

BOTETOURT COUNTY BOARD OF SUPERVISORS

MINUTES OF MAY 24, 2022

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, May 24, 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
Mr. Steve Clinton
Mr. Billy W. Martin, Sr.
Mrs. Amy S. White

ABSENT: Dr. Donald M. Scothorn, Vice Chairman

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

Chairman Bailey called the meeting to order at 12:30 p.m. Mr. Clinton arrived at 12:55 p.m.

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

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

ABSENT: Dr. Scothorn

RESOLUTION #22-05-01

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

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

BE IT RESOLVED, that to the best of the Board members' knowledge only public business matters lawfully exempt from open meeting requirements and only such

matters as were identified in the motion to go into Closed Session were heard, discussed or considered during the Closed Session.

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Mrs. White
ABSENT: Dr. Scothorn
RESOLUTION #22-05-02

Mrs. White led the group in reciting the Pledge of Allegiance. Dr. Bailey led in a moment of silence and encouraged everyone to remember first responders, teachers, and nurses.

PUBLIC COMMENT

Jackie Amos, 103 Summit Lane, spoke in opposition of Critical Race Theory being taught in public schools.

INTRODUCTIONS AND/OR RECOGNITIONS

- Retirement of Major John Mandeville. Mr. Moorman read the following resolution and presented a framed copy to Major Mandeville.

Resolution in Recognition of and Appreciation for Major John R. Mandeville RESOLUTION #22-05-03

WHEREAS, Chief Deputy Major John R. Mandeville started his career with the Botetourt County Sheriff's Department as a Jailer on February 1, 1987; and,

WHEREAS, he was promoted to Road Deputy on January 15, 1989; and later promoted to Investigations on January 1, 1992; and

WHEREAS, he continued to progress through the ranks of the Botetourt County Sheriff's Department and was promoted to Master Deputy on July 1, 1998; and

WHEREAS, he was promoted to Sergeant on January 1, 2001; and

WHEREAS, he was promoted to the rank of Lieutenant on January 1, 2004; and

WHEREAS, he continued to be a leader in the Botetourt County Sheriff's Department and began service as the ERT Commander on May 1, 2006; and

WHEREAS, he was promoted to Captain on September 1, 2015; he then rose to the rank of Major on March 1, 2019; and,

WHEREAS, he was a graduate of the FBI National Academy Session 244 and the Forensic Academy; and

WHEREAS, he supervised or assisted with the collection of evidence from every major crime scene in the county since starting his career; and

WHEREAS, during his career, he investigated and solved numerous crimes for not only Botetourt County but the entire region. He served as a mentor and leader for his staff. He was known to have an ironclad memory and was nicknamed "the vault" because he could remember details and information from cases that occurred decades ago; and

WHEREAS, after more than 35 years of dedicated service, Major John R. Mandeville will be retiring effective June 30, 2022 from the Botetourt County Sheriff's Department. Major Mandeville has served his community well with dedication, dignity, and respect.

NOW, THEREFORE BE IT RESOLVED that the Botetourt County Board of Supervisors recognizes Major John R. Mandeville as an exemplar of civic leadership at its best, gratefully acknowledges the positive results rendered by his service, and warmly thanks him for his 35 years of dedicated service to our county and to the men and women of the Botetourt County Sheriff's Department.

PROCLAIMED this 24th day of May, 2022.

Gary Larrrowe, County Administrator/Clerk

Also recognized was the following new employee:

- Dalton Kaiser, intern, Planning and Zoning Office

CONSENT AGENDA

The Board chose to vote on item "c" separately.

- a) Minutes of April 13, 2022 and April 26, 2022 meetings
- b) Refund of taxes for Noszek

MOTION: That the Board approve items "a" and "b" listed on the Consent Agenda, as presented.

MOTION: Mr. Martin

SECOND: Mrs. White

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

ABSENT: Dr. Scothorn

RESOLUTION #22-05-04

- c) Authorize public hearing for revisions to Chapter 11, Article IV Participation of Minors in Volunteer Fire Companies

Mr. Moorman read the proposed text revision.

MOTION: That the Board table item "c" indefinitely, to obtain further information.

MOTION: Mr. Martin

SECOND: Mrs. White

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

ABSENT: Dr. Scothorn

RESOLUTION #22-05-05

APPROVAL OF TRANSFERS AND ADDITIONAL APPROPRIATIONS

For the month of May, there were two transfer requests, both relating to transfers of budgeted funds from one department to another to cover current and projected expenditures for those departments receiving their budgeted funds. With respect to appropriation request, there were three pass-through appropriations and five regular appropriations.

1. Transfer budgeted funds of \$5,000.00 from Financial Services Dept. (100-4012430) to Board to Supervisors (100-4011100). This provides coverage of projected additional FY22 expenses for Professional Services and Advertising.
2. Transfer budget funds of \$34,000.00 from Human Resources Dept. (100-4012220) to County Administrator (100-4012110). This provides coverage of projected department

expenses for FY22.

Pass-thru appropriation #1 is for federal program funds received by the school division for the self-sustaining School Nutrition Fund. The five regular appropriations are for expenditures not anticipated at the point of adoption of the FY22 budget, including those expenses impacted by inflationary cost increases and additional activity in some of those areas.

PASS-THRU APPROPRIATIONS:

1. Additional appropriation in the amount of \$425,000.00 to School Nutrition Fund – County Fund 221, School Fund 300. This is a pass-through of funds already received regarding the Federal Feeding Program. These funds will be used to cover related program expenditures.
2. Additional appropriation in the amount of \$5,772.32 to the following Correction & Detention accounts: \$201.85 to Uniforms, 100-4033100-33100-6011, \$4,315.47 to Medical & Lab Supplies, 100-4033100-33100-6004, \$1,225.00 to Salaries, 100-4033100-33100-1100, and \$30.00 to Office Supplies, 100-4033100-33100-6001. These funds are for contract payments, medical copays and Craig County reimbursements, miscellaneous fees, and VDOT work crew payments.
3. Additional appropriation in the amount of \$4,348.58 to the following Sheriff's Department accounts: \$1,331.60 to Firing Range Expenses 100-4031200-31200-6015, \$200.00 to Uniforms, 100-4031200-31200-6011, and \$2,713.11 to Subsistence & Lodging, 100-4031200-31200-5530, \$91.87 to Vehicle Supplies, 100-4031200-31200-6009, and \$12.00 to Office Supplies, 100-4031200-31200-6001. These funds are for miscellaneous receipts, contract payments, and reimbursement of extradition expenses.

REGULAR APPROPRIATIONS:

4. Additional appropriation in the amount of \$10,000.00 to Central Purchasing (100-4012530). This appropriation covers projected additional expenses for FY22.
5. Additional appropriation in the amount of \$250.00 to Magistrate (100-4021300). This appropriation serves to cover projected additional FY22 expenses.
6. Additional appropriation in the amount of \$6,500.00 to Central Garage (100-4012560), This appropriation will serve to cover projected additional FY22 expenses.
7. Additional appropriation in the amount of \$40,000.00 to Correction & Detention - Food Supplies and Services, 100-4033100-33100-6002. This appropriation assists in covering excess expenditures vs. budget through May 2022.
8. Additional appropriation in the amount of \$38,000.00 to Waste Management – Recycling Processing, 100-4042400-42400-3192. This appropriation covers Waste Management projected expenditures for this account.

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, Mrs. White

ABSENT: Dr. Scothorn

RESOLUTION #22-05-06

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

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

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

CIP - CCH Renovation \$89,188 paid to Architectural Partners for A&E project work

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

MOTION: Mr. Clinton

SECOND: Mr. Martin

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

ABSENT: Dr. Scothorn

RESOLUTION #22-05-07

UPDATE ON 4-H PROGRAMS

Tyler Painter, 4-H Extension Agent, discussed the current clubs that are offered in Botetourt County and offered a brief overview of the activities each club participates in. The current programs are:

- Honey Club
- Robotics Club
- Horse Club
- Livestock Club
- 4-H Teen Club
- Student Education Club
- Outdoor Skills Club

He stated he was very excited about the programs that are offered in schools and noted all in School programs relate to SOL standards and pacing guides that teachers must follow. Mazi Elmore, 5th grade student, was present and read aloud an excerpt from a book.

VDOT MONTHLY UPDATE

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

- A few final tasks to close up 220 project
- Sugar Tree Hollow Road should be done in few weeks
- Tinker Mill Road – culvert replacement expected to be completed in July
- Routine patchwork and paving

Mrs. White requested Flowing Springs Road be checked for the road being washed out.

Mr. Martin requested Stratford and White Oak subdivisions be considered for possible repaving as he had been receiving calls from citizens about it.

Dr. Bailey mentioned Martins Lane had a traffic count done in the past, but citizens are reporting there is more traffic now and the road is too narrow for school buses. Mr. Blevins replied with gravel roads that have lower volumes, they usually look at those about every seven years, but he would check to see when the last traffic study was done and go from there. Mr. Blevins reminded everyone of the May 26 Public Hearing for the Route 220 project. The public hearing is from 5:00 pm to 7:00 pm and is being held in the auditorium at Greenfield.

VDOT PUBLIC HEARING FOR SECONDARY SIX YEAR PLAN AND BUDGET

Ashley Smith, VDOT assistant resident engineer, reviewed the FY23-28 Secondary System Six Year Plan. 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 SSIYP:

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 SSIYP:

1. Route 677, Roy Road (approx. \$700,000)
2. Route 638, Old Hollow Road
3. Route 638, Trevey Road
4. Route 684, Sugar Tree Hollow Road

Ms. Smith explained the Board would need to do an additional resolution if they desired to use funds for primary projects. Also, the Board would need an additional resolution to do any projects "out of cycle", she noted.

Dr. Bailey requested clarification that the turn lane off Alternate 220 would need a separate resolution requesting use of Secondary Six-Year funds since it is a primary project. Ms. Smith confirmed a separate resolution would be needed for that. Ms. Smith noted the priorities of the roads would not change, and the Board could still add Roy Road that evening.

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

MOTION: That the Board approve the Secondary Six Year Plan and Budget, as presented.

MOTION: Mr. Clinton

SECOND: Mrs. White

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

ABSENT: Dr. Scothorn

RESOLUTION #22-05-08

APPOINTMENTS

a) Appoint two representatives to serve on the Reassessment Oversight Committee.

MOTION: That the Board appoint Steve Clinton and Billy Martin to serve on the Reassessment Oversight Committee

MOTION: Mrs. White

SECOND: Mr. Martin

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

ABSENT: Dr. Scothorn

RESOLUTION #22-05-09

- b) Board of Social Services – Bill Burleson’s term expires July 1, 2022. Mr. Burleson had served two terms; therefore, he was not eligible for reappointment. Appointment will be considered at the June meeting for a 4-year term, expiring July 1, 2026.
- c) Appoint two representatives to the Board of The Historic Greenfield Preservation Advisory Council. These appointments filled current vacancies through the end of 2022. Ms. Ann Morgan and Mr. Keith McMurry were willing to serve and are eligible for appointment to regular terms beginning January, 2023.
MOTION: That the Board appoint Ann Morgan and Keith McMurry to serve on the Historic Greenfield Preservation Advisory Council.
MOTION: Mrs. White
SECOND: Mr. Martin
AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Mrs. White
ABSENT: Dr. Scothorn
RESOLUTION #22-05-10

BOARD MEMBER COMMENTS

Dr. Bailey congratulated Mrs. White for being inducted into the James River Hall of Fame.

Mrs. White noted the Botetourt County Fair would be held on August 5 and 6. She invited everyone to attend and encouraged anyone who is interested in volunteering to contact her.

Chairman Bailey recessed the meeting at 2:53 p.m.

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

PUBLIC HEARINGS – 6:00 P.M.

Fincastle District: Elotia M. Downey, Matthew G. Downey, Donald Lee, Jr. and Erica Lee Childs, and Charles W. Morrison to vacate portions of two 60-foot right of ways and one 13-foot alley as shown upon plats prepared by ECI Surveying, dated October 22, 2021 and Green Forest Surveys, LLC, dated January 4, 2022. The portions of the right of ways and alley to be vacated are known as Glade Ave, which measures 60 feet in width by 207.92 feet in length, Columbia Ave, which measures 60 feet in width by 208 feet in length and alley, which measures 13 feet in width by 208 feet in length. The right of ways and alley are located near the intersection of Park Ave (SR701) and Garden Lane (Private) in Iron Gate, Virginia, and adjacent to parcels identified on the Real Property Identification Maps of Botetourt County as Section 1A(A), Parcels 67-7, 68-4A, 68-4B, 68-6, 68-8A, and 68-12A.

Drew Pearson reviewed the request noting the alleys and right of ways were established before the County had a subdivision ordinance and do not have any utilities located on the property. He noted the current adjacent property owners currently maintain the property and would be responsible for costs associated with getting a new plat done. He reported he had received no citizen comments on the request.

Chairman Bailey declared the public hearing open. There were no citizens wishing to address the Board; therefore, Chairman Bailey declared the public hearing closed.

MOTION: That the Board approve the ordinance as included in the report prepared by staff, on the basis that the proposed right of way and alley vacation will have little to no adverse effect upon the community or other properties in the vicinity.

MOTION: Dr. Bailey
SECOND: Mr. Clinton

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Mrs. White
ABSENT: Dr. Scothorn
RESOLUTION #22-05-11

Valley District: The New Beginnings Church at Cloverdale c/o Al Woodie (Holly Hill Lane, LLC, contractual purchaser) requests the following: a Commission Permit in accordance with §15.2-2232 of the Code of Virginia for the construction of public road(s) and utilities; a rezoning of a 6.868-acre parcel from the Residential (R-1) Use District to the Residential (R-3) Use District, with possible proffered conditions, in accordance with *Section 25-581. – Zoning Map Amendment—Owner Initiated*, of the Botetourt County Code; and a Special Exception Permit for a private road(s), with possible conditions, in accordance with *Section 25-583. - Special exceptions.*, for the purpose of creating a residential development consisting of 13 single-family detached zero lot line lots and 15 single-family attached lots. The property is located at 8277 Sanderson Drive (Route 605), Roanoke, VA, and is identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 5B.

Drew Pearson reviewed the request noting the applicant and engineer were present and available for questions. Board members asked questions about the drainage system and the road being a private road rather than a state-maintained road, which were answered by the engineer. The engineer explained this would be a small development and because of the terrain of the site, it may not meet the requirements by VDOT to be in their road system, which is the reason for it being a private road. He noted VDOT also controls the K-value of a road and with this development, they would likely need to deviate slightly from what VDOT would require. In response to questions regarding the drainage system, the engineer explained this system is common in a townhouse setting or small development and is very easy to maintain, with minimal issues. He noted it is common to have these systems installed under pavement.

Chairman Bailey declared the public hearing open.

Steven Kelley, 155 Cypress Court, stated he was not opposed to the R3 rezoning but wanted to bring forward the current issues with stormwater at Cypress Court. He stated there is a culvert/small creek that builds up with trash and silt with heavy rains. He reported in 2019/20, they had to get a company to come in and remove 12-15 dump truck loads of trash/silt/debris and it cost the HOA \$20,000. He requested the Army Corps of Engineers be involved to ensure this issue is taken care of and not made worse. He stated the homeowners will now contribute \$1,000 per year to a reserve account for the next time the culvert has to be cleaned out. He also noted the area has no street parking, which makes it look very nice. He emphasized he wasn't against the rezoning if it is done properly and does not cause problems for the community.

Mr. Clinton stated he was a bit skeptical about having a good outcome with this type of underground drainage system, despite the best efforts of the developer and engineer. He stated there are generally problems associated with private roads.

Dr. Bailey commented that not having street parking is a plus.

Mr. Pearson explained the Corps of Engineers would only get involved if there was a disturbance to the creek.

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

MOTION: That the Board uphold the decision of the Planning Commission's granting of the Commission Permit as requested by New Beginnings Church at Cloverdale (Holly Hill Lane, contractual purchaser).

MOTION: Mr. Martin

SECOND: Mr. Clinton

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

ABSENT: Dr. Scothorn

RESOLUTION #22-05-12

MOTION: That the Board approve the Residential (R-3) rezoning as requested by New Beginnings Church at Cloverdale (Holly Hill Lane, contractual purchaser).

MOTION: Mr. Martin

SECOND: NONE

Motion failed.

MOTION: That the Board table the Residential (R-3) rezoning request by New Beginnings Church at Cloverdale (Holly Hill Lane) until the June 28 meeting.

MOTION: Mrs. White

SECOND: Dr. Bailey

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

ABSENT: Dr. Scothorn

RESOLUTION #22-05-13

MOTION: That the Board table the SEP request from New Beginnings Church at Cloverdale (Holly Hill Lane) until the June 28 meeting.

MOTION: Mrs. White

SECOND: Dr. Bailey

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

ABSENT: Dr. Scothorn

RESOLUTION #22-05-14

ADJOURNMENT

MOTION: That the meeting be adjourned.

MOTION: Mr. Martin

SECOND: Dr. Bailey

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

ABSENT: Dr. Scothorn

TIME: 7:14 p.m.

RESOLUTION #22-05-15