022.
7. Additional appropriation in the amount of \$7,559.04 to CIP – VWCC Workforce Training Center, 100-4094000-12110-8012-412. This appropriation will cover the balance of total preliminary expenditures to date for this project.

MOTION: That the Board approve the transfers and additional appropriations, as presented. (Resolution Number 22-03-06)

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

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 March for the General Fund including debt service and all other funds was a combined total of \$1,562,000.75. Payable disbursements of note for the month were as follows:

Sheriff's Department - \$112,014 paid to Sheeby Auto for 3 Ford Explorer Interceptors.

Transfer to EDA - \$171,781 for the VWCC Workforce Training projects costs, and \$70,340 for funding for a payment to EC Pace for the 3rd application for work performed for the Munters Sewer Extension Project.

CIP – CCH Renovation: \$108,001 paid to Architectural partners for project design costs.

CIP – Buchanan Library: \$25,338 pad to Enteros Design for the Buchanan Library Study.

CIP – Fire & EMS: \$284,088 paid to Penn Care for a 2022 Braun Chief XL Ambulance.

MOTION: That the Board approve the accounts payable and short accounts payable list for March, as presented. (Resolution Number 22-03-07)

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

PUBLIC HEARING - CONSIDERATION OF AN AMENDMENT TO THE FY2021-2022 BOTETOURT COUNTY BUDGET RELATING TO SCHOOL ARPA FUNDS AND COUNTY CAPITAL IMPROVEMENT PROJECTS

Per the provisions of Section 15.2-2507 of the Code of Virginia, any proposed amendment which exceeds one percent of the total expenditures of the adopted budget must be advertised and have a public meeting held on the proposed budget amendment. This public hearing was advertised on March 9, 2022.

- A) The first proposed budget amendment for consideration was for federal ARPA (American Rescue Plan Act) funds being received by Botetourt County Public Schools relating to the ESSER III (Elementary and Secondary School Emergency Relief Fund) initiative. These funds would be utilized based on prescribed expenditure guidelines and would be supporting K-12 education. The amount of the budget amendment was \$3,009,939.04. (Federal – Self-Sustaining Funds – 200-5000200-00000-0000-000.) The total budget amendment requested was \$4,259,939.04.
- B) The second proposed budget amendment was for construction and related costs for the Virginia Western Community College Expansion Project for its Workforce Training Center. The amount of this budget amendment was \$1,250,000.00 and was providing for estimated expenditures for project costs through June 30, 2022. These funds would be covered by project financing proceeds. (Capital Project Fund – VWCC Workforce Training Center Project - Fund #315. 315-5002026-00000-0000-615) It was noted the lease payments will cover the debt service.

Chairman Bailey declared the public hearing open.

Botetourt County Public Schools Superintendent, Dr. Jonathan Russ, addressed the Board to explain the \$3m is federal funds and a part of the American Recue Fund, and is not from taxpayers. He stated the funds must be used to address missed instruction time for students, including additional substitutes, bus driver retention, personal protection equipment (PPE), cleaning supplies, and facility repairs to address poor air quality. The funds are available through December 2024 and go to the County, who then forwards to the school division, he noted.

Having no citizens wishing to speak; Chairman Bailey declared the public hearing closed.

MOTION: That the Board approve amendments to the FY22 budget relating to School ARPA funds and the Virginia Western Community College Expansion Project, totaling \$4,259,939.04. (Resolution Number 22-03-08)

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

VDOT MONTHLY UPDATE

Brian Blevins, resident engineer, introduced Robin Keeler, assistant resident administrator and reported she would be moving to the maintenance division. Mr. Blevins reviewed the monthly VDOT report noting the following:

- The 220 project is near completion
- Salt Petre Cave Road is experiencing minor bridgework and it should be completed quickly
- Country Club Road will be closed April 4-7
- Rt. 674 (Tinker Mill Road) would have limited closure due to culvert replacement
- Twelve permits had been issued
- Routine graveling, grading, and patching being done in various areas
- Rt. 11 will have a sign alerting drivers to not rely on their GPS, hopefully to stop them before they arrive on Boblette Gap Road

Mr. Martin thanked him for the ditch repair on Mountain Pass Road. Mrs. White questioned if a speed study had been done on Purgatory Mountain Road. Ashley White responded it had not been done but it was on the to-do list.

PUBLIC HEARING - 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 County 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 requested the changes become effective July 1, after the June 21 primary. She noted Virginia Code requires new cards be mailed to all registered voters, which are approximately 26,000.

Mr. Moorman noted that following today's public hearing, public comments will be received through April 13th and that the Board will be asked to adopt the amendments at its regular April meeting.

Chairman Bailey opened the public hearing on the proposed amendments. There were no citizens wishing to speak; therefore, Chairman Bailey closed the public hearing and directed staff to place the amendments on the Board's regular April meeting agenda for consideration for adoption.

APPROVAL OF FUNDING TO REPLACE THE TROUTVILLE VOLUNTEER FIRE DEPARTMENT'S TANKER TRUCK

Jason Ferguson, Fire Chief, explained that in 2019 the Board of Supervisors established a designated Fire/EMS Reserve Fund for the purpose of assisting with capital investments including "apparatus (rolling stock), or other capital equipment as may be deemed necessary and appropriate, or facilities construction or improvements (collectively "Capital")." This fund has been successful in helping with the purchase of a brush truck, refurbishment of a tanker, and more recently, the funds to support the purchase of a new tanker to be assigned at the Read Mountain station.

The FY22 priority as identified by the Fire & EMS Commission is the replacement of a tanker truck located at the Troutville Station. Staff have worked with a committee from the Troutville Volunteer Fire Department to arrive at an agreeable set of specifications. Given the current market conditions, the timing of ordering the truck is imperative, as lead time on building a fire apparatus is currently 24-months from date of contract. The tanker truck being requested is very similar in nature to the tanker truck that is on order for the Read Mountain station. This truck will be able to supply 3,000 gallons of water to fires in

areas where no other water source is immediately available. This type of apparatus is vital to the successful suppression of fires in areas lacking hydrants or sufficient water supply infrastructure.

The Fire & EMS Capital Reserve Fund currently has \$417,365.41 available. This funding request would not impact the general fund balance.

Chief Ferguson requested the authorization of \$407,000 towards the purchase of a tanker truck to be placed at the Troutville station, and to transfer \$407,000 out of the Fire & EMS Capital Reserve Fund to 100-4035500-35500-8005.

MOTION: That the Board authorize the expenditure of \$407,000 for the purchase of a tanker truck and the related appropriation. (Resolution Number 22-03-09)

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

BOARD MEMBER COMMENTS

There were no comments from the Board. Mrs. White requested Mr. Larowe give a report regarding the recent bond rating for the County.

Mr. Larowe reported Botetourt County had recently received an Aa1 Issuer Rating from Moody's Investor Services. He explained this rating is basically unheard of for a County of our size. The rating establishes the county's ability to repay its debt. Dr. Bailey emphasized the rating speaks to the financial stability of the County. Mr. Larowe added this rating is directly related to the elected leadership and the financial management team of Botetourt County.

Chairman Bailey recessed the meeting at 3:16 p.m. until 6:00 p.m.

6:00 P.M. - PUBLIC HEARINGS

BOTETOURT COUNTY PLANNING COMMISSION PUBLIC HEARING TO CONSIDER AN OWNER-INITIATED PETITION, IN ACCORDANCE WITH ZONING ORDINANCE SECTION 25-581.2, REQUESTING AMENDMENTS TO CHAPTER 25, ZONING, ARTICLE II. DISTRICT REGULATIONS GENERALLY, DIVISION 12. – BUSINESS DISTRICT B-3, SECTION 25-262.(13) – PERMITTED USES, TO ADD THE USE “DONATION COLLECTION CENTER”, AND CHAPTER 25, ZONING, ARTICLE VI. – SECTION 25-601. DEFINITIONS TO DEFINE THE USE, WHICH WOULD PERMIT THE USE FOR THE PURPOSE OF ACCEPTING, SORTING AND DISTRIBUTING DONATIONS TO THEIR RETAIL STORE LOCATIONS.

Jeremiah Walker and Goodwill Industries of the Valleys, Inc. filed the petition requesting consideration of the text amendments that would create a new land use category titled “Donation Collection Center” as a by-right permitted use in the Business (B-3) Use District. The Board of Supervisors had heard the applicant's request and referred the petition to the Planning Commission for detailed review and consideration.

Goodwill Industries, Inc. operates in Botetourt County as a retail use with the collection and sorting being accessory to the retail component. The zoning ordinance doesn't currently contain a use that permits a stand-alone collections, sorting, and distribution center; therefore, the applicant is proposing a zoning ordinance text amendment to add the new use category.

Goodwill Industries of the Valleys is a non-profit organization dedicated to helping people with disabilities and disadvantages overcome barriers to employment. Goodwill provides workforce development programs that empower people to achieve and sustain a level of independence to participate more fully in life

Mr. Pearson noted that no comments were received during the Planning Commission public comment period and the text amendment request was approved by the Planning Commission by unanimous vote. The applicant was in attendance and explained this would be a drive-thru type set up and that no specific location has been selected yet.

The proposed amendments are as follows:
CHAPTER 25 – ZONING, ARTICLE VI. – DEFINITIONS
Sec. 25-601. Definitions.

Donation Collection Center. A donation center operated by a nonprofit organization that consists of a staffed facility for the acceptance and sorting of donated goods that will be shipped and sold at one of the nonprofit's retail stores.

CHAPTER 25 – ZONING, ARTICLE II. - DISTRICT REGULATIONS GENERALLY
Division 12. Business District B-3.

Sec. 25-262. Permitted uses.
The following uses are permitted by right, subject to compliance with all other requirements of this chapter, and all other applicable regulations.

(13) Donation Collection Center.

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 text amendment as recommended by the Planning Commission and on the basis that the requirements of Section 25-5812 of the Zoning Ordinance have been satisfied. (Resolution Number 22-03-10)

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

AMSTERDAM DISTRICT: BOTETOURT PROPERTIES LLC REQUEST TO REZONE A TOTAL OF 4.098-ACRES OF A 6.84-ACRE LOT, CURRENTLY LOCATED IN THE RESIDENTIAL (R-3) AND (R-1) USE DISTRICTS. THEY REQUEST TO REZONE THE 4.098-ACRE, RESIDENTIAL (R-3) USE DISTRICT PORTION, WITH POSSIBLE PROFFERED CONDITIONS, TO THE BUSINESS (B-2) USE DISTRICT. THE RESIDENTIAL (R-1) PORTION WILL REMAIN UNCHANGED. THE REQUEST IS IN ACCORDANCE WITH SECTION 25-581. – ZONING MAP AMENDMENT—OWNER INITIATED OF THE BOTETOURT COUNTY CODE AND IS FOR THE PURPOSE OF PROVIDING DRIVEWAY ACCESS TO AN ADJOINING PARCEL LOCATED IN THE BUSINESS (B-2) USE DISTRICT KNOWN AS TAX PARCEL #101-82. THE PROPOSED LOT TO BE REZONED IS LOCATED EAST OF THE ADJACENT PROPERTY 35 CEDAR PLATEAU WAY, IDENTIFIED ON THE REAL PROPERTY IDENTIFICATION MAPS OF BOTETOURT COUNTY AS SECTION 101, PARCEL 81.

This item was removed from the agenda at the start of the meeting.

THE BOTETOURT COUNTY PLANNING COMMISSION PUBLIC HEARING TO CONSIDER AN OWNER-INITIATED PETITION, IN ACCORDANCE WITH ZONING ORDINANCE SECTION 25-581.2, THAT REQUESTS AMENDMENTS TO CHAPTER 25, ZONING, ARTICLE II. DIVISION 11.- BUSINESS DISTRICT B-2, SECTION 25-242(12).- PERMITTED USES, TO ADD THE USE “EQUIPMENT RENTAL AND LEASING”, AND CHAPTER 25, ZONING, ARTICLE VI. –, SECTION 25-601. DEFINITIONS TO DEFINE THE USE, WHICH RENTS OR LEASES EQUIPMENT SIMILAR TO ELECTRONICS, FURNITURE, TOOLS, PARTY SUPPLIES AND RECREATIONAL ITEMS.

Matthew Snare filed the petition requesting consideration of the text amendments that would create a new land use category titled “Equipment Rental and Leasing, not elsewhere classified” as a permitted use in the Business (B-2) Use District. The applicant included draft language for the text amendments in their application. The Board of Supervisors heard the applicant’s request and referred the petition to the Planning Commission for detailed review and consideration.

The applicant operates an existing events business in Roanoke City and wishes to relocate the business to Botetourt County where they would construct an office and storage facility to house the business, which rents party supplies and recreational equipment for events. The zoning ordinance contains several uses that allow for the rental of heavy equipment used in farming and construction, as well as automobiles. However, the ordinance does not contain a use that permits the rental of smaller tools and

equipment, electronics appliances, furniture, party supplies and recreational equipment. The proposed use is identified by the applicant as “Equipment rental and leasing, not elsewhere classified”, which is an identified land use listed and defined in the North American Industry Classification System (NAICS). The Business (B-2) Use District is designed for community and service businesses that are larger-than neighborhood markets.

Mr. Pearson noted that no comments were received during the public comment period, prior to or during the public hearing, and the text amendment request was approved by the Planning Commission by a unanimous vote.

The applicant was present and further explained that he plans to have a small office building and one larger building behind it. He stated he intends to keep the area looking rural because his personal residence is beside it.

The proposed amendments are as follows:

CHAPTER 25 – ZONING, ARTICLE VI. – DEFINITIONS

Sec. 25-601. Definitions.

Equipment rental and leasing, not elsewhere classified: A business primarily engaged in the renting or leasing of equipment, not elsewhere defined in this Chapter. On-site business activities typically include an office space for scheduling, showroom, pickup, return of equipment and storage. Equipment can be similar to smaller tools & equipment, electronics, appliances, furniture, party supplies and recreational items.

CHAPTER 25 – ZONING, ARTICLE II. - DISTRICT REGULATIONS GENERALLY

Division 11. Business District B-2.

Sec. 25-242. Permitted uses.

The following uses are permitted by right, subject to compliance with all other requirements of this chapter, and all other applicable regulations.

(12) Equipment rental and leasing, not elsewhere classified.

Chairman Bailey declared the public hearing open.

Danny Goad, 4766 Read Mountain Road, questioned if this area was located off Lee Highway, near Exit 162, and would it affect the proposed truck stop or have any similar issues.

Mr. Pearson replied the text amendment is not parcel specific at all. He noted the applicant has an events business and the department identified a gap in the ordinance; therefore, the text amendment serves to correct that gap. Mr. Pearson stated staff does not view this related to the proposed “truck stop” in any way.

Having no other citizens wishing to comment, Chairman Bailey declared the public hearing closed.

MOTION: That the Board approve the proposed text amendments as recommended by the Planning Commission and on the basis that the requirements of Section 25-5811 of the Zoning Ordinance have been satisfied. (Resolution Number 22-03-11)

MOTION: Mrs. White

SECOND: Mr. Martin

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

BUCHANAN DISTRICT: MATTHEW SNARE REQUESTS TO REZONE A TWO-ACRE PORTION OF A 52.945-ACRE PARCEL FROM THE AGRICULTURAL (A-1) USE DISTRICT TO THE BUSINESS (B-2) USE DISTRICT, WITH POSSIBLE PROFFERED CONDITIONS, IN ACCORDANCE WITH SECTION 25-

581. – ZONING MAP AMENDMENT—OWNER INITIATED, OF THE BOTETOURT COUNTY CODE, AND CHAPTER 25 ZONING, ARTICLE, II. – DISTRICT REGULATIONS, DIVISION 11.- BUSINESS DISTRICT (B-2), WITH A SPECIAL EXCEPTION PERMIT TO REDUCE THE MINIMUM DISTRICT SIZE FROM FIVE TO TWO ACRES IN ACCORDANCE WITH SECTION 25-244. – DISTRICT REQUIREMENTS FOR THE PURPOSE OF ESTABLISHING A BUSINESS THAT RENTS PARTY SUPPLIES AND RECREATIONAL EQUIPMENT. THE PROPOSED AREA TO BE REZONED IS ADJACENT TO THE APPLICANT’S HOME LOCATED AT 15709 LEE HIGHWAY (ROUTE 11) AND IS IDENTIFIED ON THE REAL PROPERTY IDENTIFICATION MAPS OF BOTETOURT COUNTY AS A PORTION OF SECTION 64, PARCEL 44.

Matthew Snare requested a rezoning from Agricultural (A-1) to Business (B-2) with possible proffered conditions of a two-acre portion of a 52.945-acre parcel and a Special Exceptions Permit (SEP) for a reduction in the five-acre minimum district size for the purpose of constructing a small office and storage facility to house the applicant’s events business that rents party supplies and recreational equipment.

The applicant has proposed a zoning ordinance text amendment to add the use “Equipment rental and leasing, not elsewhere classified”, which would need to be approved in addition to this rezoning for the applicant’s business to operate from the property.

The proposed area to be rezoned is adjacent to the applicant's home located at 15709 Lee Highway (Route 11) and is identified on the Real Property Identification Maps of Botetourt County as a portion of Section 64, Parcel 44. The 52.945-acre parcel contains multiple farm buildings and is currently used for agricultural purposes. The applicant owns and resides on an adjacent 1.023-acre parcel. The two-acre portion of the parcel that is proposed to be rezoned is located approximately 0.3 miles from the northbound ramps of Interstate 81 and is bounded to the south by Lee Highway and Interstate 81 to the north. The property is near the Exxon Convenience Store and North Star Restaurant that are located in the B-2 use district and is adjacent to a vacant retail store building located in the B-1 use district.

The applicant was proposing to construct a small office and storage facility for his business, AAA Entertainment, Inc., which is an events business that rents party supplies and recreational equipment. The business currently operates from Roanoke City and if approved, would be relocated to Botetourt County upon a two-acre portion of the subject property. A site plan demonstrating conformance to all applicable zoning ordinance standards would be required prior to the issuance of any building and zoning permits for the development of the property. The proposed office and storage facility would be served by well and septic and would be accessed via one commercial drive-way connection to Lee Highway. 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 Business (B-2) rezoning request on the property of Matthew Snare, as recommended by the Planning Commission, (Resolution Number 22-03-12)

MOTION: Mrs. White

SECOND: Mr. Martin

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

The Planning Commission recommended the following five conditions for the SEP:

1. The special exception permit for the reduction in district size shall be limited to the proposed two-acre parcel shown on sheet 4 of the Snare concept plan, prepared by Engineering Concepts Inc. and dated December 1, 2021.
2. A subdivision plat for the proposed two-acre parcel shall be recorded prior to site plan approval.
3. Any use located on the two-acre parcel shall be subject to the provisions of Botetourt County’s noise ordinance.
4. The development of the property shall be constructed in substantial conformance with the improvements shown on sheet one (1) of the Snare concept plan, prepared by Engineering Concepts Inc. and dated December 1, 2021.

5. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the zoning conditions exempt a project from any local, state or federal development requirements, except where allowed by the Zoning Ordinance.

MOTION: That the Board approve the Special Exceptions Permit for a reduction in district size on the property of Matthew Snare with the five conditions listed and recommended by the Planning Commission, (Resolution Number 22-03-13)

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

AMSTERDAM DISTRICT: VJL LLC (ABOONE REAL ESTATE, INC., CONTRACTUAL PURCHASER) REQUESTS A COMMISSION PERMIT IN ACCORDANCE WITH §15.2-2232 OF THE CODE OF VIRGINIA FOR THE CONSTRUCTION OF PUBLIC ROAD(S), AND ALSO REQUESTS A REZONING 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, OF THE BOTETOURT COUNTY CODE, FOR THE PURPOSE OF RESIDENTIAL DEVELOPMENT, WITH A MAXIMUM OF 130 LOTS AND ASSOCIATED OPEN SPACE. THE PROPERTY IS LOCATED ON GREENFIELD STREET (ROUTE 673), DALEVILLE, VA, AND ACCESS TO THE ENTIRE 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 IS IDENTIFIED ON THE REAL PROPERTY IDENTIFICATION MAPS OF BOTETOURT COUNTY AS SECTION 88, PARCEL 94.

This item was removed from the agenda at the start of the meeting.

ADJOURNMENT

MOTION: That the meeting be adjourned. (Resolution Number 22-03-14)

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

TIME: 6:32 p.m.