

BOTETOURT COUNTY BOARD OF SUPERVISORS

MINUTES OF APRIL 26, 2022

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, April 26, 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 Larowe, 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 12:36 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.

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #22-04-04

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

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

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

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #22-04-05

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

PUBLIC COMMENT

Chris McCloud, P.O. Box 784, Buchanan, stated he remains opposed to any zoning or ordinance changes for Exit 162. He stated the truck stop at Exit 150 proved to bring many problems and we don't

need another one at Exit 162. He stated the community would be better served with another type of business. He urged the Board to refuse to approve these zoning changes. He stated Exit 150 was a mistake and encouraged the Board to not make the same mistake twice. He thanked the Board for their time.

INTRODUCTIONS AND/OR RECOGNITIONS

- Recognition of 6 graduates from the Roanoke Valley Fire Academy #30 (Tyler Angle, Alex Doyle, Joshua Merchant, Matthew Mort, Thomas Philbrick and Kirk Wooldridge)
- Recognition of promotion of Gary Fisher to Fire-EMS Lieutenant
- Recognition of Darryl Johns and Jim Short for Lifetime Achievement in volunteer fire service

CONSENT AGENDA

- a) Minutes of March 18-19, 2022 Strategic Planning Session and March 22, 2022 Regular Meeting
- b) EMS Week Proclamation - week of May 15, 2022
- c) Letter of support for TAP and Community Action Agencies
- d) Appoint Ken McFadyen as Botetourt County alternate representative to the RVBA

MOTION: That the Board approve all items listed on the Consent Agenda, as presented.

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

RESOLUTION # 22-04-06

APPROVAL OF TRANSFERS AND ADDITIONAL APPROPRIATIONS

Transfer \$2,075.00 from General Fund 100 – Undesignated Fund Balance to Greenfield Preservation Fund – Fund 240. This provides a match of recent FY22 private donations received into the Preservation Fund.

1. Additional appropriation in the amount of \$929.67 to Animal Control – Professional Services, 100-4035100-35100-3100. These are Animal Friendly Grant Funds received from the State to be passed through to the spay / neuter service provider (Angels of Assisi) for the regional animal shelter.
2. Additional appropriation in the amount of \$4,850.26 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 \$188,000.00 to Department of Social Services, 100-4053000-53600-9801. This appropriation is for annualized funding to be received from State and Federal reimbursements that will cover annualized expenditures.
4. Additional appropriation in the amount of \$16,910.37 to Dispatch – Maintenance Contracts, 100-4031400-31400-3320. This is a VDEM (Virginia Department of Emergency Management) grant, which covers the 4th draw for expenditure reimbursements.
5. Additional appropriation in the amount of \$5,191.63 to the following Correction & Detention Department accounts: \$201.85 to Uniforms, 100-4033100-33100-6011, \$2,824.78 to Medical and Lab Supplies, 100-4033100-33100-6004, \$2,150.00 to Salaries and Wages, 100-4033100-33100-1100, and \$15.00 to Office Supplies, 100-4033100-33100-6001. This is for contract payments, medical cost reimbursements, VDOT work crew payments, and fingerprinting services.
6. Additional appropriation in the amount of \$2,412.63 to the following Sheriff's Department accounts: \$1,337.00 to Crime Prevention, 100-4031200-31200-5850, \$63.02 to Subsistence & Lodging, 100-4031200-31200-5530, \$983.68 to Vehicle Supplies, 100-4031200-31200-6009, and \$28.93 to Office Supplies, 100-4031200-31200-6001. The appropriation is for grant funds, extradition reimbursed costs, and FOIA reimbursed costs.

REGULAR APPROPRIATIONS:

7. Additional appropriation in the amount of \$10,000.00 to Debt Service – Buchanan Fire Truck, 100-4095000-32200-9500-302. This covers an additional principal paydown payment that was applied to FY22.

8. Additional appropriation in the amount of \$5,352.88 to CIP- 100-4094000. This is to cover year to date costs charged to the VWCC Workforce Training Center and County Offices / Circuit Courthouse Relocation costs charged to their respective CIP Project accounts.
9. Additional appropriation in the amount of \$5,637.93 to Central Purchasing – 100-4012530-12530 - various accounts. This appropriation will cover expenditures to date for motor vehicle repairs, store supplies, fuel, and central office supplies.
10. Additional appropriation in the amount of \$45,000.00 to Sheriff’s Department – Vehicle & Power Equipment – Fuels, 100-4031200-31200-6008. This appropriation will serve to cover projected fuel expenditures for the balance of FY22.
11. Additional appropriation in the amount of \$32,956.00 to Health & Welfare – Local Health Dept., 100-4051000-51100-3800. This appropriation covers an increase in FY22 support that was not known at the time of the adoption of the FY22 Budget.

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

MOTION: Mr. Clinton

SECOND: Mr. Martin

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

RESOLUTION #22-04-07

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

Total expenditures being requested for approval for April for the General Fund including debt service and all other funds was a combined total of \$1,549,247.18. Payable disbursements of note for the month were as follows:

Fire & EMS	\$25,389 paid to Carter Machinery for an ASCO 400A Tap Box Power Transfer unit for the emergency generator at Lord Botetourt High School
Community Organizations	\$38,300 paid to Visit Virginia Blue Ridge for FY22 support for the 4 th quarter
Sheriff	\$104,722 paid to Sheeby Auto for three 2022 police interceptor vehicles
Local Health Dept	\$96,190 to the Botetourt Health Dept. for the 4 th quarterly operational support payment
CIP – Infrastructure	\$75,622 paid to Garland/DBS, Inc. for a roof repair for the Greenfield Administration building
VDOT Revenue Sharing	A total of \$63,000 paid to Rock Tec, Inc. for construction relating to the first two applications for mobilization bulling for the Munters Access Road project, as these costs are reimbursable through the VDOT Industrial Access Road Initiative

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

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

RESOLUTION #22-04-08

ROANOKE REGIONAL PARTNERSHIP PRESENTATION BY JOHN HULL, PETE ESHELMAN, AND TAYLOR JOHNSON

John Hull gave a presentation on the efforts of the Roanoke Regional Partnership. He explained although we are coming out of a pandemic, the results are good and they are seeing substantial opportunities for growth. He encouraged the Board to contact himself or his staff for further information or

with any questions.

UPDATE ON COURTHOUSE PROJECT – PRESENTATION BY ARCHITECTURAL PARTNERS

Jon Lanford, Assistant County Administrator, introduced Gary Harvey and Emmett Lifsey, from Architectural Partners, who then gave a presentation on the courthouse project. The presentation included review of the updated security and ADA features of the new facility. The cost estimate for the project is \$22,423,765. Chairman Bailey mentioned that the cost estimate was updated last week; however, construction costs are uncertain at this time. He also noted he appreciated the safety and ADA features of the new courthouse. He stated the County had secured favorable bond issuances to pay for the courthouse project, but we still need to keep costs in check the best we can. Mrs. White also noted she was happy to see the ADA and security features in place. Board members thanked Mr. Harvey and Mr. Lifsey for their presentation.

UPDATE ON PROPOSED 2024 REASSESSMENT SCHEDULE

Jon Lanford and Chris Booth, Commissioner of the Revenue, reviewed the proposed schedule for the upcoming reassessment.

2024 General Property Reassessment Schedule

Draft RFP (Done and ready for advertisement April 27, 2022)	April 2022
Advise Board	April 26, 2022
1) reassessment effective date January 1, 2024	
2) procurement utilizing competitive negotiations	
3) appoint a reassessment oversight committee (May BOS Mtg)	
4) authorize committee to evaluate proposals, select qualified offerors, negotiate contract terms, and recommend a contract award (May BOS Mtg)	
Advertise RFP	April 27, 2022
Receive reassessment proposals	May 18, 2022
Committee recommend contract award to the BoS Hire reassessment contractor, execute contract	July/August 2022
Contractor conduct sales study	Sept 2022 – Dec 2023
BOS Nominate Board of Equalization, appoint, train, etc.	Sept 2023 – Dec 2023
Mail reassessment notices	January 2024
Organize Board of Equalization	February 2024
Assessing officer hearings	Jan/Feb 2024

CONSIDER RESOLUTION REGARDING FORMER COLONIAL ELEMENTARY SCHOOL

The Board considered a resolution from Botetourt County School Board declaring disposition of the 11.1-acre property located at 2941 Webster Road, Blue Ridge, Virginia, known as “Old Colonial Elementary School”. Approval of the resolution would include the County accepting the transfer of the property from the School Board and authorize the County Administrator to execute the deed and transfer the property to the Economic Development Authority.

RESOLUTION

Resolution of the Botetourt County School Board Declaring its Intention for the Disposition of the 11.1 acre Property Located at 2941 Webster Road, Blue Ridge, Virginia 24064

Whereas, by Resolution dated April 14, 2022, the Botetourt County School Board declared surplus the certain property located at 2941 Webster Road, Blue Ridge, Virginia 24064, which property is commonly referred to as the “Old Colonial Elementary School” (the “Property”); and

Whereas, title to the Property vests in the Board of Supervisors of Botetourt County, pursuant to Section 22.1-129 of the Code of Virginia, 1950, as amended; and

Whereas, pursuant to Section 15.2-1205 and 15.2-4917 of the Code of Virginia, 1950, as amended, the Board of Supervisors of Botetourt County desires to transfer the Property to the Economic Development Authority of Botetourt County, Virginia (the “Authority”), to be used for its purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Botetourt County that:

1. That the County accepts transfer of the Property from the School Board, and authorizes the County Administrator to execute a deed, such deed to be prepared or approved as to form by the County Attorney, transferring the Property to the County; and
2. That, upon the Authority’s adoption of a motion or resolution accepting transfer of the Property, the County Administrator is authorized and directed to execute a deed to transfer the Property, being Botetourt County Tax Map Nos. 109-127, 109-128, 109-129, to the Authority, such deed to be prepared or approved as to form by the County Attorney; and
3. This resolution shall be effective upon adoption.

MOTION: That the Board adopt the resolution to acquire the property at 2941 Webster Road, Blue Ridge, Virginia, and transfers the property to the Economic Development Authority, as presented.

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

RESOLUTION #22-04-09

VDOT MONTHLY UPDATE

Brian Blevins, resident engineer, reviewed the monthly VDOT report and also noted the following:

- Sugartree Hollow Road is scheduled for a culvert replacement that will close the road for 30 days. There will be signage.
- Yearly road resurfacing is underway.
- There were a few land development projects this month.
- Stone Cold Road – currently undergoing paving but should be finished that day.

Mr. Martin thanked him for looking at Mountain Pass Road and suggested Stratford Park be resurfaced.

Mrs. White thanked him for the paving of Springwood area. She asked if the speed study had been done on Purgatory Mountain Road. Mr. Blevins replied it had been done and the results stated there had been zero crashes in a 3-year history, there is low traffic volume, and no recommendations for change at this time. He stated they can increase signage. Mrs. White thanked him for sharing the results.

Mrs. White reported two high school students were involved in a crash on Route 43 and a speed study should be done. She also suggested a speed study for Springwood Road.

VDOT WORK SESSION ON THE FY23-28 SECONDARY SYSTEM SIX YEAR PLAN

Ashley Smith, VDOT assistant resident engineer, reviewed the FY23-28 Secondary System Six Year Plan, noting it included recommendations made by the Board in past years. After a few comments from the Board, Ms. White reminded the Board their responsibility would be to determine which roads to include in the plan, but that no action was necessary that evening.

The Plan's funding is provided through TeleFees (\$98,033) and District Grant – Unpaved funds (\$425,211 in FY 23). The proposed FY23 Secondary System budget is \$523,244, which is more funding than in the current fiscal year, and totals \$3,338,711 across all six years.

The following projects are on the current SSYIP:

1. Route 748, Stone Coal Road
2. Route 697, Clydes Run Road
3. Route 622, Prices Bluff Road
4. Route 646, Back Creek Lane
5. Route 712, Stevens Road
6. Route 685, Ball Park Road
7. Route 643, Mountain Valley Road
8. Route 658, Laymantown Road
9. Route 645, Fringer Trail

The following projects are candidates to be added to the SSYIP:

1. Route 677, Roy Road
2. Route 638, Old Hollow Road
3. Route 638, Trevey Road
4. Route 684, Sugar Tree Hollow Road

CONSIDER APPROVAL OF THE 2022 TAX RATE RESOLUTION

The Board conducted the required tax rate public hearing on April 13. There was remote access available during the public hearing by a call-in process. There are no tax increases proposed for 2022. The following resolution was unanimously adopted by the Board.

RESOLUTION – TAX RATES

WHEREAS, the County proposed tax levy was duly advertised, and a public hearing was held on April 13, 2022, in accordance with the Code of Virginia;

NOW, THEREFORE, BE IT RESOLVED, that the tax rates per \$100 of assessed value for tax year 2022 are set as follows:

Personal Property	\$2.71
Machinery & Tools	\$1.80
Mobile Homes	\$0.79
Real Estate	\$0.79
Motor Homes	\$2.71
Wind Farms	\$0.99

MOTION: That the Board adopt the tax resolution, as presented.

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

RESOLUTION #22-04-10

CONSIDER APPROVAL OF THE FY 22-23 COUNTY AND SCHOOL BUDGETS

The Board conducted the required budget public hearing on April 13. There was remote access available during the public hearing by a call-in process. The proposed \$159.2 million budget reflects an anticipated 42.8% increase in revenues and a 42.8% increase in expenditures, including \$30 million in bond

proceeds to be used for the Circuit Courthouse and Virginia Western Community College capital projects and a total County fund transfer A14 of \$27,241,235 for the school system.

**RESOLUTION
FY 22-23 BUDGET APPROVAL**

WHEREAS, the County proposed budget was duly advertised, and a public hearing was held on April 13, 2022, in accordance with the Code of Virginia,

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County budget for Fiscal Year 2022-2023 is:

Revenues:

General Fund Revenues:

Local	\$63,442,535
State	\$11,902,232
Federal	\$1,309,226
<i>Total General Fund Revenues</i>	\$76,653,993

Federal ARPA Funds	\$6,491,249
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Capital Projects Fund - Proceeds	\$30,000,000
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School Fund Revenues:

Other	\$580,284
State	\$29,949,282
Federal	\$50,000
Self-Sustaining Funds	\$6,036,994
School Nutrition Fund	\$1,975,342
Textbook Funds	\$1,971,167
Capital Reserve Fund	\$1,046,806
Capital Improvement Fund	\$4,492,355
<i>Total School Fund Revenues</i>	\$46,102,230

Total Revenues	\$159,247,472
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Expenditures:

General Fund Expenditures:

Operations as detailed on following pages*	\$42,636,376
Capital Projects	\$1,745,678
Transfer to EDA	\$835,000
<i>Total General Fund Expenditures</i>	\$45,217,054

Use of ARPA Funds - Not Assigned	\$4,185,503
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Debt Fund Expenditures:

County / VPSA Fund	\$6,473,712
School Literary Fund	\$27,738
<i>Total Debt Fund Expenditures</i>	\$6,501,450

Capital Project Fund - Expenditures	\$30,000,000
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School Operating Fund Expenditures:	\$73,343,465
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Total Expenditures**\$159,247,472***** OPERATIONS DETAIL:**

BOARD OF SUPERVISORS	\$234,466
COUNTY ADMINISTRATOR	\$745,537
HUMAN RESOURCES	\$454,663
COMMISSIONER OF REVENUE	\$435,981
ASSESSOR	\$181,500
TREASURER	\$624,681
FINANCIAL SERVICES	\$486,330
TECHNOLOGY SERVICES	\$1,527,249
CENTRAL PURCHASING	\$158,764
CENTRAL GARAGE	\$98,064
COMMUNICATIONS	\$241,948
ELECTORAL BOARD/REGISTRAR	\$554,259
CIRCUIT COURT	\$74,118
GENERAL DISTRICT COURT	\$23,520
MAGISTRATE	\$3,036
JUVENILE & DOMESTIC RELATIONS COURT	\$24,374
CLERK OF CIRCUIT COURT	\$781,913
COMMONWEALTH'S ATTORNEY	\$870,174
SHERIFF	\$6,529,283
DISPATCH	\$1,211,329
CORRECTION & DETENTION	\$5,487,967
JUVENILE DETENTION CENTER	\$280,000
PROBATION OFFICE	\$4,976
ANIMAL CONTROL	\$767,204
FIRE & EMS	\$7,674,595
EMERGENCY COMMUNICATIONS	\$305,113
DIVISION OF WASTE MANAGEMENT	\$901,912
MAINTENANCE OF BUILDINGS & GROUNDS	\$2,076,931
LOCAL HEALTH DEPARTMENT	\$373,773
MENTAL HEALTH SERVICES BOARD	\$55,000
SOCIAL SERVICES	\$1,609,559
CHILDREN'S SERVICES ACT (CSA)	\$1,532,138
TOTAL ACTION FOR PROGRESS (TAP)	\$1,000
BRAIN INJURY SERVICES	\$2,500
CHILD HEALTH INVESTMENT PARTNERSHIP (CHIP)	\$2,000
CHILDREN'S TRUST	\$2,500
ROANOKE AREA MINISTRIES	\$1,000
BOTETOURT RESOURCE CENTER	\$10,000
LEAGUE OF OLDER AMERICANS	\$11,000
DABNEY S. LANCASTER COMMUNITY COLLEGE	\$2,500
DABNEY S. LANCASTER C.C. - PROMISE PROGRAM	\$5,000
VIRGINIA WESTERN COMMUNITY COLLEGE - CCAP PROGRAM	\$45,000
BOTETOURT COUNTY FFA ALUMNI	\$1,000
RECREATION	\$643,605
BOTETOURT SPORTS COMPLEX	\$422,516
VAN PROGRAM	\$104,488
ROANOKE VALLEY TRANSPORTATION PLANNING ORG.	\$2,845
VIRGINIA'S BLUE RIDGE	\$153,201
ROANOKE VALLEY BROADBAND AUTHORITY	\$5,000
ROANOKE VALLEY GREENWAY COMMISSION	\$14,710
BOTETOURT COUNTY MUSEUM/HISTORICAL SOCIETY	\$12,500
WESTERN VA REGIONAL INDUSTRIAL FACILITIES AUTHORITY	\$6,089

LIBRARY	\$1,403,900
COMMUNITY DEVELOPMENT	\$1,323,081
ECONOMIC DEVELOPMENT	\$428,488
PLANNING DISTRICT COMMISSION	\$33,596
ECONOMIC DEVELOPMENT PARTNERSHIP	\$69,544
ATTIC PRODUCTIONS	\$7,000
STANDING ROOM ONLY	\$7,000
WESTERN VA. EMS COUNCIL	\$6,722
ENVIRONMENTAL MANAGEMENT	\$20,111
COOPERATIVE EXTENSION PROGRAM	\$66,053
SALARY ADJUSTMENTS	\$1,420,000
WESTERN VIRGINIA WORKFORCE DEVELOPMENT BOARD	\$3,350
WELLNESS PROGRAM	\$68,720
GENERAL FUND EXPENDITURES - OPERATIONS	\$42,636,376

MOTION: That the Board adopt the FY 22-23 County budget and School budget, as presented.

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

RESOLUTION #22-04-11

Chairman Bailey recessed the meeting at 3:33 p.m.

Chairman Bailey called the meeting back to order at 3:50 p.m.

CONSIDER APPROVAL OF AMENDMENTS TO CHAPTER 9. ELECTIONS OF THE BOTETOURT COUNTY CODE

Proposed amendments to Chapter 9. Elections of the County Code were presented at the Board's February and March meetings. A public hearing was conducted on March 22 with no comments from the public. Further, public comments were accepted through April 13 in accordance with statutory requirements. No public comments were received between the Board's March 22 meeting and April 13. It was recommended that the Board approve the amendments as proposed and that they be made effective July 1, 2022. The approved amendments will be publicized in the *Fincastle Herald* and new voter cards will be mailed to all registered voters in the County.

MOTION: That the Board approve the amendments to Chapter 9, Elections, of the Botetourt County Code, to be effective July 1, 2022.

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

RESOLUTION #22-04-12

BOARD MEMBER COMMENTS

Chairman Bailey mentioned a letter that the Board received from VDOT regarding a public hearing on May 26 from 5:00 p.m. to 7:00 p.m. at Greenfield. The purpose of the public hearing is to hear public comment on the Route 220/International Parkway intersection.

Mr. Clinton reported he had been having issues with the County voicemail system.

Chairman Bailey recessed the meeting at 4:05 p.m. until 6:00 p.m.

Chairman Bailey called the meeting back to order at 6:00 p.m.

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 V. 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.

Drew Pearson reviewed the request reminding the Board the request was originally presented at the February 22 meeting but was continued, per the desire of the Board. If the request is approved, it would allow a citizen to make an application to the County, Mr. Pearson explained. He noted currently there is no category that would allow high use diesel and the petitioner is requesting we create combination text instead of two separate uses. He noted the petitioner drafted the proposed text amendment language and staff revised it before it went before the Board. He reminded the Board it can place conditions on any approval.

Mrs. White stated the last time this was presented it was tabled by the Board, which gave her time to research it more thoroughly. She stated every landowner has the right to explore opportunities for their property and the County's role is to make sure proposals are held to the Code and Ordinances of the state and County. She stated she appreciated the public input and she had personally met with or spoken with at least 100 people on this proposal. She stated safety is her main concern.

Mr. Clinton stated safety is paramount and it was too bad that a proposed text amendment became a specific project erroneously; however, there are countless other reasons to deny this request.

Mr. Martin stated he agreed with Mr. Clinton. He stated he received comments from citizens outside of his district and that caused concern to him. He stated it became clear to him that people are against this, and his biggest concern is also safety, therefore, he could not support this request.

Dr. Scothorn stated the evidence from Exit 150 causes him to have safety concerns.

MOTION: That the Board deny the text amendment request.

MOTION: Mrs. White

SECOND: Dr. Scothorn

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

RESOLUTION #22-04-13

PUBLIC HEARINGS

Amsterdam District: VJL LLC (ABoone Real Estate, Inc., contractual purchaser) requested a Commission Permit in accordance with §15.2-2232 of the Code of Virginia for the construction of public road(s), and also requested 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.

Chairman Bailey asked the applicant if he would like to make any comments before the public hearing was opened.

Mr. Alexander Boone, applicant, thanked the Board for the opportunity to speak. He noted there had been a lot of respectful dialogue with the residents and he appreciated the love they have for their community. He stated for employers to look to Daleville to bring new business, they need workforce housing, and there aren't many options at this time. He stated his goal is to create a new community for people to move here to live and work. He reviewed some of the topics that had been discussed in community meetings and noted that he was willing to adopt, verbatim, "Section 1, Covenant and Restrictions", except for the size guidelines. He proposed his new homes to be at 90% the size of current homes. He stated there would be no more than 130 lots and that front lots would be 3/4 of an acre, while rear lots would be slightly smaller. He proposed an internal road system instead of driveways directly onto Greenfield Street. He noted there had been many questions about homes being built 65% brick; however, he does not interpret the guidelines to require that, and he proposed options could include brick, stone, wood, and other aesthetically pleasing materials.

Bobby Wampler, Engineering Concepts, stated the proposed project is "beyond adequate" for the guidelines and requirements. He stated a traffic study determined that traffic on Greenfield Street would have to be six times heavier than it currently is to require any changes, per VDOT standards. He noted the current sewer system has the capacity to service 1,600 more homes. He reported the current water system has the capacity for an additional 807 homes and the water tanks can handle 1,000 more new connections. He noted the water pressure (psi) would be beyond minimum requirements and the flow conditions would be beyond adequate. He explained there are new, very high, standards for stormwater and those would be met.

Chairman Bailey declared the public hearing open.

The following citizens spoke in opposition to the proposed Commission Permit and rezoning request:

- Jody Cox, 259 Savannah Court
- Michelle Adkins, 190 Tara Court
- Alan Long, 1012 Greenfield Street
- James Modrak, 641 Greenfield Street
- Judith Kivlen, 214 Tara Court
- Amy Wilson, 650 Scarlet Drive
- Tonya Poindexter, 190 O'Hara Drive
- Ali Khan, 119 Tara Court
- John Alderson, 98 Magnolia Lane
- Kristen Vena, 667 Greenfield Street
- Jonathan Wolfe, 228 Tara Court
- Arnie Adkins, 190 Tara Court
- Patrick Climer, 261 Summit Ridge Road
- Jeff Hushour, 242 Greenfield Street
- Greg Lowe, 175 Tara Court

Talking points mentioned in opposition included:

- Traffic concerns
- Safety concerns
- Water capacity concerns
- Sewer capacity concerns
- Stormwater concerns
- Quality of life/walking/biking safety
- Quality and standard of homes
- Building materials of homes
- Proposed structures do not blend in with existing neighborhood
- Proposed homes are too close to each other

Opposing comments were received via email by the following citizens:

- John Alderson, 98 Magnolia Lane
- Troy Sprouse, 350 Scarlet Drive
- Donna Sheffer, 189 Tara Court
- Carissa Stelter, 508 Ashley Way
- Brooke Burer, 40 Ashby Drive
- Michelle Adkins, 190 Tara Court
- Brent May, 196 Island Green Road
- Cara Umberger, 210 Magnolia Lane
- Howard Hale, 97 Magnolia Lane
- Lauren Sprouse, 350 Scarlet Drive
- Terri Alderson, 98 Magnolia Lane
- Amy Wilson, 650 Scarlet Drive
- Anthony Barrera, 67 Manassas Circle
- Randy Long, 737 Scarlet Drive,
- Kristel Wittensoldner, 460 Scarlet Drive
- Courtney Jones, 332 Greenfield Street
- Kyle Inman, 727 Greenfield Street
- Thomas Bier, 164 Magnolia Lane
- Derrick Botkins, 105 Alabama Court
- Tom Hoover, 484 Ashley Way

Chairman Bailey asked if the applicant had any further comments. Mr. Boone noted there were several comments about the covenants and what he agreed to is reflected in the minutes of the Planning Commission meetings. He stated it is not the government's role to be the architects of the project. He assured the Board the development would look nice, otherwise the homes would not sell. He responded to the comments requesting a paved walking trail, stating he would be glad to build a mulched walking trail as it is softer to walk on and looks nicer up against grass. He noted some citizens do not want a walking trail behind their home. Mr. Boone thanked the citizens for their comments and the Board for allowing him to speak.

Amy White noted there were differing opinions on stormwater and wetland concerns. Bobby Wampler addressed the wetlands concerns. He stated Mr. Boone had paid for a wetland consultant and authorized the Corp of Engineers to come in and sign off on the proposal. He reported the only runoff would be at Rt. 220 and that the regulations and standards are stricter now than in the past.

Mr. Boone stated he would build the homes all brick if that were what the citizens wanted but he hoped to have flexibility to address the needs of the current market. He explained there are other materials available that are of higher grade and quality than ten years ago. He requested the Board approve his application.

Mr. Clinton stated the comments presented were the most intense he had heard from citizens.

Mr. Martin stated several years before he had done a lot of research on a proposal and then did the same again with this one. He stated the community had brought up many good points. He said he personally checked with the water authority, and they stated they have more than enough to service the additional homes, and the same with the electric company. He stated the schools have reported they have room for additional students and transportation. He noted Fire and EMS services may be taxed a little, but they would still be able to provide services. He reported he sat and watched the traffic flow one day, which was basically minimal. He said he saw golf carts, people walking, and deer crossing. He stated most cars were driving slowly and within the speed limit, but there were a few that appeared to be speeding. He thanked everyone for their comments and noted he recognizes they work hard to have their beautiful homes and community. He stated this is a tough decision because the County does need more housing; however, he had not received a single comment in favor of this proposal.

Mrs. White stated the Board does not take these decisions lightly. She stated her two main concerns were the development and the safety issues that are already occurring according to the citizens. She stated she understands the citizens' desires to have brick homes so that it aligns with their homes. She stated she appreciated everyone's comments and she hoped everyone will work together regardless of the outcome.

Mr. Clinton stated this had been an emotional and quantitative journey for him and he noticed on multiple occasions the words "compatible" and "harmonious" were said by the citizens. He also noted he had not realized the importance of the brick interest until hearing from everyone and agrees this would not be compatible with the homeowners' current homes. He stated the developer had mentioned the need for workforce housing and how it can sometimes "scare off" a potential employer if adequate housing is not available, but perhaps it is time to let workforce housing grow in another district. He addressed the traffic concerns of Greenfield Street noting it isn't begin ignored and the Board continuously works with VDOT to get things done by unconventional means sometimes. He stated Greenfield Street is entirely adequate because it is not a subdivision street, it is a traffic street, and it will not have sidewalks. He commended Mr. Boone on his efforts in working with the citizens. He stated the citizens should not have to take the risk of their property being marginalized; therefore, he could not support the application.

Dr. Scothorn stated he appreciated the time that Mr. Clinton, Mr. Alderson and all the citizens had devoted to this proposal. He stated he has seen the traffic flow through there and the speed limit is hardly obeyed, and he doesn't want to make that worse. He stated he is not in favor of cluster lots. He noted homes will be needed for the Munters employees, but safety remains his main priority. He stated he is not in favor of the application for several reasons.

Chairman Bailey thanked everyone for their comments, cooperation, behavior, and passion for their community. He thanked Mr. Boone for his work on the application. He thanked Mr. Clinton for the time he had spent with the citizens and personal research.

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

MOTION: That the Board overturn the decision of the Planning Commission's granting of the Commission Permit, as requested by VJL LLC (ABoone Real Estate, Inc., contractual purchaser).

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

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

NAYES: Mrs. White

RESOLUTION #22-04-14

MOTION: That the Board deny the Residential (R-1) rezoning request by VJL, LLC (ABoone Real Estate, Inc., contractual purchaser).

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

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

NAYES: Mrs. White

RESOLUTION #22-04-15

Chairman Bailey recessed the meeting at 8:16 p.m.

Chairman Bailey called the meeting back to order at 8:18 p.m.

Amsterdam District: Botetourt Properties LLC requested 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 requested to rezone the 4.098-acre, Residential (R3) Use District portion, with possible proffered conditions, to the Business (B-2) Use District. The Residential (R-1) portion will remain unchanged. The request was in accordance with *Section 25-581. – Zoning Map Amendment—Owner Initiated* of the Botetourt County Code and was 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. After a revised site plan reducing the area to be rezoned and added proffer statement of substantial conformance with concept plan, the Planning Commission recommended unanimous approval with the following proffered condition:

1. The portion of property with proposed B2 zoning will be developed in substantial conformance with the drawing titled Cedar Plateau, Daleville, Virginia, Rezoning Request, Tax Parcel 101-81 dated January 5, 2022, prepared by Engineering Concepts, Inc.

Staff noted that this request was deferred at the March 2022 public hearing. Three citizens spoke against the proposed rezoning in March, and Staff received five emails in opposition. At the April public hearing, two adjacent property owners opposed the request due to concerns of property values, potential foundation damage during blasting and/or rock removal, lighting, and noise from potential businesses. A total of three emailed comments were received; two comments were received against the request.

Chairman Bailey declared the public hearing open.

Timothy Plunkett, 55 Aspen Drive, commented that it might be tight having a building go up beside the neighbors.

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

MOTION: That the Board approve the Business (B-2) rezoning request, including the proffered condition recommended by the Planning Commission, on the property of Botetourt Properties LLC.

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

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

RESOLUTION #22-04-16

Amsterdam District: Laymill LLC requested a Special Exception Permit for a Cabin or Cottage, with possible conditions, for the proposed use of a short-term rental, in the Residential (R-1) Use District in accordance with Sec. 25-123 (18). - Uses permissible by special exception and Sec. 25-583. – Special exceptions of the Botetourt County Code. This 3.230-acre lot is located at 1917 Roanoke Road, Daleville and identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 2. The Planning Commission recommended approval unanimously, providing this is made on the basis that the requirements of Section 25-583 of the Zoning Ordinance had been satisfied, and that the proposal would serve the public necessity, convenience, general welfare and is good zoning practice.

Drew Pearson reviewed the request noting the short-term rental ordinance requires the owner to have 24-hour offsite management of the property and there also is a noise ordinance.

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

MOTION: That the Board approve the Special Exception Permit for a Cabin or Cottage Short-Term Rental on the property of Laymill, LLC.

MOTION: Mrs. White

SECOND: Mr. Martin

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

RESOLUTION #22-04-17

Fincastle District: Barry and Judith Hensley requested a Special Exception Permit for a Rural Home Business, with possible conditions, for the proposed use of an excavating business in the Agricultural (A-1) Use District in accordance with *Sec. 25-435(3) Rural home businesses* and *Sec. 25-583. – Special exceptions* of the Botetourt County Code. This 6.41-acre parcel is located at 541 McDaniel Drive, Eagle

Rock and identified on the Real Property Identification Maps of Botetourt County as Section 5, Parcel 55. Planning Commission unanimously recommended conditional approval with the following conditions:

1. Equipment associated with the rural home business shall be located in the areas identified on the concept plan as submitted by Barry and Judith Hensley and dated 1/25/2022.
2. Existing landscaping within 15' of property lines shall remain undisturbed, as shown on the concept plan as submitted by Barry and Judith Hensley and dated 01/25/2022.
3. Noise generated by the development shall not violate provisions of the Botetourt County Code.
4. 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.

Drew Pearson reviewed the request noting the supplemental regulations already state there is a limit of three pieces of equipment on the property. He noted he spoke with one adjacent property owner who had no objection to the request, and also received one other comment.

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

MOTION: That the Board approve the Special Exception Permit for a Rural Home Business on the property of Barry and Judith Hensley, including the conditions recommended by the Planning Commission.

MOTION: Dr. Bailey

SECOND: Mr. Martin

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

RESOLUTION #22-04-18

Amsterdam District: New Orchard Marketplace LLC c/o New Link Mgmt. Group requested a Special Exception Permit for a carwash, with possible conditions, in the Shopping Center (SC) Use District in accordance with *Sec. 25-583. – Special exceptions and Chapter 25 Zoning, Article, II. – District Regulations, Division 13. Sec. 25-283(1). - Shopping Center District (SC) of the Botetourt County Code.* The use is proposed on a 1.466-acre lot at the intersection of Roanoke Road (US Route 220) and Marketplace Drive (Route 1191), Daleville, VA, and identified on the Real Property Identification Maps of Botetourt County as Section 101 (17), Parcel 7. The Planning Commission unanimously recommended conditional approval with the following conditions:

1. The development of the property shall be constructed in substantial conformance with the improvements shown on the concept plan titled Layout for TM#101(17)7 Orchard Marketplace Car Wash, prepared by Perkins & Orrison and dated April 6, 2022.
2. The car wash building shall be constructed in substantial conformance with the building elevations shown on the building elevations titled Road Runner Express and drawn by Thomas Builders of Virginia Inc.
3. The SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance.
4. 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.

Jonathan McCoy reviewed the request and explained this would be for a carwash in front of the Food Lion in Daleville. He noted the request is in conformance with the Comprehensive Plan and that he had received no comments from the public.

Mr. Clinton asked if the car wash is completely automated. The applicant replied it is automated; however, there would be attendants on-site at all times for assistance. He stated the attendant would greet and direct the customer to stay in their car during the wash. Car wash attendees do not hand dry or wax vehicles. The applicant also noted that 80% of the water used is recycled and that the Western Virginia Water Authority has no water or sewer concerns. The car wash would be open everyday from 8:00 a.m. to 8:00 p.m. He noted the height of the car wash had to be modified to not block the view of the Food Lion.

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

MOTION: That the Board deny the Special Exception permit requested by New Orchard Marketplace LLC.

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

AYES: Mr. Clinton

NAYES: Dr. Bailey, Mr. Martin, Dr. Scothorn, Mrs. White

Motion failed by 4-1 vote.

RESOLUTION #22-04-19

Board members engaged in further discussion about the car wash.

MOTION: That the Board approve the Special Exception permit for a carwash on the property of New Orchard Marketplace LLC.

MOTION: Mrs. White

SECOND: Mr. Martin

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

NAYES: Mr. Clinton

RESOLUTION #22-04-20

ADJOURNMENT

MOTION: That the meeting be adjourned.

MOTION: Mr. Martin

SECOND: Mrs. White

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

TIME: 9:28 p.m.

RESOLUTION #22-04-21