

## BOTETOURT COUNTY BOARD OF SUPERVISORS

### MINUTES OF JUNE 28, 2022

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, June 28, 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

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

Chairman Bailey called the meeting to order at 12:40 p.m.

On motion by Mr. Martin, seconded by Mrs. White, 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, Dr. Scothorn, Mrs. White  
RESOLUTION #22-06-01

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

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

**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 #22-06-02

Mr. Martin led the group in reciting the Pledge of Allegiance. Dr. Bailey led in a moment of silence. Chairman Bailey announced agenda items #12 and #13 would be discussed at 6:00 p.m.

### **PUBLIC COMMENT**

Andy Tunnell, 352 Settlers Road, stated he had attended the VDOT meeting on May 26 regarding the Rt. 220 interchange project. He expressed concern that citizens leaving Ashley Plantation would have to go a quarter mile down the road to do a U-turn across both lanes, and there should be a better solution. He reported Lord Botetourt High School has two staff members who hold traffic for ten minutes when school lets out and the same should be done with two deputies during shift changes at Altec. He stated he would rather see the \$4 million used to improve the current roads for school buses to travel. He thanked the Board for the opportunity to speak.

Ted Westmoreland, 115 Black Hill Lane, stated he had called the State Police about the loud exhaust noises at the roundabout, and he also wrote Governor Northam, but received no reply. He stated people have illegal exhaust systems and they are louder than planes flying over. He stated he is scared to walk to his mailbox for fear of people speeding and that the area needs to be patrolled. He thanked the Board for their time.

### **INTRODUCTIONS AND/OR RECOGNITIONS**

- Staff transition in Treasurer's Office – Chairman Bailey announced the retirement of Bill Arney, Treasurer, and that Donna Boothe would serve as Treasurer until the November election.
- New employee - Nick Hudson, Systems Engineer
- Retirement of Vincent Seneker, Systems Support Engineer II
- New employee - Kathie Smith, Assistant Deputy Registrar
- Girls' Fire Camp Event video
- 2022 Botetourt County Gauntlet Winners
  - Susan Brown - Home on The Road Pet Transport
  - Morgan Myers - Building System Integrations, LLC
  - Katie Riddle - Perfectly Polished Mobile Nail Service
  - Meaghan Tate - The Lovely Exchange, LLC
  - Jamie Walker - OT Berries and Blooms
  - Joel & Marthe Honts - Dark Moon Cards and Games

### **CONSENT AGENDA**

- a) Minutes of May 24, 2022 Regular Meeting
- b) Ratification of Noise Ordinance Variance Request from Jeter Farms
- c) Settlement Agreement with Roanoke Valley Broadband Authority

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

MOTION: Mr. Martin

SECOND: Dr. Scothorn

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White  
RESOLUTION #22-06-03

## **APPROVAL OF TRANSFERS AND ADDITIONAL APPROPRIATIONS**

For the month of June, there were eight transfer requests, the first three are recurring quarterly transfers, while the fourth item is a transfer of County funds to provide a match of contributions received for the Greenfield Preservation area initiative. Transfers five through eight represent transfers of FY22 budgeted funds from one department to another in consideration of year-end activity in those areas. With respect to appropriation requests, there were eight pass-through appropriations and 13 regular appropriations.

1. Transfer \$733.80 to Central Purchasing – Store Supplies, 100-4012530-2530-6021-000, from various departments as follows for store supplies usage:
  - \$37.00 Comm Revenue- Office Supplies, 100-4012310-12310-6001-000
  - \$7.40 Finance – Office Supplies, 100-4012430-12430-6001-000
  - \$25.00 Technology Services - Office Supplies, 100-4012510-12510-6001-000
  - \$7.40 Purchasing -Office Supplies, 100-4012530-12530-6001-000
  - \$ 474.00 Jail – Other Operating Supplies, 100-4033100-33100-6014
  - \$44.00 Jail – Police Supplies, 100-4033100-33100-6010-000
  - \$20.00 Fire & EMS– Office Supplies, 100-435500-35500-6001-000
  - \$37.00 CSA – Office Supplies, 100-4053500-53500-6001-000
  - \$20.00 Library – Uniforms, 100-4073100-73100-6001-000
  - \$25.00 Comm Development – Office Suppl., 100-4081200-81200-6001-000
  - \$37.00 Eco. Development – Office Supplies, 100-4081500-81500-6001-000
2. Transfer \$1,416.14 to Central Purchasing – Pool Car Transfers, 100-4012530-12530-6020-000, from various departments as follows for fuel usage:
  - \$108.36 County Admin- Fuel, 100-4012110-12110-6008-000
  - \$1.86 Finance – Fuel, 100-4012430-12430-6008-000
  - \$55.48 Purchasing – Pool Car Repairs, 100-4012530-12530-3312-000
  - \$105.38 Purchasing – Fuel, 100-4012530-12530-6008-000
  - \$61.07 Technology Services. – Fuel, 100-4012510-12510-6008-000
  - \$11.54 Communications – Fuel, 100-4012600-12600-6008-000
  - \$738.99 Maintenance – Fuel, 100-4043000-43000-6008-000
  - \$95.70 Recreation – Fuel, 100-4071100-71100-6008-000
  - \$223.80 Community Development – Fuel, 100-4081200-81200-6008-000
  - \$13.96 Economic Development – Fuel, 100-4081500-81500-6008-000
3. Transfer \$1,113.22 to Sheriff’s Department – Vehicle & Power Equipment Supplies, 100-4031200-31200-6009, from the various departments as follows for vehicle repairs at the County Garage:
  - \$375.42 Animal Control–Veh&Pwr Suppl., 100-4035100-35100-6009-000
  - \$66.39 Community Devel’t – Rep. & Maint. Vehicles 100-4081200-81200-3312-000
  - \$6.59 Co. Admin - Rep. Vehicles, 100-4012110-12110-3312-000-000
  - \$589.71 Purchasing – Rep. & Maint Vehicles 100-4012530-12530-3312-000
  - \$19.08 Library – Rep. & Maintenance – Vehicles 100-4073100-73100-3312-000
  - \$23.85 Maintenance – Rep & Maint Vehicles 100-4043000-43000-3312-000
  - \$32.18 Van Program – Rep. & Maint. Vehicles 100-4071500-71500-3312-000
4. Transfer \$465.00 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.
5. Transfer \$7,918.00 from General Fund – 100-Undesignated Fund Balance to Botetourt Wild / Fishing Carnival – Fund 236, Transfers In, account 236-3189946-

00000-0000-000. This transfer in addition to private donations and sponsorships covers the expenditures for this recent event.

6. Transfer budgeted funds in the amount of \$25,000 from Human Resources Department 100-4012220 to the following departments: \$15,000.00 to Board of Supervisors – Dept 100-4011100 and \$10,000 to County Administrator - Department 100-4012110. These transfers will cover projected FY22 year-end expenditures.
7. Transfer budgeted funds of \$30,000.00 from Sports Complex – Department 100-4071300 to Parks & Recreation – Department 100-4071100. This transfer will serve to cover FY22 year-end expenses.
8. Transfer budgeted funds of \$20,000 from Sports Complex – Department 100-4071300 to Van Program – Department 100-4071500. This transfer will serve to cover FY22 year-end expenses.

PASS-THRU APPROPRIATIONS - Pass-thru appropriations represent expenditure reimbursements, state grant funds, insurance reimbursements, donations, contributions, and miscellaneous receipts.

1. Additional appropriation in the amount of \$5,648.23 to Clerk of Circuit Court – Maintenance Contracts, 100-4021500-21500-3320. This is an appropriation of funds received from the Supreme Court of Virginia to cover records management system maintenance costs that are included in this month's accounts payable listing.
2. Additional appropriation in the amount of \$25.00 to Library – Books & Subscriptions, 100-4073100-73100-6012. These are donated funds received for the Tuesday Morning Club.
3. Additional appropriation in the amount of \$265.00 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. These are contributions received in memory of Greg Stump.
4. Additional appropriation in the amount of \$15,650.88 to Fire & Ems – Fire Insurance, 100-4035500-35500-5302. This is an insurance reimbursement received for equipment repairs.
5. Additional appropriation in the amount of \$20,000.00 to Economic Development – Marketing, 100-4081500-81500-5840. These are Virginia Tourism Grant funds received for the Botetourt County Small Towns Recovery Grant.
6. Additional appropriation in the amount of \$5,682.61 to Sheriff's Dept. – DMV Salaries, 100-4031200-31200-1800. These are grant funds received for enforcement of alcohol and speed violations.
7. Additional appropriation in the amount of \$304.64 to the following Sheriff's Dept. accounts: \$100.00 to Uniforms, 100-4031200-31200-6011, and \$204.64 to Office Supplies, 100-4031200-31200-6001. These are for contract payments and FOIA expense reimbursements.
8. Additional appropriation in the amount of \$5,682.59 to the following Correction & Detention accounts: \$2,815.74 to Medical & Lab Supplies, 100-4033100-33100-6004, \$351.85 to Uniforms, 100-4033100-33100-6011, and \$2,525.00 to Salaries, 100-4033100-33100-1100. The first item is for medical reimbursements from medical copays and for Craig County inmates, the second items is for contract payments, and the third is for VDOT Work Crew payments.

REGULAR APPROPRIATIONS – Regular appropriations are primarily the result of forecasting FY22 year-end accrued expenditures and refunds on a department-by-department review. This includes the timing of professional services and construction work regarding the Virginia Western Community College Expansion and Circuit Courthouse Renovation projects. Several of these departmental appropriations were necessary as the result of cost overages due to inflationary pricing and unanticipated additional costs not foreseen at the time of development of the FY22 budget approximately 15 months ago. Item #12 was included in this month's account payable disbursement.

9. Additional appropriation in the amount of \$1,039.42 to E-Summons Fund – Fund 213. This appropriation will fully cover FY22 expenditures for this fund.
10. Additional appropriation in the amount of \$475,000.00 to Capital Project Fund – Fund 315. This appropriation is to cover projected construction invoices and related expenses that will be paid during the FY22 accrual period. This appropriation is funded by financing proceeds for the VWCC Expansion and the Circuit Courthouse Renovation projects.
11. Additional appropriation in the amount of \$500.00 to Fund 236 – Botetourt Wild / Fishing Carnival. This appropriation will serve to cover final bills relating to the recent event.
12. Additional appropriation in the amount of \$219,124.59 to CIP – Broadband – DHCD Grant Refund, 100-4094000-12110-8012-104. This is for a refund of grant funds to the Virginia DHCD for Broadband deployment.
13. Additional appropriation in the amount of \$5,000.00 to Treasurer Department – Department 100-4012410. This appropriation will serve to cover potential FY22 year-end expenses.
14. Additional appropriation in the amount of \$800.00 to General District Court – Department 100-4021200. This appropriation will serve to cover potential FY22 year-end expenses.
15. Additional appropriation in the amount of \$75,000.00 to Fire & EMS – 100-4035500. This appropriation will assist in covering FY22 year-end costs for vehicle repairs and fuel.
16. Additional appropriation in the amount of \$10,000.00 to Animal Control – Hospital & Medical Costs, 100-4035100-35100-2300. This is to cover projected FY22 year-end costs.
17. Additional appropriation in the amount of \$35,000.00 to Waste Management – Department 100-4042400. This appropriation will serve to cover potential year-end FY22 expenses.
18. Additional appropriation in the amount of \$15,000.00 to Parks & Recreation - Department 100-4071100. This appropriation will serve to cover potential year-end FY22 expenses.
19. Additional appropriation in the amount of \$50,000.00 to Correction & Detention – Food Supplies, 100-4033100-33100-6002. This appropriation will assist in covering these costs for FY22 year-end activity.
20. Additional appropriation in the amount of \$19,086.28 to CIP – Buchanan Library, 100-4094000-73100-8012-704. This appropriation covers recent FY22 year-end project billings.

Additional appropriation in the amount of \$2,953.64 to CIP – VWCC Workforce Training Center, 100-4094000-12110-8012-412. This appropriation covers recent expenses charged to this CIP account.

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

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

RESOLUTION #22-06-04

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

Total expenditures requested for approval for June for the General Fund including debt service and all other funds was a combined total of \$2,170,527.58. Payable disbursements of note for the month were as follows:

Prepaid Expenses Fire & EMS	\$479,509 paid to Atlantic Emergency Solutions for the build of a Freightliner 3,000-gallon Pierce Tanker for Troutville. The Prepayment resulted in a \$10,000 prepayment discount.
CIP - CCH Renovation	\$182,084 (Short and Regular A/P) paid to Architectural Partners for project services.
Prepaid Expenses Technology Services	\$42,630 paid to SHI International for Microsoft licenses through 08-31-23.
Correction & Detention	\$33,148 paid to Mobile Communications for upgrades to security cameras.
<b>CIP</b>	
Digital Imaging Clerks Records	\$148,325 paid to CW Warthen for digitization and upload of deed and will books

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

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

RESOLUTION #22-06-05

**CONSIDERATION OF FY23 BUDGET APPROPRIATION RESOLUTION AND ADOPTION OF THE CAPITAL IMPROVEMENT PLAN**

It was noted that the General Fund, School Budgets, and Tax Levies were already approved; however, this budget resolution appropriates the budget to each respective department and categorical area. This request includes the approved budget for the school division. The Board was presented the FY23 Budget Appropriations for consideration.

MOTION: That the Board approve the FY23 Budget Appropriations, as presented.

MOTION: Mr. Clinton

SECOND: Mrs. White

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

RESOLUTION #22-06-06

The Board was presented the FY24-27 Capital Improvement Plan. It was noted the Plan is to be used for planning purposes only.

MOTION: That the Board adopt the Capital Improvement Plan for planning purposes only.

MOTION: Mr. Clinton

SECOND: Dr. Scothorn  
AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White  
RESOLUTION #22-06-07

### **VDOT MONTHLY UPDATE**

Robin Keeler, assistant resident administrator, reviewed the monthly VDOT report and noted the following:

- The Route 220 project is finishing final punch list items
- Sugartree Road culvert is expected to be finished in July
- Speed limit reduction request deemed not warranted for Catawba Road
- Several site plan permits were issued

Mrs. White thanked Ms. Keeler for the brush work being done on Pico Road and requested that the speed limit be looked at for Mill Creek Campground.

Dr. Scothorn requested VDOT look at Sanderson Drive because they own a portion of the creek and there are concerns about water erosion. Ashley Smith replied they would look at it.

Dr. Bailey requested they look at the traffic levels on Martins Lane. He thanked Ms. Keeler for her report.

### **RECONSIDER AUTHORIZATION OF PUBLIC HEARING FOR REVISIONS TO CHAPTER 11, ARTICLE IV PARTICIPATION OF MINORS IN VOLUNTEER FIRE COMPANIES**

Jason Ferguson, Fire Chief, reported that the Fire & EMS Commission had spent many months discussing and evaluating the need for changes to the current departmental level policy and associated local ordinance that addresses the participation of minors, ages 16 and 17 years old, in volunteer fire companies.

Mr. Ferguson stated the Fire & EMS Commission had reached a consensus and recommendation, which included a more detailed and robust department policy; however, that policy would allow for the full participation of 16- and 17-year-old members, after achieving the minimum training certification. The current ordinance only allows for full participation in order to achieve certification.

Mr. Martin asked if parent permission would be required even if there are two adults with the minor. Mr. Ferguson replied yes, initial parent permission would still be required. Mr. Clinton asked how many junior members are in the company. Mr. Ferguson replied approximately 12, which is roughly 5-7%.

Mr. Ferguson requested a public hearing be held in July to consider the revisions.

**MOTION: That the Board authorize a public hearing in July to consider revisions to Chapter 11, Article IV.**

MOTION: Dr. Scothorn  
SECOND: Mr. Martin  
AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White  
RESOLUTION #22-06-08

**AUTHORIZE COUNTY ATTORNEY TO PETITION THE COURT FOR A WRIT OF ELECTION FOR A SPECIAL ELECTION TO FILL THE UNEXPIRED TERM FOR THE OFFICE OF TREASURER**

Pursuant to §24.2-226 of the Code of Virginia, the governing body, within 15 days of the occurrence of a vacancy in a constitutional office, shall petition the circuit court to issue a writ of election to fill the vacancy if there is more than one year remaining in the officer's term. Bill Arney's term does not expire until December 31, 2023. Donna Boothe was appointed to fill the office until the special election takes place concurrent with the November 8, 2022 General Election.

MOTION: That the Board authorize the County Attorney to file a petition for a Writ of Election for a Special Election to be concurrent with the November 8, 2022 General Election for the unexpired term for the office of Treasurer.

MOTION: Mrs. White

SECOND: Dr. Scothorn

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

RESOLUTION #22-06-09

**APPOINTMENTS**

- a) The Board appointed Mrs. Patsy Dickerson to the Board of Social Services to replace Bill Burleson, whose term expires July 1, 2022. Mr. Burleson had served two terms; therefore, he was not eligible for reappointment. Mrs. Patsy Dickerson had been contacted and was willing to serve the four-year term, expiring July 1, 2026.

MOTION: That the Board appoint Mrs. Patsy Dickerson to serve on the Board of Social Services, for a four-year term, expiring July 1, 2026.

MOTION: Dr. Bailey

SECOND: Dr. Scothorn

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

RESOLUTION #22-06-10

- b) The Board appointed Mrs. Laura Mays-Smith, Director of Social Services, as CPMT representative.

MOTION: That the Board appoint Mrs. Laura Mays-Smith to serve as the CPMT representative.

MOTION: Dr. Bailey

SECOND: Mrs. White

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

RESOLUTION #22-06-11

**BOARD MEMBER COMMENTS**

Mrs. White encouraged citizens to complete the online survey regarding the Comprehensive Plan by June 30. She welcomed everyone to attend the Buchanan Carnival starting on Thursday, July 1.

Mr. Clinton stated the Preston Memorial service held on June 11 went very well with over 100 people in attendance. He thanked Tiffany Bradbury and Ricky Dowdy for their work in getting it organized and set up. He noted Tommy Moore, Clerk of Court, was the Master of Ceremonies and did a great job.

Dr. Bailey commended Mr. Clinton for his work with the Preston Memorial Service. He stated the County offices are very busy and he thanked all staff for their work every day.



## **CONSIDER APPROVAL OF NEW BEGINNINGS CHURCH AT CLOVERDALE RESIDENTIAL (R-3) REZONING REQUEST**

This request was for 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.

During the Board's May 24 meeting, the Board held and closed the public hearings on the requests, took action to uphold the Planning Commission's granting of a commission permit, and continued actions on both the rezoning and SEP for private roads until their June 28, 2022 meeting.

Since the Board's May 24 meeting, the applicant submitted a revised concept plan that added additional parking spaces for the townhome units and provided pedestrian sidewalks leading from the townhome units to the amenity and additional parking areas.

Staff updated the previous conditions to reference the revised concept site plan and to suggest three additional SEP conditions that were designed to mitigate the expenses related to the maintenance of the primary private road due to the steep grade of the primary road, increased velocities of storm water runoff due to the steep grade of the primary road and storm water facilities being located underneath the proposed private road associated with the townhome units. The updated conditions are as follows:

1. The development of the property shall be constructed in substantial conformance with the improvements shown on the concept plan titled Concept Plan for Calvary Tabernacle Property Tax Map No. 107-5B, prepared by Lumsden Associates, P.C. and dated June 16, 2022.
2. The private streets shall be designed and constructed in accordance with the minimum pavement section required by VDOT for a typical road section based on the average daily trips.
3. Prior to the issuance of any certificate of occupancy, the owner or developer shall submit as-built drawings, prepared and stamped by a licensed engineer in the state of Virginia, to certify that the private roads have been built in accordance with the road construction details included in the approved construction drawings for the subdivision's infrastructure improvements.
4. Prior to final subdivision plat approval, or simultaneously with the recordation of the plat, the homeowner's association shall be established to manage and maintain all open space areas, private streets, and stormwater management areas within the development.
5. The SEP approval shall not exempt the development from meeting the requirements of the Botetourt County Noise Ordinance.
6. 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.

7. Prior to final subdivision plat approval, the developer shall submit a completed reserve study to the Subdivision Agent that is based upon the guidelines adopted by the Common Interest Community Board that determines the necessity and amount of reserves required for the repair, replacement and/or restoration of capital improvements within the development, such as but not limited to the roads, the storm water management system and neighborhood amenities.
8. The developer shall contribute a minimum of \$25,000 into the homeowner's association reserve fund to be used for expenses related to the maintenance of the private road(s) within the development.
9. Storm water management improvements for the development shall be designed to predeveloped conditions that existed prior to the existing structure(s) and impervious surfaces that are currently located on the parcel.

The Planning Commission recommended approval of the R-3 rezoning request. They also recommended conditional approval of the SEP for private roads, 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 Concept Plan for Calvary Tabernacle Property Tax Map No. 107-5B, prepared by Lumsden Associates, P.C. and dated April 22, 2022.
2. The private streets shall be designed and constructed in accordance with the minimum pavement section required by VDOT for a typical road section based on the average daily trips.
3. Prior to the issuance of any certificate of occupancy, the owner or developer shall submit as-built drawings, prepared and stamped by a licensed engineer in the state of Virginia, to certify that the private roads have been built in accordance with the road construction details included in the approved construction drawings for the subdivision's infrastructure improvements.
4. Prior to final subdivision plat approval, or simultaneously with the recordation of the plat, the homeowner's association shall be established to manage and maintain all open space areas, private streets, and stormwater management areas within the development.
5. The SEP approval shall not exempt the development from meeting the requirements of the Botetourt County Noise Ordinance.
6. 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 requirements, except where allowed by the Zoning Ordinance.

Dr. Scothorn asked about maintenance of the underground draining systems. Mr. Pearson stated the systems are usually seen more often for commercial applications and still require some maintenance but there is a manhole to access the tank.

Dr. Scothorn expressed concern about the creek that is next to the road and there being problems with erosion. He stated VDOT owns a portion of the creek and wonders whose responsibility it is to control the erosion, or how to fairly divide the responsibility. Mr. Pearson replied that VDOT would be responsible for the erosion occurring in their right-of-way and that the County Engineer has already reached out to VDOT to make sure that they were aware of the current problem.

Dr. Scothorn stated he would like to see examples of what the homes would look like. Mr. Pearson replied that staff had recommended on several occasions that the applicant include

representative building elevations or examples of the proposed homes, however, staff has not received any additional information and that to the best of staff's knowledge, the zero lot line parcels would contain, modest sized, single-family homes, and townhomes would be two-stories that will not have garages.

Dr. Bailey asked who receives the reserve study based on the guidelines from the Common Interest Community Board. Mr. Pearson replied that staff's suggested condition would require that the completed study be submitted to the County so that it would be available to anyone who inquired about the development.

Mr. Clinton applauded the developer for working with the adjacent HOA's.

Dr. Scothorn asked if there is any concern about water runoff to the Cypress Court neighborhood. Mr. Pearson replied that the developer would not be able to release any more storm water runoff onto Cypress Court than is currently being released and further stated they will have to meet all state guidelines when designing the storm water management system for the new development.

Mrs. White questioned one of the additional conditions that stated, "Storm water management improvements for the development shall be designed to predeveloped conditions that existed prior to the existing structure(s) and impervious surfaces that are currently located on the parcel." Mr. Pearson explained that if there was concern about the functionality of what is currently in place, then staff's suggested condition would require the design to be more restrictive than what the state requires. Mrs. White asked who is responsible if the system fails. Mr. Pearson replied it is assumed that the storm water draining system would function as it is designed; however, if there was a problem, then the HOA or developer would be responsible, and the County would be able to require them to repair the system.

Dr. Bailey expressed concern about the drainage along Sanderson Drive and there being a lot of debris on the creekbank. Mr. Pearson replied the County Engineer would discuss with VDOT to make them aware and ask them to look at it to see if anything can be done to improve the drainage. Mr. Martin added that a resident had shown him some pictures of the runoff that the residents had to clean out a few years ago at a cost of approximately \$20,000.

Chairman Bailey asked the applicant to come forward to take questions from the Board members. Ryan Seavy, Director of r(+) Inc., and Paul Henegar, P.E., of Lumsden Associates, came forward. The applicant was not present but was represented by Mr. Seavy and Mr. Henegar.

Dr. Scothorn asked for pictures of other developments they had completed. Mr. Seavy replied that Holly Hill, LLC is a new group that was created specifically for this proposed project and they do not have local projects to present; however, they would adhere to all local and state requirements. He noted their team is comprised of professionals, licensed contractors, licensed engineers, etc. Mr. Henegar added that their standards would be very close to VDOT standards when building the road. He noted it is a very steep property and it is difficult to meet VDOT standards, which is why it is best to do a private road system. Dr. Scothorn noted if the HOA would dissolve for some reason, the residents would then be burdened with the road and its maintenance costs. Mr. Henegar stated it would be a "curb and gutter" type road and the runoff would go into the drainage system. The pavement design would meet VDOT requirements, with a 2-inch pavement over 8-inch stone, and the estimated 130 vehicle trips per day is considered very minimal, he noted. Mr. Clinton pointed out the road would be missing VDOT standards by

vertical slope. Mr. Henegar agreed and noted he had spoken with VDOT and the road proposal is acceptable to them. Mr. Clinton asked the current grade of the road. Mr. Henegar replied he did not have the information on hand but believed it was 15-16% and was no worse than the current driveway. He also noted a traffic analysis was done and it was determined that there was not a need for a right or left turn lane.

Mr. Clinton expressed concern about this having a private road as past experiences have not been positive in dealing with private roads. Mr. Henegar stated when the road plans are done there will be a consultant to check compaction and he does not expect the road will be falling apart in 20-50 years since there is minimal traffic on it.

Dr. Scothorn again emphasized he would like to see drawings or sketches of the proposed homes. Mr. Pearson replied that information cannot be required as part of the application and would have to be volunteered from the applicant.

Mr. Seavy noted the following responses to previous questions:

- Some conditions were just made aware to the applicant the day before and those conditions do affect the cost
- The single-family homes would be in the range of 1,000-1,500 square feet
- The townhomes are 2-story
- Sample home diagrams were not available because upfront costs have to be in place before they begin to design the homes
- To put in a road and stormwater drainage system would not be practical for just a few homes

Chairman Bailey asked for a motion to approve the R-3 rezoning request from New Beginnings Church at Cloverdale.

MOTION: NONE

There was no consideration or action due to the lack of a motion.

MOTION: That the Board table the R-3 rezoning request for 30 days.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

Following discussion amongst the Board, and before a vote was taken, Dr. Scothorn withdrew his motion, with consent from the Board.

MOTION: That the Board table indefinitely the R-3 rezoning request to obtain more information.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

AYES: Dr. Bailey, Dr. Scothorn

NAYES: Mr. Clinton, Mr. Martin, Mrs. White

MOTION: That the Board deny the R-3 rezoning request based on concerns about private roads and possible problems associated with HOA's.

MOTION: Mr. Clinton

SECOND: NONE

Motion failed.

MOTION: That the Board approve the R-3 rezoning request, as presented.

MOTION: Mrs. White

SECOND: Mr. Martin

AYES: Mr. Martin, Mrs. White

NAYES: Dr. Bailey, Mr. Clinton, Dr. Scothorn  
RESOLUTION #22-06-12

**CONSIDER APPROVAL OF NEW BEGINNINGS CHURCH AT CLOVERDALE SPECIAL EXCEPTION PERMIT (SEP) REQUEST**

Because the R-3 rezoning request was not approved, the SEP could not be considered by the Board.

**JOINT WORK SESSION WITH THE PLANNING COMMISSION REGARDING GATEWAY CROSSING OVERLAY DISTRICT**

Nicole Pendleton, Director of Community Development, welcomed attendees and reminded everyone that the meeting was not a public hearing. A video was shown explaining the different types of zoning options. Drew Pearson, Zoning Administrator, stated he had received multiple inquiries from other developers for this property and that the property is currently zoned B-2. Jonathan McCoy gave a presentation describing zoning differences, GCO specifics such as subdistricts, permitted uses, lot and building requirements, and community design standards. He also reviewed design guidelines, land use processes, Special Exception Permits, and the vision of the proposal. He discussed some of the goals of the overlay are to direct growth to the area, encourage efficient use of the land, and create walkable, pedestrian-friendly areas.

Chairman Bailey thanked staff for their presentations and explanations. He welcomed questions from the group.

There were concerns from citizens attending the meeting. Some of the concerns included:

- Changing the zoning changes what people can do with their existing property.
- Citizens do not want restrictions on their property.
- Citizens pays taxes on their property and should not have restrictions.
- Zoning restrictions stop citizens from developing.
- The County limits what people can do with their property.
- The County pushes away any proposals that involve trucks.
- Concerns about light restrictions. Bright lights attract drivers off the interstate.
- Proposal is not safe for bike riding.
- Improvements need to be in place to address water runoff.
- The County needs to create another stakeholder's committee.
- Interference with the Appalachian Trail.

Mrs. Pendleton addressed the concerns. She explained there are no proposed relaxed lighting standards and having landscaping along the road slows traffic and makes biking safer. The opportunity for biking gives citizens the option to get places without getting in a car, she noted. She explained there are requirements in place for parking, lighting, landscaping, curbs, and water runoff. She stated the proposal looks at how everything can work together to better the community. Mr. Moorman stated the joint meeting served as an informal review of the information and that there would be a later formal public hearing opportunity.

**ADJOURNMENT**

MOTION: That the meeting be adjourned.

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

TIME: 9:23 p.m.

RESOLUTION #22-06-13