

BOTETOURT COUNTY BOARD OF SUPERVISORS

MINUTES OF AUGUST 22, 2023

The regular meeting of the Botetourt County Board of Supervisors was held on August 22, 2023, at the Botetourt County Administration Center, 57 S. Center Drive, Daleville, Virginia, beginning at 12:30 p.m.

PRESENT: Dr. Donald M. Scothorn, Chair
Mrs. Amy S. White, Vice Chair
Dr. Richard G. Bailey
Mr. Stephen P. Clinton
Mr. Billy W. Martin, Sr.

OTHERS PRESENT: Mr. Michael Lockaby, County Attorney (12:30 p.m.)
Mr. Jeremy Carroll, County Attorney (6:00 p.m.)
Mr. Gary Larrowe, County Administrator/Clerk
Mr. David Moorman, Deputy County Administrator
Mr. Jonathan Lanford, Assistant County Administrator
Mrs. Lorie Bess, Deputy Clerk

Mrs. White called the meeting to order at 12:40 p.m. Dr. Scothorn arrived at 12:45 p.m.

On motion by Mr. Martin, seconded by Dr. Bailey, the Board went into Closed Session pursuant to the Code of Virginia, 1950, as amended, to discuss the following:

- Section 2.2-3711(A)(3) - Acquisition or disposition of real property for economic development purposes where discussion in open session would adversely affect the County's bargaining position or negotiating strategy namely concerning the Amsterdam (including Greenfield) district.
- 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 (including Greenfield), Buchanan, Fincastle, and Valley Districts.
- Section 2.2-3711(A)(7) - Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically relating to a personal property tax matter.
- Section 2.2-3711(A)(8) - Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice regarding the Courthouse Bid Package A.

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #23-08-01

Dr. Scothorn 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 #23-08-02

Attendees participated in the recitation of the Pledge of Allegiance and a moment of silence.

INTRODUCTIONS AND RECOGNITIONS

- a) Brianna Pierce, Desktop Support Analyst
- b) Jonathan McCoy, Award Recipient at the Virginia State Chapter of the American Planning Association Annual Conference

Nicole Pendleton, Director of Community Development, stated Botetourt County submitted two award nominations to the state chapter of the American Planning Association this year and she was pleased to announce that in competition with peers across the state, we won both of the awards for which we submitted these nominations. She explained the first award was the Foxhound Award for Distinguished New Professional and was awarded to Jonathan McCoy. She stated Jon is truly a one-of-a-kind that we are so fortunate to have in Botetourt County. Mrs. Pendleton detailed some of his past achievements and his most recent accomplishments, including recently passing the AICP exam. She noted Jon also serves as a Planning Commissioner for the Town of Vinton and organizes meetups with other young planners around the area, when he isn't serving as captain of his kickball team.

Next, Mrs. Pendleton present the Holzheimer Economic Development Award to the Community Development staff. She explained Botetourt County won this statewide recognition for its recently adopted Gateway Crossing Overlay, a zoning tool intended to transform an underutilized and underperforming area of the County into a vibrant, mixed-use community that benefits residents, businesses, and visitors alike. The Gateway Crossing Overlay was born out of the Gateway Crossing Area Plan, a small area plan adopted into the County's Comprehensive Plan in 2017. The Plan highlights and prioritizes connectivity, mixed-use structures, multifamily residences, and enhanced pedestrian and bicycle connections. The Plan builds off existing amenities such as the Appalachian Trail and the location along three major roadways, The Gateway Crossing Area Plan seized upon a once-in-a-generation VDOT redesign of the road network to envision an attractive entrance into the County that welcomes both visitors and residents. To implement this vision, County staff worked with consultants to develop a set of zoning tools that reduce burdensome development standards, incorporates walkability and bikeability, and connects the built and natural environments to one another. The new zoning tool unlocks new opportunities for high quality urban design in the Gateway Crossing area while sustaining the existing regulations which protect Botetourt's rural areas. She concluded by stating she was pleased to present the award to staff and she remains thankful for the opportunities that we have every day to work with our community to realize the best vision for Botetourt County.

CITIZEN COMMENT PERIOD

Donna Smith, Buchanan District (Comment received via Citizen Comment Form)

"I want to express my continued support for the Botetourt public libraries and thank the board of supervisors for supporting the first amendment. Please don't waiver in your support of the freedom of speech and expression. Our libraries have a fair and family-oriented policy for

selecting books and allowing adults to participate in book choices for minors. We must not start down the path of censorship and book banning.”

Gwen Beauchamp, Buchanan District (Comment received via Citizen Comment Form)

“I'd like to thank the Board of Supervisors for unanimously adopting Resolution #23-07-02 and for our Librarians for upholding our right to select and read what we want. In every place I've lived, one of the first things I've done was get a library card. Libraries provide resources for the ENTIRE community. Freedom to read is fundamental to our democracy and we must not let the few control the majority. I agree parents have the right and responsibility to monitor their children's reading, but their control goes no further toward anyone else's choices. Thank you.”

Susan and Bruce Bruffey, Blue Ridge District (Comment received via Citizen Comment Form)

“I do not believe that tax money should be taken for this project when there are so many other items of concern such as affordable housing, school repairs and concerns. Roads and bridges that affect us on our daily drive rather than day trippers. More law enforcement and finally upkeep of the parks and trails currently in the county. I feel that Botetourt County government has become a group of folks that are unaffected by their actions and are out of touch with what your citizens need. You don't care about farmers along this trail or families that use these roads that this trail will affect. It feels like the board wants another feather to wave like all the money spent on the sports complex that so far hasn't lived up to the hype. We need working people on the board.”

Diane Harto, Fincastle District (Comment received via Citizen Comment Form)

“I'm a resident on the path of this proposed trail. The state road that I drive my car on daily is Route 817, (Old Rail Road). It is proposed that this road will be shared with bicycles, horses, and hikers. This is by the state's own definition inappropriate for a “Trail”. The state defies many of its own regulations to create this trail. It seems they are above the law. Multiple safety concerns, no cell service to call for help, no room for side-by-side bike/car lanes, Destruction of the serenity and natural habitat, increased litter, noise pollution, opportunity for crime. All of this and more, courtesy of the taxpayers \$35 million dollars! I've read some of the emails included in a “FOIA” in which proponents of this trail talk about meeting privately and trying to get as much planning done as possible without citizens being made aware. There has been NO involvement of residents along this proposed trail, even though in some cases the trail is planned to run right through their properties. Threatening the privacy and security of residents and dividing farms through the middle. Total disregard for citizens' rights. We didn't want this over 20 years ago and WE DON'T WANT IT NOW. WE MOVED HERE FOR PEACE IN RETIREMENT. Not in the hopes of starting a bicycle shop, or ice cream stand! ‘Don't it always seem to go; you don't know what you've got till it's gone! You'll pave paradise and put up a parking lot.’ “

Lannie Hoosier, Valley District (Comment received via Citizen Comment Form)

“I think the rail trail will be an absolute winner to our area and local economy. This trail has the potential to be a world class destination.”

Rebecca Clark, Valley District (Comment received via Citizen Comment Form)

“Thank you for your principled and strong support of the First Amendment Rights and the Library Services and Staff. It was great to hear your voices in upholding that position in the face of considerable push-back. We appreciate your views that the rights of those of us to select resources should not be restricted by those with different perspectives. Thanks again.”

Vickie Graham, Fincastle District (Comment received via Citizen Comment Form)

"Why am I led to this comment form on a county site that says, "show support"? That makes it look like only comments of support are wanted. We are told the supervisors can do nothing. We are told the county has not given their support. By the county's own site, I would say the county has shown support. Tell me, do these comments mean anything? Month after month, concerns are brought to the board. Is it useless? Probably. But when there is a disaster on the trail between a vehicle and trail user, you will not be able to say you were not warned such a thing would occur."

Shawn Powell, Fincastle District (Comment received via Citizen Comment Form)

"My property on Craig creek has been in my family for nearly 100 years. I grew up on that property as did both of my sons, and hopefully my grandson will be able to as well. He went for his first swim there last week. Prior to the gate and public access restriction our place was vandalized and broken into almost weekly stealing everything that could be carried. Since the gate and no public allowed in no problems. I spent 31 years in law enforcement, and I am sure as soon as the public is allowed the stealing vandalism and trashing will start again. When is enough Botetourt, Daleville has exploded, and it seems like all you care is just to do anything to bring in 1 more tax dollar no matter who it hurts. I would just ask you to put yourself in the property owners' position and honestly ask yourself how you would feel if you were about to lose the peace and tranquility of a place that has been loved by family and friends for nearly 100 years. Please do not proceed with this project. Thank You for your time and understanding."

Carolyn Day, Fincastle District (Comment received via Citizen Comment Form)

"As a citizen of Botetourt County, I want my voice to be heard in favor of the Craig Botetourt Scenic Trail. If there is any possibility of this trail not going through, I would like to point out reasons why it should go through.

- 1. Boosting rural economy - examples of this are apparent with the Jackson River, Creeper, New River Valley rail trails (and the list goes on and on). It just makes good financial sense.*
- 2. Improvements to the roadways for the residents along the trail - I've spent nearly every weekend traveling to different points along the trail and the roads/bridges are in need of better maintenance and repair that will make this area safer for those residents and anyone who visits the area.*
- 3. Families who love outdoor recreation - I can't think of a better way for families for decades to come to enjoy this beautiful part of our state.*

We moved to Botetourt 10 years ago just to be closer to the Craig Creek area where we love to kayak and fish. I just can't emphasize enough how much this trail would mean to us to be this close and have access to this trail for biking, horseback riding and walking. I can't think of any better way for our families and future families to enjoy this area. Thank you for letting my voice be heard. Please, please, continue with this project!"

Woody Lipps, Amsterdam District (Comment received via Citizen Comment Form)

"My address may be Craig County, but I still live on "Sugar Mountain". A bit naive perhaps but Sugar Mountain is the great outdoors of my youth. I grew up out here on these mountains and in these creeks and I am the better for it. We now live in a divided society where isolation is the norm and depression is pretty common. The great outdoors, and exposure to it, is the cure. Fellowship outside engaged in a shared adventure is good for the soul. As a society we need more and not less of it. I have not yet decided if this trail proposal is really good for either Craig or Botetourt County, but I do think it has some merit and should be investigated through a rigorous planning process. Some in opposition paint our future with a pretty dark palette. Crime,

trespass, fights and worse. These are but symptoms of a disease. They appear sometimes in our parks and forests, but they don't originate there. Should we choose to close off these places, to not develop access to the outdoors, we just might be contributing to the disease. So, as before, I ask that you keep an open mind to this proposal and investigate for yourself what access to the great outdoors might do to lift the spirit and benefit the soul of all of us. The outdoors offers a message of hope, not one of despair."

Linda Smith, Amsterdam District (Comment received via Citizen Comment Form)

"I oppose the above for various reasons: Noises from the events, sharp curves on 779 to travel to and from the events. If alcohol is allowed, potential deaths and destruction caused by "drunks" leaving the event driving the crooked road and sharp curves. No time frames were noted for the events (i.e. 6-10, 4-9, etc.), especially those at night. No reference to type of events. Someone needs to address the surrounding properties, whether the values will be decreased or increased due to a business in an all residential area and give that info to the current residents/homeowners. On Valley Road, I saw one vehicle had missed the curve and went into the "gulch"! All that was visible was broken glass on the driver's side and half of the driver's door. People have a tendency to drive across the yellow line on both sides and speed. People leaving the Venue, having drank to the excess, on the wrong side of the road, can be dangerous for everyone and houses within the area. Houses should be located in residential areas and business in commercial areas. Let's keep it that way."

Kimberlie Gonce, Amsterdam District (Comment received via Citizen Comment Form)

"In the planning committee meeting I attended Monday, there were numerous 'unknowns' by Larocca surrounding transporting their customers, parking, shuttle use and parking lots. This issue is of serious concern by the residents on Valley Road. Some of the questions I was asked to bring up and would like answered by the Board at Tuesday's meetings are:

- 1. Could zoning remain as R1, and a special exception permit be granted for the Larocca Events?*
- 2. It was initially said by the business owner in the planning meeting that the parking lot off Valley Rd would be for vendors and VIP and that these would be "Intimate" events. Are 40+ spaces really necessary?*
- 3. If Larocca Events does not plan on allowing guests to park on the property, then why are 40+ parking spaces needed?*
- 4. Parking lot lights- would they be left on every night and all night long?*
- 5. Valet parking was brought up by Larocca- since Larocca feels the 'approach' to the venue is more attractive from the Wendover side, is that where the guests would turn their vehicle over to valet to then drive the car around to 220, turning then on Valley Road and driving to the proposed parking lot? This increases traffic both onto 220 and in and out of Valley Rd significantly.*
- 6. Why couldn't the parking lot be moved away from the edge of Valley Rd? Is it because the owners of the future house that will be built in the back land area don't want to have to look at it? Why, then, would it be acceptable to force the people on Valley Rd, already living directly across from that land to have to look at it and contend with it?*
- 7. If the proposal to rezone the property to A1 is passed, will that allow for future, larger 'events' type venues to set up in that area as well?*

Parking lots, of any size, are really not appropriate to have built in the middle of a residential neighborhood. Especially on such a curvy, hilly, dangerous road as Valley Road. Thank you for your time."

Donna Caldwell, Amsterdam District (Comment received via Citizen Comment Form)

“Questions after the planning commission meeting:

- 1) Entering the property by Wendover Road. Wendover Road is a single-family residence road. How many cars will go by those few houses? If valets are used, where will the cars park? Will those cars get to the parking lot by cutting through Orchard Drive, which is another single-family neighborhood road?*
- 2) Valley Road is not built for a lot of traffic and where it runs into 220 needs a stop light.*
- 3) Rezoning to agriculture? Why is that needed for a special events facility?*
- 4) Noise from the events. What is the noise ordinance in this area? How late will the events be allowed?”*

Peggy Davis, Fincastle District (Comment received via Citizen Comment Form)

“Appreciate your good judgment.”

Karen Willis, Fincastle District (Comment received via Citizen Comment Form)

“Please keep the library system as it is, well run. Please don’t let the book-banners sway you into allowing them to bam perfectly good books in our libraries.”

Sally Field, Buchanan District (Comment received via Citizen Comment Form)

“There will be a new traffic light going up on 220, at Ikenberry’s. Will there be one of those “Prepare to stop” signs BEFORE the curve heading south? If not, there’s going to be a LOT of accidents until people get used to that light being there. And probably even after that.”

Christian Bayer, Fincastle District

Mr. Bayer stated instead of speaking specifically about the library books, he wanted to speak to the authority held by the Board, which is allowed by the people and by God. He stated one day each of us will die and we will be held accountable for everything we did in our lifetime. He stated there is pornography in some of the library books and it was terrible and sad to him. He encouraged the Board to take into consideration the pornography in these books as they make their decisions.

Angie Tucker, Fincastle District

“Botetourt County is a very unique County. I think we can all agree Daleville is seeing an explosion of economic growth. It’s almost as if someone has a list and wants to check off all the boxes of things to provide for people in this area. Subdivisions – check. Apartments – check. Restaurants – check. Grocery stores – check. Gas stations – check. Car wash – check. Donut and ice cream shops – check. Hotels – check. Gyms – check. There are just many things to mention. But before we get too carried away let me ask you, why do we need a rail to trail in Botetourt County? Actually, let me rephrase that.... why do we need this specific proposed trail in Botetourt County? I used to live close to the Jackson River Scenic Trail. I used it for both walking and riding my bike. So, I am not against rails to trails in theory. But the Jackson River Scenic Trail is vastly different from the trail being proposed here. Jackson River Scenic Trail used an abandoned railroad bed. The area being considered for this proposed trail is not a truly abandoned railroad bed because the state has deemed portions of it to be used as a state road. It is not an area that has “been just sitting there” as Terry Austin said in a May 8, 2023 interview with the Cardinal News. By asking trail users and drivers to use the same road, the experience on the proposed trail would be extremely different and immensely inferior. The Jackson River Trail measures from 9 to over 13 feet wide. State Route 817 is a dirt and gravel one lane road and is only 12 feet wide in many places. How can the two coexist in one limited space? The proposed trail will not be safe. There is no means of escape for the trail user or the driver. So again, I ask why do we need this specific trail? Is it just to check another box in the

quest to develop one area of the county? Is it because other counties have rails to trails so we should too? Before you would even think of approving this project, I would advise you to physically see the area and remember this proposed trail is NOT utilizing an abandoned railroad bed in its entirety. It is using state roads. This trail will not be safe. Wouldn't the county as a whole be better off to look for another place to offer a trail? Find an area that trail users and vehicle drivers both can be safe and separate. Shouldn't safety be more of a concern than checking a box? Or is our safety being offered for sale? In conclusion according to what I read in the railstotrails.org website under liability issues I am stating for the record my husband Mark and I do not accept liability brought about if this trail is approved. We do not accept liability of trail users on a state-maintained road leading to our property."

Vickie Graham, Fincastle District

"I would think that many of you here have heard the song that has taken the internet by storm, 'Rich Men North of Richmond'.

Lyrics: 'These rich men north of Richmond
 Lord knows they all just wanna have total control
 Wanna know what you think, wanna know what you do
 And they don't think you know, but I know that you do'

I would say they act like they want to know what you think but they don't really. This is proven by the fact that county officials have been working on the trail project since 2021 when \$93 million was approved for trails. When did we, the public, find out about it? When the cat was let out of the bag THIS year. Did the county ask us, the people, for our opinion? Were the property owners in Craig Valley asked if a trail was something they wanted along their homes? No. They listened to special interest groups from Roanoke and bicycle groups from across the state and even the country. But they care. They care SO much that VDOT is tentatively having a citizens information meeting in September when, they tell us, they don't really have to. As we have been told by our transportation Czar, Delegate Austin, "The State owns the road and can do with it what they want." So, they will show us boards, let us ask questions and maybe change the location of a parking lot. Because they care so much. We come here month after month and tell you of the concerns that we who live there have about the trail. Of the narrow road, the drop offs, flooding, and the disaster waiting to happen. Instead of just hearing about it, we want to present you with the opportunity to see. See the enveloping cloud of dust. See where the trail would go through the middle of a man's cow pasture. Up a person's driveway. We want you, the public, to be well informed of ALL issues before you go to the VDOT meeting. So, we are trying to make it convenient for you to see what VDOT will not show you. We invite you, concerned citizens and those of you who supposedly represent us, to come to the meeting room at the Fincastle Library on Saturday, September 9, from 10:00 a.m. to 1:00 p.m. and Monday, September 1, from 3:00 p.m. to 7:00 p.m. We have pictures and information and will be glad to talk with you. See for yourself what we have been talking about.

Final lyrics: 'Lord, it's a d**n shame what the world's gotten to,
 For people like me and people like you,
 Wish I could just wake up and it not be true,
 But it is, oh, it is'"

Jim Stadlander, Fincastle District

Mr. Stadlander stated when the "cat was let out of the bag in January", they asked the Board what could be done, and the response was this is a state project with state money and there was nothing the Board could do. He stated a member of his group obtained information that talked about seeking funding to get the trail from the state, which tells him the Board wants this

trail. He reported that recently the Roanoke Valley Greenway Commission put out a website page about the trail and his question is why is the County funding it? Is it because Botetourt County is part of the Roanoke Valley Greenway Commission? He stated if Board members are truly neutral, then they should also help fund those that are against the trail, to be equal. He then presented a copy of a bill to defund the trail to each Board member.

Marty Jenkins, Fincastle District

Ms. Jenkins stated at a recent car show they had a booth set up and displayed what the trail would look like. She stated a young boy asked her why she had two pans of gravel to display. She explained to the boy that the small gravel was from a local trail and the large gravel was from our proposed trail bed. When asked if he would ride his bike on the large gravel, he said no. She stated we must ask ourselves if we are as smart as this fourth grader.

Ruth Sellers, Fincastle District

Ms. Sellers stated the Board had heard many messages and concerns from their group so far and they intend to keep coming back. She stated their group had been at board meetings each month wearing their green shirts. She stated she lives on State Route 817 with her 12-year-old dog that loves wading in the creek, but if the trail is built, she would no longer be able to safely go a quarter mile down Route 817 to a private area to the creek with her dog. She stated she sits in a chair enjoying the water also and it is a delightful way to spend her time. She noted this past Sunday she saw two horsemen and a large shepherd dog. She stated there would be no way for her dog to defend himself so that is another safety issue. She stated everyone should just leave this alone and leave them in peace.

CONSENT AGENDA

- a) Minutes of July 31, 2023 Regular Meeting
- b) Human Resources 457(f) Plan Resolution

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

MOTION: Mr. Martin

SECOND: Dr. Bailey

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

RESOLUTION #23-08-03

APPROVAL OF TRANSFERS AND APPROPRIATIONS

For the month of August, there was one transfer request, which was a quarterly transfer.

1. Transfer \$1,178.77 to Sheriff's Department – Vehicle & Power Equipment Supplies, 100-4031200-31200-6009, from various departments as follows for vehicle repairs at the County Garage:

- \$ 82.22 Animal Cont.–Veh. & Power Equip Supp., 100-4035100-35100-6009-000
- \$456.62 Comm. Devel. – Rep. & Maint. Veh. 100-4081200-81200-3312-000
- \$ 26.49 Parks & Rec – Rep. & Maint. Vehicles, 100-4071100-71100-3312-000
- \$ 37.51 Library – Rep. & Maint. – Veh. 100-40731000-73100-3312-000
- \$ 26.65 Maint. – Rep. & Maint. Veh. 100-4043000-43000-3312-000
- \$493.46 Sports Complex – Rep & Maint. Vehicles, 100-4071300-71300-3312-000
- \$ 55.82 Van Program – Rep. & Maint. Vehicles, 100-4071500-71500-3312-000

With respect to appropriations, there were ten pass-through items and one regular appropriation requested. The pass-through items 1-10 represented the use of state grant funds, discrete funds appropriations, shared and miscellaneous receipts, contributions, a miscellaneous credit, contract payments, and expenditure reimbursements. Item #11 related to a budget oversight

and corrected the FY24 budget with an appropriation for the same dollar amount that was approved and included in the prior year's budget.

PASS-THRU APPROPRIATIONS:

1. Additional appropriation in the amount of \$225,000.00 to DHR Grant Fund – Fincastle Museum – General Expenditures, 262-5003308-00000-0000-000. This initial appropriation is from the \$6 million of grant funds received from the Virginia Department of Historic Resources and will be used for projected preliminary expenditures for the first 6 months of FY24 for the museum project.
2. Additional appropriation in the amount of \$109,910.53 to Traffic Safety Fund – Fund 206. These are the remaining funds to be appropriated that were not appropriated last month. This provides the authorization to expend these funds based upon predetermined guidelines.
3. Additional appropriation in the amount of \$1,827.23 to E-Summons Fund – Fund 213. This provides authorization to expend these funds based upon predetermined guidelines.
4. Additional appropriation in an amount not to exceed \$63,000.00 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 FY23-24.
5. Additional appropriation in the amount of \$500.00 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. These are contribution funds received by Fire & EMS directly from The Glebe.
6. Additional appropriation in the amount of \$23.32 to Fire & EMS – Uniforms, 100-4035500-35500-6011. This is to clear a credit on account.
7. Additional appropriation in the amount of \$4,050.00 to Fire & EMS – Part-Time Wages, 100-4035500-35500-1300. These are funds received from Western VA EMS Council for a precepting agreement.
8. Additional appropriation in the amount of \$525.00 to Fire & EMS – Buchanan Fire Department – Volunteer Incentives, 100-4035500-35530-5922. These are contribution funds made directly to Buchanan Fire Department.
9. Additional appropriation in the amount of \$15,093.14 to the following Sheriff's Department accounts: \$12,499.99 To Wages – Overtime, 100-4031200-31200-1200; \$61.90 to Office Supplies, 100-4031200-31200-6001, \$2,250.00 to Forest Patrol Salaries, 100-4031200-31200-1900, and \$281.25 to Vehicle Supplies, 100-4031200-31200-6009. These are for reimbursed costs for Ironman and Buchanan Carnival events, FOIA requests, Patrol Reimbursements, and Vehicle Fees.
10. Additional appropriation in the amount of \$2,986.86 to the following Correction & Detention accounts: \$2,323.90 to Medical & Lab Supplies, 100-4033100-33100-6004; \$62.96 to Uniforms, 100-4033100-33100-6011, and \$600.00 to Food Supplies, 100-4033100-33100-6002. The first item is for medical reimbursements from co-pays and Craig County regarding inmate medical care, the second is for contract payments, and the third item is from Social Security incentive payments.

REGULAR APPROPRIATIONS:

11. Additional appropriation in the amount of \$6,000.00 to Sheriff – Crime Prevention, 100-4031200-31200-5850. This appropriation matches the FY23 adopted budget amount for this item, which was mistakenly overlooked at the time of the adoption of the FY24 budget.

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

MOTION: Mr. Clinton

SECOND: Mrs. White

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

RESOLUTION #23-08-04

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

Total expenditures requested for approval for August for the General Fund including debt service and all other funds was a combined total of \$1,601,188.37. Payable disbursements of note for the month were as follows:

Technology Services	\$35,000 paid to ESRI for annual software maintenance (10/12/23 – 10/11/24)
Fire and EMS	\$34,750 paid to Western Virginia EMS Council for EMT/Paramedic Program Tuition for 5 trainees.
Transfer to EDA	\$572,475 paid to Economic Development Authority of Botetourt County as funds for the County's grant funds portion for the first two invoices for the VATI/BOTCO/LUMOS Broadband Project #2.
Fincastle Museum Project	\$52,250 paid to AECOM for contracted services performed relating to the grant funded Fincastle Museum project.

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

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

RESOLUTION #23-08-05

APPROVAL OF THE PERSONAL PROPERTY TAX RELIEF ACT (PPTRA) FOR 2023

In December 2005, the Botetourt County Board of Supervisors adopted ordinance amendments regarding the Personal Property Tax Relief Act (PPTRA). These amendments addressed the new reimbursement method for car tax relief for vehicle values from \$1,001 to \$20,000, with no taxing of vehicles having a value of \$1,000 or less. A State block grant (\$3,418,137.01) has been received annually each year since 2006; this amount will remain unchanged in future years unless General Assembly legislation is enacted. This fixed amount has served to reduce the State's subsidy from a targeted 70% (prior to 2006 under the Car Tax Program) to a smaller percentage.

In determining how to distribute relief among County taxpayers, the Board adopted the Specific Relief Method in December 2005. This method gives localities the option to apply State relief on a per vehicle basis and show the specific amount of relief on each tax bill. This method is reflected in the County's current billing format.

This year (2023), based upon projected vehicle values and the amount of tax relief to be provided by the State, the County's reimbursement is projected to be 41% based upon providing County citizens with the \$3.4 million State block grant. For 2022, the approved relief percentage was 39%, with the taxpayer portion set at 61% of the full tax amount. Therefore, the tax burden to Botetourt County citizens based on this year's recommended relief percentage vs. last year's

recommended percentage decreases from 61% to 59%. The 2023 relief (41%) and taxpayer portion (59%) percentages take into consideration the impact of changes in used car values, a slight reduction for the number of qualifying vehicles, and an increase in the assessed values base. This calculation is mandated by the Virginia General Assembly.

Team members involved in this task were the Treasurer and Commissioner of Revenue.

As required by the State, the Board of Supervisors is required to annually adopt a resolution setting the percentage reduction in personal property for that year. The resolution established the percentage at 41% for the 2023 tax year and was read as follows:

RESOLUTION SETTING THE ALLOCATION PERCENTAGE FOR PERSONAL PROPERTY TAX RELIEF IN BOTETOURT COUNTY FOR THE 2023 TAX YEAR

WHEREAS, in accordance with the requirements set forth in Section 58.1-3524 (C) (2) and Section 58.1-3912 (E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly and as set forth in item 503.E (Personal Property Tax Relief Program or "PPTRA") of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle with a taxable situs within the County commencing January 1, 2006, shall receive personal property tax relief; and,

WHEREAS, this Resolution is adopted pursuant to amendments to Chapter 23 Taxation of the Botetourt County Code adopted December 20, 2005,

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF BOTETOURT COUNTY, VIRGINIA, as follows:

1. That tax relief shall be allocated so as to eliminate personal property taxation for qualifying personal use vehicles valued at \$1,000 or less.
2. That qualifying personal use vehicles valued at \$1,001 - \$20,000 will be eligible for 41% tax relief for the 2023 tax year.
3. That qualifying personal use vehicles valued at \$20,001 or more shall only receive 41% tax relief for the 2023 tax year on the first \$20,000 of value; and
4. That all other vehicles which do not meet the definition of "qualifying" (for example, including but not limited to, business use vehicles, farm use vehicles, motor homes, etc.), will not be eligible for any form of tax relief under this program.
5. That the percentage applied to the categories of qualifying personal use vehicles are estimated fully to use all available PPTRA funds allocated to Botetourt County by the Commonwealth of Virginia.
6. That this Resolution shall be effective from and after the date of its adoption.

Adopted this 22nd day of August 2023.

MOTION: That the Board adopt the resolution establishing the percentage reduction for personal property tax relief at 41% for Botetourt County for the 2023 tax year.

MOTION: Dr. Bailey

SECOND: Mr. Martin

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

RESOLUTION #23-08-06

VDOT MONTHLY UPDATE

Robin Keeler, Assistant Resident Administrator, reviewed the following report:

Yearly Resurfacing Contracts

- **Prep Work:**

- Resurfacing contract for paving nearly complete. Surface treatment to occur on some routes prior to the end of October.

Traffic Engineering Work Orders

- A TE work order was submitted requesting evaluation of Route 220 at Daleville Town Center for a potential pedestrian signal or crosswalk.
- A TE work order was submitted requesting evaluation of the posted speed limit and potential need for advisory signs on Route 638 (Old Hollow Road) from the intersection with Route 641 (Old Ridge Road) to the intersection with Route 638 (Trevey Road).

Land Development Projects & Land Use Permits

- **Site Plan Reviews:**

- APEX Wind Farm Plans (on-site plans)
 - 4th submittal received on August 4, 2023.
 - Plans are currently under review.
- APEX Wind Farm Dagger Spring Road Plans (off-site plans)
 - 4th submittal received on August 4, 2023.
 - Plans are currently under review.
- Buchanan Convenience Store
 - 2nd submittal received on July 31, 2023.
 - Plans currently under review.
- WVWA Exit 150 and Route 220 Waterline Extension
 - 2nd submittal received on July 18, 2023.
 - VDOT plan approval issued on August 10, 2023.
- Flex, LLC
 - 1st review comments sent to Botetourt County on June 13, 2023.
 - Waiting on plan resubmittal.
- New River Electrical Training Yard
 - 2nd submittal received on August 4, 2023.
 - VDOT issued plan approval on August 9, 2023.
- Ridges of Ashley (Ashley Plantation)
 - 1st review comments sent to Botetourt County on August 9, 2023.
 - Waiting on resubmittal.
- Tucker Subdivision
 - Comments sent to Botetourt County on July 13, 2023.
 - Waiting on resubmittal.
- Plateau at Cedar Ridge
 - 1st submittal received on July 18, 2023.
 - Plans are currently under review.

- Greenfield Street Grading
 - 1st submittal received on July 17, 2023.
 - Plans are currently under review.
- Helms Storage Facility (Affordable Mini-Storage)
 - 1st submittal received on August 9, 2023.
 - Plans are currently under review.
- Roanoke Road Apartments (site plan for development)
 - 1st submittal plans and 3rd submittal TIA received on August 14, 2023.
 - Plans and TIA are currently under review.

Permits Issued:

- Permits issued between 07/19/2023 –08/07/2023:
 - 8 Utility Permits
 - 3 Private Entrances
 - 1 Maintenance of Traffic

Residency Projects

- **Contractor Mowing:** Contractor mowing is complete on primary routes.

Area Headquarters In-House Projects

● **Planned Routine Maintenance Work:**

- Blue Ridge Area:
 - Grading various gravel roads, adding stone where needed and dust control where necessary.
 - Mowing/trimming on primaries and some secondary roads.
 - Starting on PMSS 2023 Routes.
- Buchanan Area:
 - Grading various gravel roads, adding stone where needed and dust control when necessary.
 - Mowing/trimming on secondary roads.
 - Contract tree trimming on Route 11 (Lee Highway) near Limestone Park.
 - Tree trimming on Route 643 (Bobblets Gap Road / Mountain Valley Road)
 - Pipe replacement on Route 632 (River Road).
- Eagle Rock Area:
 - Continue mowing secondary routes. First round complete
 - Brush and tree removal on both primary and secondary routes.
 - Grading as weather permits. Guardrail mowing on secondary routes.
 - Pipe installations on various routes.
 - Dust control on gravel roads to begin as needed.
- Fincastle Area:
 - Grading various gravel roads, adding stone where needed and dust control where necessary.
 - Mow trimming on primaries and some secondary roads.
- Troutville Area:
 - Grading various gravel roads, adding stone where needed and dust control where necessary.
 - Ditching, patching various work orders throughout the Troutville area.
 - Mow trimming on primary routes and some secondary roads.
 - Machine shoulders on Route 11 (Lee Highway) and Route 220 (Roanoke Road).
 - Shoulder work along Route 11 (Lee Highway) and ALT-220 (Cloverdale Road).

Under drain on Route ALT-220 (Cloverdale Road), northbound lane.
Machine shoulders, shoulder repair, and ditching on Route 460, Blue Ridge Boulevard.
Mow trimming on Route 665, Country Club Road.
Pipe replacement on Route 723, Brickyard Road.
Pipe replacement on Route 1010, British Woods Drive.
Pipe replacement and patching on Route 1413, Knollwood Drive.
Tree trimming and patching in the Stratford Subdivision.

Mrs. White stated she appreciated the work done on Nace Road. She mentioned Pico Road, heading toward the elementary school and across the railroad tracks, having a lot of tractor trailer traffic and the shoulders are in bad shape. She stated if large vehicles meet there is no room for passing each other. Also, tractor trailers are knocking down limbs into the road. Mrs. White also reported she had heard a lot of concerns about exit ramp 168, south on I-81, is very short, and without good visibility. Specifically, the guardrail and bridge are high and you really cannot see oncoming traffic, creating a high risk of an accident. She stated she realizes the exit ramp cannot be extended, but maybe some signage would help.

Dr. Scothorn reported there is some type of failure in the piping underneath Highland Drive and also requested they take a look at Richardson Drive.

PRESENTATION BY MIKE MCEVOY, EXECUTIVE DIRECTOR, WESTERN VIRGINIA WATER AUTHORITY

Mr. McEvoy reviewed a PowerPoint presentation with the following highlights:

Presentation Overview:

1385 HGL Water Transmission Improvements

- Pipe and Pump Station Improvements
 - Water Distribution Reliability Improvements
- Sanderson Drive Interconnection
- Gibson Lane / Tinker Creek Water Main Installation
 - North Botetourt (Iron Gate) Distribution

Renovations:

- 1329 Water Transmission Improvements
- Master Plan Projects (unfunded)

1385 HGL-Exit 150 to Botetourt Commons Pump Station Waterline Replacement

- Replacement of approximately 2,000 LF of 8 8-inch water line with a 12 12-inch line.
- Coordinating with VDOT's I I-81 Smart Scale project.
- Anticipate construction to begin October 2023
- Total estimated cost: \$1.2M

1385 HGL-New Hollins Pump Station & Williamson Road Waterline

- Construction of a new water pump station.
- Anticipate construction to begin February 2024.
- New extension of 9,810 feet of 16-inch transmission main from proposed Hollins Pump Station.
- Total estimated cost for both projects: \$6M

Sanderson Drive Waterline Loop

- Project consists of installation of 5,000 feet of 12 -inch pipe to create a loop.

- Construction began July 2023
- Improves Reliability and Fire Protection
- Total cost: \$1.6M

Gibson Lane -Tinker Creek Waterline

- New extension of 10,400 feet of 16-inch transmission main
- 60% design completed. Easements needed.
- Anticipate construction to begin Summer 2024.
- Total estimated cost: \$5.5M

North Botetourt (Iron Gate) Waterline Improvements

- Acquired water system summer 2022.
- VDH provided \$400,000 grant for waterline construction improvements.
- Construction to be completed by Authority crews beginning October 2023.

1329 HGL - Cloverdale Waterline / Statesman Pump Station Upgrades

- Approximately 10,000 feet of new 12-inch water main.
- Pump station upgrades to increase capacity to Vinton, northeast Roanoke County and eastern Botetourt County.
- New FY24 CIP projects estimated at \$10M total with a FY26 completion

Master Plan Project

- Botetourt Commons Station Improvements
- Preliminary analysis recommends doubling the pumping capacity from 1 MGD to approximately 2 MGD and replacing approximately 300 linear feet of the existing 8-inch discharge pipe from the Pumping Station with a 12-inch line.
- Estimated Cost of \$1.1M (unfunded)
- Might Need Additional Distribution Storage

Master Plan Project - 1385 HGL Williamson Road Route 11 Transmission (Phase 3)

- Future Phase anticipate beginning design in FY27
- New extension of 8,000 feet of 16-inch transmission.
- Total estimated cost: \$4.4M (unfunded)

Masterplan Project – Ashley Sewer Lift Station Replacement

- Gravity Sewer Extension from Ashley Summit Lift Station to Tinker Creek Interceptor to eliminate the lift station
- Increases Residential and Industrial Capacity
- Cost Estimate of \$5M (unfunded)

Masterplan Project – Rainbow Forest Trunk Sewer

- Approximately 18,200 linear feet of 8 to 12-inch gravity sewer
- More than 90% of parcels serviceable with additional 8-inch main sewer collectors including Colonial Elementary School.
- Cost Estimate Estimate - \$7.4M

Discussion:

- Working with County Planning staff to have these projects added to the County's mapping and planning documents
- Other projects in the next 10 years include upgrades to the wastewater treatment plants located in Eagle Rock and Glen Wilton
- While not practical at this time, have looked at interconnection of stand-alone well systems such as Dal Dal-Nita Hills and Keswick Farms

-Would be happy to discuss partnering on projects with Botetourt County

Dr. Scothorn thanked Mr. McEvoy for his presentation and questioned how customer rates would be affected from the projects. Mr. McEvoy replied in October they will have their first water rate increase since 2015. He explained the amount of revenue would not come close to what is needed. He also responded to a question about customers transferring from Aqua should they want to. Mr. McEvoy replied that is not easy to do and Aqua would have to grant permission for the customer to leave and come to them, however, they do have a certificate of convenience that allows them to service that area. He stated they are not trying to obtain Aqua customers.

Mrs. White asked if there were any external funding options for these projects. Mr. McEvoy replied there are low interest loans, rural development (federal dollars), and since Covid there are other monies available for capital projects.

Mr. Clinton questioned if these projects would take care of things, overall. Mr. McEvoy replied it would likely get them through 20 years, but it just depends on growth. He noted Greenfield is at the end of the current system.

CONSIDER MOU FOR TRACK TRAIL AT CHERRY BLOSSOM TRAIL

Mandy Adkins, Director of Parks and Recreation, presented the Blue Ridge Parkway Foundation program, Kids in Parks, and explained it is a network of family-friendly outdoor adventures dedicated to getting families outside. The Kids in Parks program began in 2008 with the vision to improve the health of children and the health of parks by making existing trails more attractive and fun for novice users. The Kids in Parks program offers a network of family-friendly outdoor adventures called TRACK Trails. Each TRACK trail features self-guided brochures and signs that turn your visit into a fun and exciting outdoor experience. Children can earn prizes for tracking their adventures. She explained through a grant courtesy of Carilion Clinic and the Blue Ridge Parkway Foundation, Botetourt County had a unique opportunity to create a TRACK Trail at the Cherry Blossom Trail. Through this grant (valued at \$6,500) Botetourt County will receive the following:

- A TRACK Trails trailhead kiosk/sign frame, which is custom designed specific to the Cherry Blossom Trail.
- Four brochure holders
- Four sets of standard self-guided brochures (2,000 copies of each)
- A trail page on the [Kids in Parks website](#)
- Prizes disseminated to the Cherry Blossom TRACK Trail registrants.
- Annual data reports regarding the use of the Cherry Blossom TRACK trail users.

Botetourt County Parks and Recreation will be responsible for:

- Constructing and installing the TRACK trail trailhead kiosk
- Maintaining the appearance of the TRACK trail trailhead
- Purchasing and restocking the brochures as needed
- Maintaining the TRACK trail
- Coordinating a grand opening celebration

Two examples of TRACK Trails signs were shown.

Mrs. White asked the County Attorney if he had vetted the MOU and were there any concerns with it. Mr. Lockaby replied it is a basic MOU and comes with Mrs. Adkins' recommendation from an operational standpoint.

MOTION: That the Board approve the MOU for a TRACK Trail at Cherry Blossom Trail.

MOTION: Mrs. White

SECOND: Mr. Martin

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

RESOLUTION #23-08-07

CONSIDER ROUTE 220 CORRIDOR ANALYSIS SCOPE AND FEE

Jon Lanford, Assistant County Administrator, reviewed the proposed scope and fee for analysis of transportation options along US 220 from I-81 Exit 150 North to Catawba Road (Route 779). He noted several studies have looked at the area around Tinker Mountain Road, Botetourt Commons, with improvements and relocation of the Park and Ride and accommodations for the Appalachian Trail. He stated there have also been SmartScale applications, but none have received funding in the past six-year period. He explained it is atypical for a project that does not score well to be funded. He recommended engaging Scott Hodge and Mark Jamison with AECOM for review of Exit 150 to Catawba Road. He stated both are very respected engineers.

Mr. Clinton stated several studies were done for this years ago and he's not sure what this document would help because VDOT has to agree for this to be done. He asked if the document would be a resource to move forward or a cautionary way to not move forward. Mr. Lanford replied the value of the study is to look at the corridor in its entirety because historically it has been segmented. Mr. Lanford added with the land use component, the growth that is associated with that, could have value for future SmartScale projects. He stated there is a lot of opportunity to reroute some of the existing traffic at places and consolidate those into a single intersection for interstate, and also move some of the other traffic away from the intersection. He clarified this document would likely not be used to make a determination for future land use requests.

Dr. Scothorn asked if this would make a marked difference with SmartScale applications. Mr. Lanford replied it could because there is value in coming up with different projects, but it may require additional involvement down the road that the County may have to put some capital into.

Mr. Clinton stated nothing will happen unless it falls under SmartScale, with approval by VDOT and others. Mr. Lanford replied it is a good tool to have in our toolbox and offers us more knowledge and information.

Gary Larrowe, County Administrator, added that since 2016 we have wanted to get a study for the area running from Bonsack to International Highway, and bits and pieces were done along the way, but not a complete picture, and this study would tie it all together. He noted this would be a proactive approach to get more information. This study could help us get some dollars, or it may end up we have to invest some dollars. Bottom line, this would be something to direct VDOT on what the best solution is and is basically a third-party viewpoint of things, he said.

Mr. Clinton asked how this would be presented to VDOT. Mr. Lanford replied VDOT is a key player in the process and there had been conversations with VDOT already.

Mrs. White stated this would be a "guiding document" to look at future developments and asked how binding it is. Mr. Lanford replied it is at our discretion, but they will be on our side of the

table when it comes to meeting with developers for future projects so this information could be used as a negotiating tool.

Mrs. White stated she hadn't seen anything specifically about safety in the document and if we proceed with the study, we need attention to safe solutions for transportation. Mr. Larrowe replied safety concerns are incorporated, but not directly stated.

Dr. Bailey asked when the last study was done. Mr. Larrowe replied there had not been a comprehensive study, intermittent studies only.

Mr. Clinton stated we need to really push this and keep it front and center because this is going to require some attention.

MOTION: That the Board approve a Route 220 Corridor Analysis Scope and Fee be completed.

MOTION: Mr. Martin

SECOND: Dr. Bailey

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

RESOLUTION #23-08-08

CONSIDERATION OF THE ESTABLISHMENT OF A TAX RATE FOR CERTAIN SOLAR ENERGY FACILITIES IN THE COUNTY

David Moorman, deputy county administrator, explained solar energy facilities are alternative forms of energy, becoming more popular across the nation. He noted the two options available were (1) local taxation and (2) accept and receive revenues. The County Attorney added that companies tend to prefer the revenue share because it is flat rate whereas the tax starts out really high and then it declines over time, so if you look at the nominal value of the revenue stream over the facilities life, the local tax gives you more.

MOTION: That the Board authorize a public hearing in September to consider tax rate for solar energy facilities.

MOTION: Dr. Bailey

SECOND: Dr. Scothorn

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

RESOLUTION #23-08-09

APEX MONTHLY UPDATE

Nicole Pendleton reported their office did receive the plans and there have been no building permits. She noted the resubmittals were received on July 25, and have been distributed to independent and external plan reviewers.

APPOINTMENTS

The Board considered reappointments of Danny Agee and Dean Hackett to Parks and Recreation Commission for four-year terms expiring September 1, 2027.

MOTION: That the Board reappoint Danny Agee and Dean Hackett to Parks and Recreation Commission for four-year terms expiring September 1, 2027.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

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

RESOLUTION #23-08-10

The Board considered reappointments of David Moorman and Tony Zerrilla as Botetourt County representatives on Community Policy and Management Team (CPMT), for two-year terms expiring September 1, 2025.

MOTION: That the Board reappoint David Moorman and Tony Zerrilla as Botetourt County representatives on Community Policy and Management Team (CPMT) for two-year terms expiring September 1, 2025.

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

RESOLUTION #23-08-11

BOARD MEMBER COMMENTS

Dr. Scothorn recognized Khari Ryder in the audience and asked if he would like to give a brief report from the Chamber. Mr. Ryder thanked Dr. Scothorn for the opportunity to speak and noted the Chamber is working on a map that highlights our natural resources and they have been engaging with an out of state company to do this work. He stated they want this map to be the best it can be and once they start the design phase, they will work with Botetourt County staff. He stated he is looking forward to all the new businesses coming in and would love to help with ribbon cuttings. He reminded the Board of the upcoming agriculture dinner with Matt Lohr, Secretary of Agriculture and Forestry.

Mrs. White stated she is excited about the dinner and reminded everyone all the food for the dinner is produced in Botetourt County, including many donations.

Dr. Scothorn recessed the meeting at 3:53 p.m.

Dr. Scothorn called the meeting back to order at 6:00 p.m.

6:00 P.M. PUBLIC HEARINGS

Dr. Scothorn announced agenda item #19 would be presented first.

AMSTERDAM DISTRICT: CHARLES T. & WHITNEY C. CLEMENS REQUEST TO REZONE PORTIONS OF TWO PARCELS TOTALING 25.65 ACRES FROM THE RESIDENTIAL (R-1) USE DISTRICT TO THE AGRICULTURAL (A-1) USE DISTRICT, WITH POSSIBLE PROFFERED CONDITIONS AND A SPECIAL EXCEPTION PERMIT FOR A SPECIAL EVENTS FACILITY, WITH POSSIBLE CONDITIONS, AT 408 WENDOVER ROAD, DALEVILLE AND IDENTIFIED ON THE REAL PROPERTY IDENTIFICATION MAPS AS SECTION 101, PARCEL 83 & 84.

Jon McCoy reported to the Board that the applicant and owner had requested for the Board to table their request until the November meeting to consider and evaluate parking questions.

MOTION: That the Board table the rezoning and SEP request from Charles T. and Whitney C. Clemens until the November 26 meeting, per their request.

MOTION: Mr. Clinton

SECOND: Mr. Martin

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

RESOLUTION #23-08-12

CONSIDER COUNTYWIDE PUBLIC SAFETY RADIO SYSTEM PROPOSALS

Mr. Matthew Hinckle, Emergency Services Manager, presented and reviewed the proposals received for the Countywide Public Safety Radio Systems. He offered the following information:

On April 6, 2023 Botetourt County received two (2) proposal submissions for RFP #23-23804 (Public Safety Radio System). The two vendors that proffered offers were:

- L3Harris Corporation
- Motorola Solutions Inc.

Mr. Hinckle reported a thorough review of the Public Safety Radio system proposals had been completed by the Emergency Communications Committee in consultation with the County's third-party consultant Morcom International Inc. The Emergency Communications Committee consists of the following County employees:

Jason Ferguson – Fire Chief
Daniel Murray – Emergency Manager
Jeff Boone – Chief Deputy, Botetourt County Sheriff's Office
Scott Gathje – Captain, Botetourt County Sheriff's Office
Matthew Hinckle – Emergency Communications Systems Manager
(Manuel Ojeda – Consultant, Morcom International Inc.)

The Emergency Communications Committee met on August 11, 2023 and scored the vendors per the selection criteria laid out in RFP #23-23804. The final scoring was as follows:

Vendor	Score	Rank
Motorola Solutions Inc.	92.8	1
L3Harris Technologies Inc.	87.8	2

History of Emergency Communications in Botetourt County

1999 - County purchased and installed a 4 site UHF simulcast system at a cost of 3.5M (\$6.4M today).

2013 - The county did a partial technology refresh of the current system at a cost of \$500k (\$655k today).

2020 – Emergency Communications Committee formed to upgrade radio system.

2021 – County hires Morcom International as consultant to evaluate current radio system and make recommendations for a new system.

2023 – County released RFP for prospective vendors to provide new P25 trunked radio system.

Critical Criteria of a Radio System

Coverage – “Can you hear me now?”

Critical Uptime – 99.999% reliability

Capacity – How many users can the system support

Connectivity – To whom can you communicate

Cost

Selection Criteria

Total life cycle cost – 30 points
 Project approach and understanding – 25 points
 Proposed solution technology – 20 points
 Relevant experience – 10 points
 Presentation/Interview – 15 points
 Total of 100 points

Vendor Scores

Vendor	Lifecycle Cost 30 pts	Project Approach 25 pts	Proposed Solution 20 pts	Relevant Experience 10 pts	Demo / Interview 15 pts	Total 100 pts
L3Harris	25.4	19.8	17.6	10	15	87.8
Motorola Solutions	27.6	24.4	19.4	10	11.4	92.8

Projected Project Timeline

August 2023 Present to board and request permission to negotiate interim agreement with vendor

October 2023 Present to the Board interim agreement for approval. Request approval to enter final contract negotiations.

December 2023 Final Contract submitted to Board for approval

February 2024 Order placed with factory

March 2025 System constructed and installed

April – May 2025 Testing on system

June 2025 Coverage Acceptance Testing (CAT - coverage testing with maximum foliage)

July – August 2025 System cutover

Anticipated Costs and Funding

- Proposed system costs came in under initial expectations of \$25M
- Funding is to be determined; potentially with a mix of Capex and financing

Recommendation

The Emergency Communications Committee (ECC) unanimously voted to recommend the award of the Public Safety Radio System RFP 23-23804 to Motorola Solutions Inc.

The ECC recommended to the Board of Supervisors to approve the award of RFP #23-23804 to Motorola Solutions and direct County Staff and the County Attorney enter negotiations for an interim agreement. Should County staff negotiate a successful interim agreement with Motorola Solutions, the ECC would subsequently bring the agreement back to the Board for approval.

Mr. Clinton asked in comparing the two vendors, what was the difference in costs. Mr. Hinckle replied it was significant, but probably less than 10%.

Mr. Clinton asked who the project manager would be, specifically, where would they be located. Mr. Hinckle replied they are in Virginia.

Mrs. White stated she noticed the Committee did not include volunteers from Fire & EMS departments and would they be involved moving forward. Mr. Hinckle replied Chief Ferguson holds monthly meetings with his Fire & EMS departments and then brings their concerns and questions to the ECC, so yes, they do and will have input moving forward.

Mrs. White stated as a resident of a "less covered" area, such as Oriskany and Arcadia, would this be the best solution for us. Mr. Hinckle replied he has tried to find land in Arcadia to put up a tower site, but either you can't get from there back to the system, or the mountain tops are owned by federal government or a conservancy. He stated the committee believes this is the best solution.

Mrs. White asked the lifespan of the system. Mr. Hinckle replied 15 plus years with an upgrade around year 6, but they did not ask the vendors to go past 10 years.

Dr. Bailey stated the system we have now versus what we want, is analog versus digital, for better coverage. Mr. Hinckle added this helps to communicate more effectively with our neighbors and the only county around us that is not digital is Craig County, but they are on their way and are actually ahead of Botetourt in the process.

Dr. Scothorn presented a scenario that if he had a handheld and the vehicle in another area with the mountain between us, would the signal reach. Mr. Hinckle replied probably not, even though this system is more powerful, there would still be a mountain between you.

Mr. Hinckle stated he would eventually like to get a technician on board but that would not happen for probably two years.

MOTION: That the Board approve Motorola Solutions Inc. as the awarded vendor for RFP #23 23804 and authorize county staff to enter contract negotiations with Motorola Solutions Inc. for the procurement of the Public Safety Radio System.

MOTION: Dr. Bailey

SECOND: Mr. Martin

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

RESOLUTION: #23-08-13

AMSTERDAM DISTRICT: THE BOTETOURT COUNTY BOARD OF SUPERVISORS HAVE AUTHORIZED CONSIDERATION OF A PROPERTY OWNER-INITIATED PETITION FOR AN AMENDMENT TO THE 2010 COMPREHENSIVE PLAN'S FUTURE LAND USE MAP #9 IN ACCORDANCE WITH SECTION 25-581.3 COMPREHENSIVE PLAN AMENDMENT-OWNER INITIATED AND SECTION 25-581.4 COMPREHENSIVE PLAN AMENDMENT AND REVIEW, TO AMEND THE FUTURE LAND USE DESIGNATION FROM MIXED USE HIGHWAY COMMERCIAL TO INDUSTRIAL / FLEX FOR A 49.9-ACRE PARCEL, LOCATED ON LEE HWY (US ROUTE 11), APPROXIMATELY 0.10 MILES SOUTHWEST OF ITS INTERSECTION WITH OLD RT 604 (SR 811), IDENTIFIED ON THE REAL PROPERTY IDENTIFICATION MAPS OF BOTETOURT COUNTY AS SECTION 101, PARCEL 145.

AMSTERDAM DISTRICT: SR INVESTMENTS INC. REQUESTS TO REZONE A 49.9-ACRE PARCEL FROM THE BUSINESS (B-2) USE DISTRICT TO THE INDUSTRIAL (M-1) USE DISTRICT, WITH POSSIBLE PROFFERED CONDITIONS, IN ACCORDANCE WITH SECTION 25-323.- PERMITTED USES AND SEC. 25-581. - ZONING MAP AMENDMENT OWNER-INITIATED., AS WELL AS A SPECIAL EXCEPTION PERMIT PERTAINING TO BUILDING HEIGHT IN ACCORDANCE WITH SECTION 25-326(D) BUILDING REQUIREMENTS AND SECTION 25-583. – SPECIAL EXCEPTIONS OF THE BOTETOURT COUNTY CODE, LOCATED ON LEE HWY (US ROUTE 11), APPROXIMATELY 0.10 MILES SOUTHWEST OF ITS INTERSECTION WITH OLD RT 604 (SR 811), IDENTIFIED ON THE REAL PROPERTY IDENTIFICATION MAPS OF BOTETOURT COUNTY AS SECTION 101, PARCEL 145.

Nicole Pendleton reviewed the following Staff Report that was included in the agenda packet:

Planning Commission Recommendation:

On a vote of 5:0, the Planning Commission recommended unanimous approval of the Comprehensive Plan amendment for the Future Land Use Map #9.

On a vote of 5:0, the Planning Commission recommended unanimous approval of the Industrial (M-1) rezoning request with the following proffered conditions:

- 1) The project shall be constructed in substantial conformance with the concept plan, titled “Preliminary Layout & Grading”, prepared by AES Consulting Engineers. and dated 07/14/2023.
- 2) Prior to the issuance of the first building permit, Gateway Grid shall coordinate with the Chief of Botetourt County Fire/EMS to provide information satisfactory to the Chief to develop an emergency operations plan that contains, at a minimum, guidance and pertinent information regarding the roles, responsibilities, and chain of communication and command of the System Owner / Operator, Property Owner, and other required Subject Mater Experts (SMEs) for preparing for, and safely responding to, a fire, explosion, or other incident requiring a public safety response at the energy storage facility. During the operating life span of this installation, it is expected that this document shall be reviewed annually, with all pertinent information updated as required. Training will also be provided as part of the plan and provided at a frequency determined by the Chief of Fire/EMS and/or as the plan is updated.
- 3) Signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
- 4) For the initial installation, addition, renewal, renovation, or repair of the system, Gateway Grid shall provide documentation prepared by a registered engineer in the Commonwealth of Virginia or third party approved by the County indicating that the system and system components have been designed and verified to meet all applicable safety standards.
- 5) Noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not violate provisions of the Botetourt County Noise Ordinance.
- 6) All on-site utility lines shall be placed underground to the extent feasible and as

permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation. The method of ensuring that funds will be available for decommissioning and restoration.

- 7) Prior to site plan approval, the applicant shall submit a decommissioning plan, certified by an engineer with a professional engineering license in the Commonwealth of Virginia, which shall include the following:
 - a. The anticipated life of the project.
 - b. The estimated decommissioning cost in current dollars.
 - c. How the estimate was determined.
 - d. The method of ensuring that funds will be available for decommissioning and restoration.
 - e. The method that the decommissioning cost will be kept current.
 - f. The way the project will be decommissioned, and the site restored.
 - g. Decommissioning of discontinued or abandoned system shall include the following:
 - I. Physical removal of all above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings retrofitted for another purpose, or if a written request is submitted by the landowner and approved by the zoning administrator that such roads remain;
 - II. Reasonable restoration of the real property, including soil stabilization and revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices;
 - III. Proper disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
 - h) Absent notice of a proposed date of decommissioning, the system shall be considered abandoned when the system fails to operate for more than 18 months without the written consent of the zoning administrator. The county shall determine at its discretion what proportion of the system is inoperable for the system to be considered abandoned. If the applicant fails to remove the facility in accordance with the requirements of this section within 18 months of abandonment or the proposed date of decommissioning, the county or its agents shall have the authority to enter the property without further need of consent of the owner and physically remove the system and the costs of such removal shall be at the owner's expense. At such time that the facility is known to be abandoned or discontinued, the owner shall notify the zoning administrator within ten days of such knowledge of the proposed date of discontinued operations and plans for removal. The owner or operator shall physically remove the system and restore the site no more than 18 months after the date of discontinued operation.
 - i) Prior to obtaining a building and zoning permit, and on every fourth anniversary of the commencement of the operation of the project, Gateway Grid shall provide the county an estimate of the projected cost of decommissioning, as stated in the decommissioning plan.
- 8) Prior to the issuance of the first building permit, Gateway Grid shall meet, discuss, negotiate, and execute a mutually agreed upon siting agreement with Botetourt

County. The sitting agreement may include terms and conditions, including mitigation of any impacts of the energy storage project and financial compensation provided to Botetourt County to address capital needs as adopted by the county's (a) capital improvement plan (b) current fiscal budget or (c) fiscal fund balance policy.

- 9) Prior to the issuance of the first building permit, Gateway Grid will provide evidence of its ability to operate within PJM.

On a vote of 5:0, the Planning Commission recommended unanimous approval of the SEP for building height.

Staff Comments:

The Planning Commission originally heard this request in June. Based on staff's request to work further with the applicant on proposed proffers and coordination with the Chief of Fire and EMS, the Planning Commission tabled the request until this month. The application also provided an updated site layout that addressed limits of disturbance as well as sight lines from Interstate 81 and US Route 11. They also reviewed and heard information from the applicant regarding slopes, grading, remaining tree coverage and decommissioning. No public comments have been received since the June 2023 public hearing.

Dr. Bailey asked Mrs. Pendleton if she had any idea how much a bond would be. She replied she did not.

Mrs. White stated she had read about other facilities like this and was concerned about fires. The Applicant replied the batteries are designed to prevent propagation. He further explained during the design process they tend to be on the stronger end of safety performance. Also, they are designed in self-contained modular systems that are monitored 24/7. The monitoring is done by automated systems within the battery itself and would self-isolate. If it goes beyond the automated system, there are remote options to shut it down by an actual person. The goal is to prevent overheating so there is a series of steps to occur. If an event did occur, such as fire, the design comes into play to prevent the propagation, meaning it won't spread, and actually applying water to it extends the fire. The best process is to let it burn out itself, which could last 4-6 hours to burn out. He noted there are two facilities in Texas and one in California. The batteries sit back-to-back with a combined 8x9x30 feet and there are vents in the top that runs fans to cool the system to keep it at a steady temperature.

Dr. Scothorn asked what happens if a portion of the solar panel goes bad. The Applicant replied Tesla sends another panel out. He further explained that if something is underperforming, they send maintenance personnel to assess, and they can pull out and replace individual batteries. He noted these are the same batteries used in Electric Vehicles and weigh about 70 pounds each.

Mrs. White questioned having a water supply. The Applicant replied there are no liquids in the batteries and the best Firefighter technique is to let them burn out on their own. He noted they do have a stormwater system to capture the water run-off in the unlikely event of a fire; however, the site is designed to be self-contained.

Mr. Clinton asked what the actual benefits are to having this facility. The Applicant replied the main function is to charge and discharge the batteries. He noted every day the grid has peaks and valleys and the battery will chop off the "peak" usage. For example, they could be waiting there for AEP to call us for power but the benefit of the battery is it takes seconds to minutes to turn it on, making the existing grid more efficient.

Mr. Clinton questioned if there would be any dollars saved. The Applicant explained AEP pays them for the power, which would help to solve or prevent additional utility upgrades from new lines and new substations. He further explained when the grid isn't producing enough power, they will generally build bigger lines/substations, but this would help prevent future maintenance and upgrades with the existing utilities.

Dr. Scothorn opened the public hearing.

Danny Goad, Valley District

Mr. Goad expressed concern with the building being constructed at the top of the hill recalling there had been a spill in that area in the past and a big fish kill resulted across Lee Highway. He also emphasized the importance of emergency services having the proper training to know to not put water on the system in the event of fire. He concluded that most of the time you would have someone physically at the plant to provide direction to control emergencies.

The Applicant responded to Mr. Goad's concerns regarding run off. He explained the batteries do not contain liquids; therefore, they should not run off into the tributaries. He further explained the storm water system is still being designed. As for emergency training, he had met with Chief Ferguson and the commitment they have with the company, operator, and manufacturer on the contract is to work with emergency services to develop an emergency response plan, with a chain of command, in the event of a thermal event, and also back that up with annual training or training requested by the Botetourt County Fire Chief.

Mr. Clinton asked for confirmation that if a catastrophic event would occur, then the neighborhood grid would be unaffected. The Applicant replied that is correct and the system is designed to prevent negative effects to the grid.

Having no other citizens wishing to address the Board, Dr. Scothorn closed the public hearing.

MOTION: That the Board approve the Comprehensive Plan Amendment for the Future Land Use Map request on the property of SR Investments Inc., as recommended by the Planning Commission.

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

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

RESOLUTION #23-08-14

MOTION: That the Board approve the Industrial (M-1) rezoning request on the property of SR Investments Inc. with the nine proffered conditions submitted by the applicant, and as recommended by the Planning Commission and included in the extract prepared by staff.

MOTION: Mr. Clinton

SECOND: Mr. Martin

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

RESOLUTION #23-08-15

MOTION: That the Board approve the building height Special Exception Permit request on the property of SR Investments Inc. as recommended by the Planning Commission and as included in the extract prepared by staff.

MOTION: Dr. Bailey

SECOND: Dr. Scothorn

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #23-08-16

AMSTERDAM DISTRICT: 1645 ROANOKE ROAD LLC REQUESTS A SPECIAL EXCEPTION PERMIT FOR A MEDICAL CARE FACILITY, WITH POSSIBLE CONDITIONS, IN THE BUSINESS (B-1) USE DISTRICT AND GATEWAY CORRIDOR OVERLAY DISTRICT, AT 1645 ROANOKE ROAD, DALEVILLE AND IDENTIFIED ON THE REAL PROPERTY IDENTIFICATION MAPS AS SECTION 101, PARCEL 19.

Nick Baker presented the request noting it is estimated there would be 8-10 patients per day and the applicant agreed to the SEP condition of this facility not being used as a drug rehabilitation clinic.

The following staff report was provided to the Board:

Planning Commission Recommendation:

On a vote of 5:0, the Planning Commission recommended unanimous approval for a medical care facility in the Business (B-1) Use District and Gateway Corridor Overlay District with the following one condition:

1. The special exception permit for the Medical Care Facility shall not allow a drug rehabilitation clinic.

Staff Comments:

The Planning Commission agreed with the need for this type of medical care facility in Botetourt, noting that the need would only increase. No public comments had been received on this request.

Mr. Baker asked if there were any questions from the Board.

Mrs. White asked the applicant if she practices at LewisGale Salem. The Applicant replied she has had her own practice for the last three years; however, she served as a registered nurse since 2006, and had been an independent Psychiatric Practitioner since 2016, adding that she would be at this facility full-time.

Dr. Scothorn declared the public hearing open. Having no citizens wishing to address the Board, the public hearing was closed.

MOTION: That the Board approve the Special Exception Permit for a medical care facility on the property of 1645 Roanoke Road LLC as recommended by the Planning Commission with the following one condition:

1. The special exception permit for the Medical Care Facility shall not allow a drug rehabilitation clinic.

MOTION: Mr. Clinton

SECOND: Mrs. White

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

RESOLUTION #23-08-17

VALLEY DISTRICT: MARTLET GROUP PROPERTIES LLC REQUESTS A SPECIAL EXCEPTION PERMIT FOR COMMERCIAL RECREATION USES, INDOOR, WITH POSSIBLE CONDITIONS, IN THE SHOPPING CENTER (SC) USE DISTRICT AND GATEWAY CORRIDOR OVERLAY DISTRICT, AT 2708 LEE HIGHWAY AND IDENTIFIED ON THE REAL PROPERTY IDENTIFICATION MAPS AS SECTION 101, PARCEL 175A.

Drew Pearson reviewed the following staff report provided to the Board:

Planning Commission Recommendation:

The Planning Commission recommended conditional approval of the SEP for a Commercial Recreation Uses, Indoors, with a unanimous vote of 5:0:0:0 with the following six conditions:

1. The commercial recreation uses shall only be allowed within the tenant space located at 2708 Lee Highway.
2. The commercial recreation uses shall be limited to bingo and batting cages.
3. The commercial recreation uses shall be developed and only occupy the portions of the tenant space as shown on the floorplan and front elevation plan included in the application.
4. Compliance with the Virginia Building Code and an updated Certificate of Occupancy shall be required prior to the commencement of the commercial recreation uses.
5. Noise generated by the development shall not violate provisions 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.

Staff Comments:

No public comments were presented before or during the public hearing. In response to questions from the Planning Commission, the applicant stated that the existing non-profit fitness center would continue serving school age children and the purpose of the commercial recreational uses was to subsidize the cost of operating the fitness center. They further explained that the fitness center would not operate at the same time that bingo games are conducted.

Mr. Pearson asked if there were any questions for Mr. Stewart (the Applicant) from the Board.

Mr. Stewart addressed the Board and stated when he moved back to the area, he realized kids needed something like this so he bought the building, which was vacant since 2009, and he put over \$1M in the building to renovate it with the goal of giving back to the community and helping kids train. He stated the BINGO hours would likely be from 1:00 p.m. - 5:00 p.m. or 6:00 p.m. - 10:00 p.m. He noted Botetourt County only allows two days per week, although the state of Virginia allows seven days per week. He noted their days of operation would likely be Saturdays and Sundays.

Dr. Scothorn asked if this would be a smoking facility. Mr. Stewart replied there would be no smoking allowed inside the building, but they would have smoking pots available outside for proper disposal.

Mrs. White asked how the nonprofit would be set up and where the proceeds would go. Mr. Stewart replied the nonprofit would administer the BINGO, capture it in its own account, give a percentage back to the state, and then the charity has the funds to buy equipment, pay coaches, etc. He noted he is the Director of the nonprofit and this would be a way for them to be able to pay for the operations of the facility, marketing, equipment, and coaches. He stated they currently have 65 kids registered and they offer CrossFit, tumbling, and wrestling as well as training the Lord Botetourt High School volleyball team.

Mrs. White asked what they are doing from a marketing standpoint. Mr. Stewart replied they

are licensed with the state of Virginia and are meeting with a representative next week, but right now their marketing consists of “word of mouth”. Mr. Stewart emphasized how the activities build confidence, social health, physical health, and mental health for the kids. Dr. Scothorn asked if food and drinks would be available for purchase. Mr. Stewart replied they are looking at having food catered with a simple and easy menu, but no food would be cooked in house.

Dr. Scothorn opened the public hearing.

Ashley Witson, Buchanan District

Ms. Witson stated her reasons to support Mr. Stewart and this endeavor were:

- Helps our kids get involved.
- BINGO is good for a community.
- Social interaction, feel like part of a community.
- Fosters a sense of belonging.
- Keeps minds sharp.
- Parents makes it more affordable for kids to participate in wrestling or other sports.
- Teaches them responsibility and helps them “buy in”.

Don Crook, Valley District

Mr. Crook stated he and Mr. Stewart went to high school together and he was there to support him as he tries to reinvest in our children and community. He stated Mr. Stewart respects the kids and treats them right. He stated bringing the BINGO to help supplement the costs is a good idea and the right thing to do because it brings the community together in a good atmosphere.

Having no other citizens wishing to address the Board, Dr. Scothorn closed the public hearing.

MOTION: That the Board conditionally approve the Commercial Recreation Uses, Indoor Special Exception Permit request on the property of Martlet Group Properties LLC, as recommended by the Planning Commission, subject to the following conditions:

1. The commercial recreation uses shall only be allowed within the tenant space located at 2708 Lee Highway.
2. The commercial recreation uses shall be limited to BINGO and batting cages.
3. The commercial recreation uses shall be developed and only occupy the portions of the tenant space as shown on the floorplan and front elevation plan included in the application.
4. Compliance with the Virginia Building Code and an updated Certificate of Occupancy shall be required prior to the commencement of the commercial recreation uses.
5. Noise generated by the development shall not violate provisions 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.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

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

RESOLUTION #23-08-18

ADJOURNMENT

MOTION: That the meeting be adjourned.

MOTION: Mr. Martin

SECOND: Dr. Bailey

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

TIME: 7:25 p.m.