

BOTETOURT COUNTY BOARD OF SUPERVISORS

MINUTES OF JULY 26, 2022

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

OTHERS PRESENT: Mr. Mike Lockaby, 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 12:34 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.1, Discussion on personnel matters regarding the County Administrator's annual performance evaluation and contract.
- 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 (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 Blue Ridge (Jack Smith Park), and Fincastle Districts.

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #22-07-01

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 #22-07-02

Mrs. White led the group in reciting the Pledge of Allegiance. Chairman Bailey led in a moment of silence and asked attendees to remember the families and friends of local citizens that have passed away recently.

PUBLIC COMMENT

There were no citizens wishing to comment.

INTRODUCTIONS

- Donna Boothe, Treasurer – Mrs. Boothe was appointed by the Board to fulfill the term of Bill Arney, who retired June 30, 2022.
- Laura Mays-Smith, Director of Social Services, to replace Susan Goad.

CONSENT AGENDA

a) Minutes of June 28, 2022 Regular Meeting

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

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

RESOLUTION #22-07-03

APPROVAL OF TRANSFERS AND ADDITIONAL APPROPRIATIONS

For the month of July, there was one transfer request. Item #1 was a transfer of budgeted funds from the Salary Adjustments line that applies funding for compensation adjustments that were included in the FY23 Budget and were effective July 1, 2022. This includes wage increases that were prompted by State employee wage increases and increases for employees that support State functions. The transfer figure includes providing for associated fringe benefits. With respect to appropriation requests, there were 20 pass-through appropriations.

1. Transfer budgeted funds of \$1,158,823.00 from Salary Adjustments, 100-4091000 92500-0000-000 to Wages and Benefits, Various Departments. This transfer addresses compensation adjustments effective 7/1/22, including increases for County employees that align with salary adjustments approved by the General Assembly given to State employees and employees that support State functions.

PASS-THRU APPROPRIATIONS - Pass-thru items 1 through 7 represent expenditure reimbursements, expenditure reimbursements, miscellaneous receipts, and use of grant funds. Pass-thru items 8 through 20 represent appropriations for existing dollars for discrete funds that require new appropriations to spend funds in FY23. These items represent appropriations to 12 separate funds that include expenditure guidelines on what the funds can be used for.

1. Additional appropriation in the amount of \$1,860.63 to Sheriff's Department – RAID Patrol, 100-4031200-31200-5830. This is a quarterly reimbursement of RAID Program expenses for the Sheriff's Office Alternative Program.
2. Additional appropriation in the amount of \$3,972.06 to the following Sheriff's Department accounts: \$3,531.88 to Wages – Overtime, 100-4031200-31200-1200, \$250.00 to Firing Range Expenses, 100-4031200-31200-6015, and \$190.18 to Office Supplies, 100-4031200-31200-6001. These represent reimbursement for services performed, fees for firing range use, and charges for providing information for FOIA requests.
3. Additional appropriation in the amount of \$14,230.14 to the following Sheriff's Department accounts: \$125.00 to Uniforms, 100-4031200-31200-6011, \$13,589.94 to Subsistence &

Lodging, 100-4031200-31200-5530, and \$515.20 to Vehicle Supplies, 100-4031200-31200-6009. These represent uniform contracts, extradition and class reimbursed expenses.

4. Additional appropriation in the amount of \$8,808.53 to the following Correction & Detention accounts: \$180.00 to Uniforms, 100-4033100-33100-6011, \$2,400.00 to Food Supplies, 100-4033100-33100-6001, \$5,128.53 to Medical & Lab Supplies, 100-4033100-33100-6004, and \$1,100.00 to Salaries, 100-4033100-33100-1100. These are for uniform contracts, reimbursed food supplies, reimbursements from Craig County and medical co-pays, and a payment form VDOT for work crew services.
5. Additional appropriation in the amount of \$4,129.50 to Fire & EMS – Cap Outlay – All Other. This is a reimbursement for purchases made on a recruitment and retention grant through International Association of Fire Chiefs.
6. Additional appropriation in the amount of \$4,673.46 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. These are funds received from Virginia Department of Health (VDH) for COVID testing.
7. Additional appropriation in the amount of \$50.00 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. These are donated funds from Jennifer Simmons.
8. Additional appropriation in an amount not to exceed \$71,000.00 to Correction & Detention – Inmate Phone Commissions, 100-4033100-33100-5820. This represents an allocation of 50% of the total anticipated revenues. This is an advance pass-through for funds received for debit card phone commissions to be received by the County for FY22-23.
9. Additional appropriation an amount up to \$35,598.45 to the Property Seizure Proceeds Fund – Sheriff’s Office – State – Fund 212. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.
10. Additional appropriation in an amount up to \$21,454.77 to the E-Summons Fund – Fund 213. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.
11. Additional appropriation in the amount of \$100,000.00 to the Courthouse /Courtroom Security Fund – Fund 217. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.
12. Additional appropriation in the amount of \$32,711.99 to the Sestercentennial Committee Fund – Fund 250. This provides the authorization to expend these funds based upon budgeted guidelines.
13. Additional appropriation in the amount of \$7,950.25 to the Criminal Processing Fund – Fund 218. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.
14. Additional appropriation in the amount of \$250,000.00 to the Traffic Safety Program Fund – Fund 206. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.
15. Additional appropriation in the amount of \$86,124.15 to the Greenfield Preservation Area Fund – Fund 240. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.
16. Additional appropriation in the amount of \$49,337.74 to Community Outreach Program – Sheriff Equity Fund – Fund 255. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.
17. Additional appropriation in the amount of \$31,454.49 to Asset Forfeiture (CA) State Fund, Fund 204. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.
18. Additional appropriation in the amount of \$5,355.82 to Property Seizure (SO) Federal Justice Fund – Fund 210. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.

19. Additional appropriation in the amount of \$63,210.72 to Courthouse Maintenance Fund – Fund 216. This provides authorization to expend these funds based upon predetermined expenditure guidelines.
20. Additional appropriation in the amount of \$38,197.33 to Van Program Fund – Fund 209. This provides authorization to expend these funds based upon predetermined expenditure guidelines.

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

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

RESOLUTION #22-07-04

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

Total expenditures requested for approval for July for the General Fund including debt service and all other funds was a combined total of \$2,141,644.46. Payable disbursements of note for the month were as follows:

Technology Services	\$51,657 paid to Harris Enterprises for annual fees for enterprise software modules
Sheriff's Dept.	\$34,907 (paid to Sheeby Auto Stores for a 2022 Ford Police Interceptor)
Local Health Dept.	\$93,443 to the Botetourt Health Department for the first quarter operational support payment
Regional Organization	\$33,596 paid to the Roanoke Valley Alleghany Commission for FY22 Dues
	\$38,300 paid to Visit Virginia's Blue Ridge for annual funding. This is payment 1 of 4.
	\$34,772 paid to the Roanoke Regional Partnership, representing semi-annual support funds.
CIP – Roof Repair and Replacement	\$72,210 paid to Garland / DBS Inc. for roof replacement for the General District Court
CIP – YMCA Support	\$300,000 paid to YMCA of Virginia's Blue Ridge for the County's Year 6 of 10 matching contributions. The matching contributions terminate in FY27.

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

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

RESOLUTION #22-07-05

CONSIDER APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION TO FUND PROJECTS NOT COMPLETED IN FY22 IN THE FY23 BUDGET

This request was for the reappropriation of budgeted funds for preliminary costs associated with the Circuit Courthouse Renovation and for Transfer of funds to the Economic Development Authority for economic incentives and the County portion of a broadband project with Lumos with funding also provided by the State through a Virginia Telecommunications Imitative program.

Staff recommended the reappropriation of these funds so that the projects could move forward and receive the available funds to complete these projects on a timely basis.

The following appropriation expired on June 30, 2022; however, this project will carry over into Fiscal Year 2022-2023. It is recommended that this appropriation be approved by a resolution as follows:

RESOLUTION #22-07-06

NOW, THEREFORE, BE IT RESOLVED, that the following appropriation for Fiscal Year 2022-2023 is made to allow carry-over of approved funding begun in Fiscal Year 2021-2022:

<u>Destination Acct #</u>	<u>Account Description</u>	<u>July 2021 Amount</u>	<u>Explanation</u>
100-4094000-21600-8012-415	CIP - Circuit Courthouse Renovation	\$400,000.00	Preconstruction costs
100-4091800-91800-3800-000	Transfer to EDA	\$270,000.00	Economic incentives / Local portion of VATI grant
TOTAL	General Fund Total	\$670,000.00	

MOTION: That the Board authorize a resolution to approve supplemental appropriations to fund projects not completed in FY22, in the FY23 budget.

MOTION: Dr. Scothorn

SECOND: Mr. Clinton

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

RESOLUTION #22-07-06

VDOT MONTHLY UPDATE

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

- The Route 220 project will have limited closures and refreshed pavement as the final punch list is completed
- Tinker Mill culvert is expected to be complete the end of the month
- Traffic Engineering study will be done for Mill Creek Campground
- Routine maintenance work is being done (paving, mowing, cleaning ditches)

Dr. Bailey thanked VDOT for the work that was done on Redbud Lane.

UPDATE FROM MALLORY WHITE, PRESIDENT OF THE BOTETOURT FARMERS MARKET

Mallory White, president of the Botetourt Farmers Market, gave a brief overview of the Farmers Market and offered a handout to Board members. A portion of the handout is shown below:

Current Board Members:

- Mallory White, President
- Tara Williamson, Vice President
- Leslie Crowder, Market Manager
- Stephanie Rogol, Treasurer
- Tim Miller, Secretary
- Dayna Patrick, Land Property Liaison & Past President
- Emily Bailey, Vendor Liaison
- Email: botetourtvafarmersmarket@gmail.com
-

Botetourt Farmers Market:

- ~15 years ago, a pop-up market began in the parking lot of Ikenberry Orchards before moving to Daleville Town Center.
- Approximately 15 new full or part-time vendors in 2022, increased attendance, and sales. To overcome technology barriers, we began a token program in which visitors can use a credit card to purchase \$5 tokens that can be spent as cash at any vendor. We've sold \$1,500 in tokens within a month.
- 2021 Season: Over \$200,000 in sales and we are ahead in sales (\$85,000 to date) compared to this time last year (\$71,000)
- 2nd Annual Tomato Festival: Live music by local Botetourt bluegrass & gospel band Trinity Tree, free heirloom tomato tastings, 41 vendors, \$15,000 in sales, 4,000 visitors, Oscar Meyer Wienermobile, Tomato Sandwich Contest judged by Scott Stevens, Adam Markham, Robin Reed, Jenny Wilson, Dr. Scothorn, and Kate Stevens
- Honey Festival: August 20th, BFM is partnering with Botetourt Beekeepers Association (BBA) to host Honey Fest on National Honeybee Day
- Permanent Structure Goals: Desirable location at Daleville Town Center. Design a community-oriented, multipurpose structure w/ commercial kitchen that allows a small catering space, restrooms, and 32+ vendor spots adjacent to the existing green space at Daleville Town Center. We envision the Daleville Town Center, local clubs, organizations, and businesses benefiting from the structure in addition to the Farmers Market.

Ms. White thanked the Board for their generous financial support. She explained funds provide a small stipend to the market manager and allow them to host their largest festivals, such as the Tomato Fest and Honey Fest. She offered thanks to Ken McFadyen for facilitating budget funds to the organization. Board members thanked Ms. White for her presentation.

RESOLUTION OF SUPPORT FOR 2022 SMARTSCALE PROJECT APPLICATIONS

Jonathan McCoy reviewed the application process and specific projects. He explained that as part of the 2022 SmartScale application process, the Board of Supervisors is asked to formally support the projects proposed in the County. The projects are:

Botetourt County

- Route 220 Access Management/Park & Ride – AT to Commons Pkwy
Addition of multi-use path along 220 N and 220 S to Commons Parkway to provide Appalachian Trail users safe crossing of 220, including a traffic signal

restricting cross-traffic from Wesley Rd to Commons Pkwy. Additionally, the construction of a new Park and Ride facility with greater capacity than the current site.

- Route 220 Access Management – Route 11 to Appalachian Trail
Addition of multi-use path and sidewalks along 220 N and 220 S from Route 11 to the Appalachian Trail to address pedestrian access and safety.
- Route 779 Appalachian Trail Safety Improvements
Pedestrian improvements to correct vehicular and pedestrian conflicts along Route 779, allowing users of the Appalachian Trail to safely cross under I-81.
- Route 220 Superstreet
Convert crossovers along the Route 220 corridor in Daleville to RCUT's to provide a superstreet concept, thereby addressing congestion and safety issues from Wendover Road to Catawba Road.

RESOLUTION #22-07-07 2022 SMARTSCALE PROJECT APPLICATIONS

During its regular meeting on July 26, 2022, the Botetourt County Board of Supervisors took the following action:

<u>NAME</u>	<u>VOTE</u>
Richard A. Bailey, Chairman	YES
Donald M. Scothorn, Vice Chairman	YES
Steven P. Clinton	YES
Billy W. Martin, Sr.	YES
Amy S. White	YES

WHEREAS, the Botetourt County Board of Supervisors is committed to advocating for and ensuring the long-term provision of superior transportation infrastructure both in the County and the region; and

WHEREAS, the Board supports and is actively involved in regional transportation planning through memberships in the Roanoke Valley-Alleghany Regional Commission (RVARC) and the Roanoke Valley Transportation Planning Organization (RVTPO); and

WHEREAS, the Virginia Commonwealth Transportation Board's application guidelines allow localities and regional entities, such as RVARC and RVTPO, to apply for funding through the SmartScale process; and

WHEREAS, staff from Botetourt County, RVARC, RVTPO, and the Virginia Department of Transportation have identified four transportation projects in the County that would provide the greatest benefit to the citizens of and visitors to the County and the region and could possibly compete well in the 2022 SmartScale process.

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors fully endorses and supports an application by County staff for the Route 220 Access Management/Park and Ride – AT to Commons Parkway project, Route 220 Access Management – Route 11 to Appalachian Trail project, Route 779 Appalachian Trail Safety Improvements, and Route 220 Superstreet projects.
Approved this 26th day of July 2022.

MOTION: That the Board authorize a resolution of support for the 2022 SmartScale Project Applications, as presented.

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

RESOLUTION #22-07-07

APPOINTMENTS

a) Appoint John Williamson and Ed McCoy as members to the Craig Valley Railroad Bed Committee.

MOTION: That the Board appoint John Williamson and Ed McCoy to the Craig Valley Railroad Bed Committee.

MOTION: Mrs. White

SECOND: Dr. Scothorn

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

RESOLUTION #22-07-08

b) The Board was notified the following terms for members of the Community Policy Management Team (CPMT) would expire on September 1, 2022. Chairman Bailey noted that current members had been contacted to see if they were interested in being reappointed and the appointments would be made at the August meeting.

- Botetourt School Division - This is a two-year term.
- Alleghany Health District - This is a two-year term.
- Blue Ridge Behavioral Healthcare – This is a two-year term.
- Private provider (DePaul Community Resources). This is a two-year term.
- Juvenile Probation Court Services – This is a two-year term.
- Sheriff's department - This is a two-year term.

BOARD MEMBER COMMENTS

Mrs. White reported on several upcoming events and encouraged everyone to attend if they were available:

- Botetourt County Fair on August 5-6 in Buchanan
- Botetourt Honey Festival on August 20
- Sunflower Festival – September 9-18. In need of volunteers. Contact Candace Moynihan if interested.

She then stated that she had noticed that recent zoning requests had involved interest in the ability to have charging stations for electric cars.

MOTION: That the Board direct the Community Development office to develop an ordinance to have in place for an electric car charging metric.

MOTION: Mrs. White

SECOND: Dr. Scothorn

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

RESOLUTION #22-07-09

Dr. Scothorn added that R3 zoning areas may not meet VDOT requirements for streets and he would like for the Community Development office to also review this matter.

Chairman Bailey recessed the meeting at 2:35 p.m. The meeting was called back to order at 3:00 p.m.

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

Jason Ferguson, Fire Chief, reminded the Board that last month information was provided on what the department was interested in doing. He noted 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.

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 to achieve certification.

Chief Ferguson reiterated that initial parental permission would still be required. He also noted that no public comments had been received.

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

MOTION: That the Board approve the revisions to Chapter 11, Article IV, *Participation of Minors in Volunteer Fire Companies.*

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

RESOLUTION #22-07-10

Chairman Bailey recessed the meeting at 3:02 p.m. The meeting was called back to order at 6:00 p.m.

6:00 p.m. PUBLIC HEARINGS

Amsterdam District: DTC South Village, LLC requested a Special Exception Permit, with possible conditions, to increase the maximum building height above 45 feet, in the Traditional Neighborhood Use District in accordance with *Sec. 25-583. – Special exceptions and Chapter 25 Zoning, Article, II. – District Regulations, Division 9, Sec.25-207(f).- Maximum height of buildings and structures* of the Botetourt County Code. This 1.459-acre lot is located across from the Daleville Town Center Apartments, at the intersection of Town Center Street (Route 1189) and Shenandoah Avenue (Route 1190), Daleville, and is identified on the Real Property Identification Maps of Botetourt County as Section 88(8) Parcel 1.

Mr. Pearson reviewed the request noting the applicant is asking to increase the maximum building height up to 49 feet. The building is a 3-story structure and would be a mixed-use building. This request was recommended for approval by the Planning Commission with the following conditions:

1. The development of the property shall be constructed in substantial conformance with the building sections drawing included with the application, titled "South Village Development, Daleville Town Center", dated April 29, 2022.
2. The development of the property shall be constructed in substantial conformance with the building elevations included with the application dated April 29, 2022.
3. The SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance.

No public comments were received before or after the Planning Commission hearing.

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

MOTION: That the Board approve the Special Exception Permit for DTC South Village, LLC, with three conditions as presented and recommended.

MOTION: Mr. Clinton

SECOND: Mrs. White

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

RESOLUTION #22-07-11

Fincastle District: Paul R. and Diane D. Wolff requests a Special Exception Permit for a Private Airport with possible conditions, to operate a personal airplane in the Agricultural (A-1) Use District in accordance with *Sec. 25-583. – Special exceptions and Chapter 25 Zoning, and Article, II. – District Regulations, Division 1, Sec. 25-73(1) Airport, private* of the Botetourt County Code. This 33.79-acre parcel is located at the intersection of Shiloh Drive (Route 612) and Shiloh Church Road (Route 692) adjacent to the Shiloh Church and Cemetery at 519 Shiloh Drive, Eagle Rock and is identified on the Real Property Identification Maps of Botetourt County as Section 28, Parcel 94. The Planning Commission recommended approval with conditions.

Chairman Bailey explained because of redistricting that took effect on July 1, 2022, the magisterial district had changed for this property, changing it from the Buchanan District to the Fincastle District. One of the two ads for the public hearing listed the former district; therefore, the public hearing would need to be tabled to allow an opportunity to run new ads listing the correct district.

MOTION: That the Board table the public hearing until August 23, 2022.

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

RESOLUTION #22-07-12

Amsterdam District: Wendover Associates LLC (Roanoke Valley Direct Primary Care, PLLC, lessee) requested a Special Exception Permit for a medical care facility, with possible conditions, in the Business (B-2) Use District in accordance with *Sec. 25-583. – Special exceptions and Chapter 25 Zoning, Article, II. – District Regulations, Division 11. Sec. 25-243(16). – Medical Care Facility* of the Botetourt County Code. The primary care medical office is proposed within a portion of the existing building on a 2.053-acre lot at 25 Wendover Road, at the intersection of Roanoke Road (US Route 220), and Wendover Road (Route 794), Daleville, identified on the Real Property Identification Maps of Botetourt County as Section 101A(1), Parcel BK1-21A.

Dalton Kaiser, intern for the Community Development office, reviewed the request. He explained the medical office intends to see one patient at a time, with 3-4 staff employed. The Planning Commission recommended approval with the following condition:

1. The Special Exception Permit for the Medical Care Facility shall not allow a drug rehabilitation clinic that treats drug addictions.

It was noted that the applicant was agreeable to this condition.

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

MOTION: That the Board approve the SEP for a medical facility, with one condition recommended by the Planning Commission.

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

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

RESOLUTION #22-07-13

Buchanan District: RYT LLC (Muhammad Tahir, contractual purchaser) requested a Special Exception Permit for a convenience store, with possible conditions, in the Business (B-1) Use District in accordance with *Sec. 25-583. – Special exceptions and Chapter 25 Zoning, Article, II. – District Regulations, Division 10. Sec. 25-223(1). – Convenience store* of the Botetourt County Code. Consideration of the SEP is limited to a 3.14-acre portion of the parcel already within the Business (B-1) Use District and cannot be considered on portions of the parcel located within the Agricultural (A-1) or Forest Conservation (FC) Use Districts. The parcel totals 6.27 acres and is located at 621 and 21 Frontage Road, Buchanan, at the intersection of Greyledge Road (Route 611), and Frontage Road (Route F054), identified on the Real Property Identification Maps of Botetourt County as Section 53, Parcel 16.

Drew Pearson reviewed the request. He explained this request falls in the category of a convenience store because of the fuel pumps and if the fuel pumps were not present, it would simply be a retail store. While looking at the survey, it was discovered there may be an area that could possibly be a cemetery; however, staff looked through records and deeds and did not find any acknowledgement of a cemetery on the property. After speaking with neighbors, staff believes there might be something there, he noted. Staff requested the engineer look at this also. The proposed cemetery area is very heavily vegetated, and staff added one additional condition because of this possible finding.

Mr. Pearson stated the project would meet all landscaping and lighting requirements. As for lighting, the suggested condition is that lighting would have to be directed downward and should be very minimal to streets and adjacent properties.

The Planning Commission indicated that they did not have any concerns with the recreational vehicle parking that was shown on the concept site plan and amended staff's suggested comment in the background report that would have required substantial conformance to the concept plan but would not have allowed the recreational vehicle parking spaces.

It was recommended by the Planning Commission that staff consult with VDOT about their Directional Signing Program to see if a condition could be added that would require signage that might be permitted through VDOT's LOGO Guide Signs or Blue Signs program to have language informing the public that the store only had auto or low-flow diesel. Staff contacted the section of VDOT that administers the program and was told that VDOT would not approve a sign with a message such as "Auto Diesel Only".

The following concerns were presented to the Planning Commission from citizens:

- a possible cemetery located near the western property line that may encroach upon the subject property
- concerns that underground limestone ledges and slag may make it difficult to install a septic system and stormwater management pond
- concern that the access management utilized a speed limit of 35 mph vs. 55 mph for sight distance calculations

- concerns for lighting, interstate signage, and parking for recreation vehicles (RVs)

Staff received 33 public comments against this request and one comment in favor of the convenience store. Three individuals spoke in objection to this request during the Planning Commission public hearing.

The Planning Commission recommended unanimous conditional approval of the Special Exception Permit request for a convenience store in the B-1 Use District with the following conditions:

1. The development of the property shall be constructed in substantial conformance with the concept site plan included in the application. titled Buchanan Convenience Store Concept A, prepared by Engineering Concepts Inc. and dated May 23, 2022.
2. The development of the property shall be constructed in substantial conformance with the building elevations submitted by the applicant. titled High Hill Food Mart, Buchanan. Virginia, prepared by Balzer and Associates and dated June 29, 2022.
3. No window signage shall be permitted.
4. No freestanding pole/pole mounted sign shall be allowed.
5. Signage shall be installed in the vicinity of the RV parking spaces that indicates that the parking spaces are for RV parking only.
6. "No parking" signage shall be installed along the drive adjacent to the floodplain.
7. Outdoor lighting shall not exceed 15 feet above grade and shall not exceed 0.20 vertical foot-candles at a height of 5 feet at the property lines, except along Greyledge Road, where the measurement shall be 50 feet from the centerline of the road. Outdoor lighting shall only be allowed within the portion of the parcel that is zoned (B-1).
8. No clearing of vegetation or development shall occur within the regulatory floodplain.
9. The SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance.
10. 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 requirement. except where allowed by the zoning ordinance.

In response to additional concerns raised during and after the Planning Commission's public hearing, staff recommended the following additional conditions:

1. No clearing of existing vegetation or grading shall occur within the 25-foot building setback along the western property boundary that is adjacent to tax map parcel 52(2)1.
2. Snow cleared from the parking lot shall be placed in an area within the parking lot whereby the runoff from the melt is channeled through the storm water detention basin and not discharged directly into the regulatory floodplain.
3. The hours of operation for the convenience store shall be limited to no more than 18 hours per day.
4. The convenience store shall not advertise upon VDOT's LOGO Guide or Blue Signs program.

Mr. Pearson explained the four additional conditions were not included in the original packet, but following the Planning Commission meeting staff wanted to provide the extra conditions. He reported the four additional conditions had been shared with the applicant earlier that day.

Mr. Clinton stated as far as snow drainage goes, he isn't sure how that can be assured, and it would depend upon the grading of the pavement. Mr. Pearson replied there is an assumption that snow would be pushed to a corner of the parking lot and as it melted, go into the stormwater drainage. Mrs. White added that specific concern came directly to her from citizens she had spoken with.

Bobby Wampler, president of Engineering Concepts, was present and answered questions from the Board regarding speed limits, well and septic placements, environmental concerns, rock blasting processes, water quality, and RV parking spaces.

Mrs. White asked Ashley Smith with VDOT to address a few of the concerns that had been mentioned. Ms. Smith replied she saw no issues with the sight distance. She stated the neighborhood concerns about making right and left turns between Frontage and Greyledge would exist regardless of what business went in there, but she doesn't foresee it having a negative effect. Finally, Ms. Smith addressed the concern about having a "no turn around" sign and that if there becomes an issue with trucks going down Greyledge, they could consider putting up a sign.

Mrs. White thanked the citizens for their input and stated she carefully listened to every person who had contacted her. She thanked the library staff for holding a community meeting so citizens could ask questions and get answers. She thanked Nicole Pendleton, Drew Pearson, and their staff for answering her questions. She stated this was a tough decision for the community, but she was hopeful it would be a benefit to everyone.

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

MOTION: That the Board approve the SEP request from RYT LLC, with the 10 conditions recommended by the Planning Commission and additional conditions numbered #1, #2, and #3 recommended by staff.

MOTION: Mrs. White

SECOND: Dr. Scothorn

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

RESOLUTION #22-07-14

ADJOURNMENT

MOTION: That the meeting be adjourned.

MOTION: Dr. Scothorn

SECOND: Mr. Clinton

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

TIME: 7:18 p.m.

RESOLUTION #22-07-15