

BOTETOURT COUNTY BOARD OF SUPERVISORS

MINUTES OF SEPTEMBER 26, 2023

The regular meeting of the Botetourt County Board of Supervisors was held on September 26, 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 12:36 p.m. Dr. Scothorn arrived at 1:10 p.m.

On motion by Mrs. White, 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 district (including Greenfield).
- 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), Blue Ridge, Buchanan, Fincastle, and Valley Districts.
- Section 2.2-3711.A.8 - Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice regarding Courthouse Bid Package A.

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #23-09-01

Dr. Scothorn called the meeting back to order at 2:00 p.m.

On motion by Mr. Martin, seconded by Dr. Bailey, 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 #23-09-02

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

INTRODUCTIONS AND RECOGNITIONS

- a) Traci Clark, president of the Voter Registrars Association of Virginia
- b) Chelsea Wood - Eagle Rock Library Branch Manager
- c) Rachel McEldowney - Youth Services Coordinator, Blue Ridge Library
- d) Robert Johnson- Deputy Chief of Fire & EMS (Ferguson)

CITIZEN COMMENT PERIOD

Stephen Johnson, Fincastle District (Comment received via Citizen Comment Form)

"I support rebuilding of the rail trail between Eagle Rock and Newcastle. Most of it is already being used as access to property along Craig Creek. It would be a shame to let this opportunity slip by. Visit the nearby Jackson River trail and Greenbriar River trail to see similar trail rebuilds."

Anna Lawson, Amsterdam District (Comment received via Citizen Comment Form)

"Thank you for your steadfast refusal to ban books in our Botetourt County libraries."

Taylor Spellman, Amsterdam District (Comment received via Citizen Comment Form)

"I am in support of the proposed Craig Botetourt Scenic Trail and urge the Board of Supervisors to champion this transformative project. As a Botetourt County citizen, I believe that this project will bolster the regional economy while also enriching the lives of residents and visitors alike by providing a versatile recreational asset and fostering a thriving environment for businesses and entrepreneurs."

James Kern, Fincastle District (Comment received via Citizen Comment Form)

"I am a member of the Craig Botetourt Scenic Trail committee organized by Botetourt County. I sought to be involved in the project over a year ago, as having previously lived in the Roanoke Valley for over 4 decades, I have witnessed the positive impact of community trail systems. Landowners representing both pro and anti-trail sentiments are included in the committee. Local officials and VDOT representatives have been very attentive to all of the views expressed at our meetings and I believe will be able to address all legitimate concerns. Having built our current home near Eagle Rock I have a keen understanding of the need to breathe some new life into the community. Over the past 10 years I have watched the declining enrollment in Eagle Rock Elementary and the continued deterioration of the village of Eagle Rock. The vast majority of people I know in the community are enthusiastically supportive of the trail. The proven health, social and economic benefits of these types of recreational projects are well documented. It is unfortunate that a small handful of individuals have garnered so much attention as they seek to deny the legitimate use of property owned by all the citizens of Virginia. Please know that there is a tremendous amount of support for the project and it will be of great benefit to Botetourt County. Thank you for your service."

Lori Emry, Amsterdam District (Comment received via Citizen Comment Form)

"I am in favor of taking advantage of the land available to make a great trail for all our citizens to use. This is a big draw for all outdoor enthusiasts. I am looking forward to seeing this completed!"

Daniel Bratcher, Buchanan District (Comment received via Citizen Comment Form)

"I fully support the creation of the Botetourt-Craig bike trail, other than hunting, there is little or no recreational opportunities in the area where the trail will be created. Having ridden on many

rail trails and I know the positive impacts such a trail will make. Low environmental impact on the area combined with positive economic impact will help the area with more tourism. The tourism will side area businesses with more visitors for accommodations and restaurants.”

Theresa Conti, Richmond, Virginia (Comment received via Citizen Comment Form)

“There is not a community anywhere who has regretted building out access to a natural resource and inviting others to use it and spend their money locally.”

Tim Shank, Amsterdam District (Comment received via Citizen Comment Form)

“I think the trail would be a wonderful addition to the area. It would give local residents a safe place to walk and get some exercise. Also, it is a beautiful area and would bring in some much-needed revenue. It has been proven to improve the health of the local people as it gives them a great area to exercise, walk or just be in nature. It gets my full support.”

Fred Jeter, Blue Ridge District (Comment received via Citizen Comment Form)

“Botetourt County Supervisor members, please support moving forward with this trail. It is an unused asset in the county. Once the trail is repaired and operable it will provide recreation and health benefits to a broad spectrum of the population. Given it is relatively flat; old, young, fit and the not so fit who want to improve their health will be able to enjoy the trail. Thank you.”

Thomas Landon, New Castle, Virginia (Comment received via Citizen Comment Form)

“I am writing in support of Craig-Botetourt Rail Trail project. As a newcomer to Craig County, let me first say that I appreciate the fact that I’m “not from around here.” I respect the opinions of those who oppose the trail on reasonable grounds, but I also believe that a lot of the opposition to the trail is not rooted in the facts. I attended a meeting a few months ago led by a representative of VDOT and was curious to hear his thoughts on some of the main points of the opposition regarding the potential use of eminent domain or the cancellation of previous agreements on right of way, as well as the impact of the trail on communities like Oriskany. I was pleased to hear that there are no plans to take anyone’s private property for the project, and that communities would have a voice in the location of things like parking areas and restroom facilities. If that were not the case, I would not support the project. It is my hope that as more information is released about the project, many opponents might become supporters. The main reason my wife and I purchased our property on Craigs Creek is that we are avid outdoors people. We enjoy hiking, fishing, kayaking and biking. Our home is not along the proposed trail, but within a quarter mile of it. The opportunity to walk safely to see neighbors who live a few miles downstream, to bike to town, or to access national forest roads would be a huge benefit to us, and one that I believe would increase both our fitness and the value of our property. As a biker who has ridden regional trails like the Virginia Creeper in Damascus and the New River Trail in Allisonia, I have not witnessed the negatives that trail opponents expect with this new trail. Regarding increased litter: On a recent run on the Creeper Trail in Abingdon I ran for two miles without seeing ONE piece of trash. There were no soda cans, beer cans, fast food wrappers, discarded deer carcasses, or any of the other litter that I’ve observed on the rail bed that we frequently walk near Fenwick Mines. Regarding unruly users or “outsiders” using the trail: what I saw on the Creeper was locals getting their morning exercise, along with bikers from all over riding quietly. I read a study recently that indicated that 70% of the users of the Creeper Trail are locals, not strangers. Regarding cost to localities: while it’s impossible to say just yet how the Craig/Botetourt Trail will contribute to the local economy, it’s clear from the research that communities like Damascus have benefitted greatly from those people who do travel to ride the trail. Visitors increase the tax base by spending money without using local services. With the rising cost of things like schools, fire and police, the governments in our two counties need to be looking for ways to have outsiders contribute to our local budgets.

Communities like Abingdon and Damascus have not reported massive increases in emergency calls to service those on the trails, and the presence of the trails entice people to come and stay overnight in the area, which leads to increased revenue for meals taxes, groceries, and supplies. I do understand that those who live next to the already existing right of way feel like they are losing their property rights, but in this case the right of way has always belonged to all citizens of the state, and that fact was clear when people bought their property. Returning this public land to public use will be a benefit to everyone, including those who live right on the trail. Their children will be able to safely ride bikes or walk to see neighbors without having to go on busy roads, and their health will benefit from having easy access to a walking trail. I hope that proponents and opponents of the trail can have civilized, fact-based discussions of the ramifications of completing the trail. I for one am willing to engage in reasonable discussions with my neighbors regarding the trail, especially as more information becomes public regarding its path."

Betty Painter, Amsterdam District (Comment received via Citizen Comment Form)

"I am definitely in favor of the scenic trail--what a great idea and opportunity."

David Corman, Blue Ridge District (Comment received via Citizen Comment Form)

"Always support trails, for the health of our citizens and our local economy!! This is an absolute no-brainer. Pass unanimous!"

Daniel Bratcher, Buchanan District (Comment received via Citizen Comment Form)

"I fully support a new rail trail in Botetourt County. I have ridden many trails, for 100's of miles and know them to be very safe for bicyclists, bringing in tourists and cyclists from all around. The trail will add commerce to the local economies."

Elwood Stewart, Buchanan District (Comment received via Citizen Comment Form)

"I wish to show support for the Craig-Botetourt Scenic Trail."

Barry Trent, Blue Ridge District (Comment received via Citizen Comment Form)

"Thank you for exploring the possibilities for the Craig-Botetourt Scenic Trail. I personally enjoy biking and hiking and embrace the health and scenic benefits of the region's growing trail systems. As a life-long resident of Roanoke County, I have always appreciated the beauty of the Craig Creek corridor but did not appreciate the historic value of this area until reading the background information. The trail would be a great way of sharing the beauty and history of this area with others without negatively impacting the rural nature of this area. It's a rare opportunity to have 26 miles of right-of-way owned by VDOT and available for trail development. The sections of the proposed trail that would "share the road" are low volume traffic volume and should not present safety issues. I look forward to following the development of this trail!"

Ruth Sellers, Fincastle District

Ms. Sellers stated she was still trying to defeat the trail that is going to be such a dangerous situation. She explained her thoughts are about the safety of this trail and there were so many small things she could say about it. She stated so much money is going to be spent and money in Botetourt County is definitely needed for other things, such as bad roads. She asked if there was anything that the Board could come up with to stop this trail. She stated they were told by VDOT that it is not a done deal yet so they are still trying to stop this because they do not want this trail and there are thousands of us against it.

Charles Ruhl

Mr. Ruhl stated judging the budget and fiscal situation of the County shows the Board to not be fiscally conservative, and with library books they have shown to not be conservative either. He stated he and his wife pray for the Board every day in hopes that their hearts will be touched and minds changed.

Russ Bennett, Amsterdam District

"I'm speaking on behalf of the children of Botetourt County...particularly those who frequent our libraries. During the past several months we have undertaken a sort of debate. One side has wanted to maintain the current library policies on keeping sexual materials for children on the library shelves. The other side asked to have these books removed to protect the innocence of our children. I'm part of this group, BRACE (Botetourt Residents Against Child Exploitation). Please visit our website WeAreBRACE.org. Our side wants to establish "community standards". I hope that phrase doesn't sound threatening. Recall from our earlier discussions on some legal aspects that the Supreme Court ruled against the American Library Association stating that, "Libraries have wide discretion to exclude pornography and other sexually explicit material" and that "...a library's interest in protecting its minor patrons from harmful sexual materials is not only legitimate, but compelling." Therefore, we are able and must establish local standards which will not look like those in San Fransisco or even Fairfax County. Currently, we do not have community standards in Botetourt County, but we simply accept t the full authority of the library director. Unfortunately, the Library Board of Trustees does not qualify as an independent community source of input, which needs to incorporate a moral assessment in selection or removal of books. One approach is simply to stop the acquisition of children's books that contain sexual themes. For parents who are determined to provide these materials for their own children, they are readily available and may be acquired for free from the American Library Association, which promotes these books. Within our region, the Salem Library has moved similar books out of the reach of children to an adult section. That is a positive development. To our supervisors, let's get back to work to fully resolve this issue. Thank you."

Vickie Graham, Fincastle District

"Good afternoon, Supervisors. Supervisors White and Clinton, I would like to thank you for coming to see the Trail Information Exhibit presented by DeRail at the Fincastle Library. In a conversation we had, Supervisor White, you suggested that we "ask" rather than "fight for" our interests. Let me give you some examples of why we fight.

- 1. Early on, a group of DeRail members, after some effort, met with Delegate Terry Austin. When voicing our concerns, we were told more times than I can count on one hand, "The State owns the road and can do with it what it wants." Our concerns were totally dismissed. As we got up to leave, he said, "Please vote for me in November."*
- 2. I was one of two members of DeRail who observed at a Citizen's Committee Meeting. You know, those meetings we are told take place regularly. (There have been two in nine months.) We knew more than those that supposedly were representing us. It was the hardest meeting I have ever sat through. I literally had to put my hand over my mouth.*
- 3. Three members of DeRail attended a Trail meeting that was listed on the county calendar, fully expecting to observe only. We were allowed to sit at the table and participate. I dare say those 19 or so seemingly pro trail, government, Roanoke representatives and VDOT members would not have discussed any of the truly negative issues if we had not brought them up. Again, we heard from Delegate Austin who was there. He looked up from his phone long enough to offer the suggestion of combination*

locks on the gates at either end of the emergency road. Oh yes, and he said, "There will be cameras."

This meeting was reported in the Roanoke Times on September 1, 2023, in the article entitled, "Trail Planning Continues". Information was provided to the reported via email from VDOT. A paragraph from that report states, "On Tuesday, highway department representatives and Del. Terry Austin, R-Botetourt, who has been a booster of the Craig Botetourt trail, met with two members of the DeRail group to share updates, including a potential start to construction in the winter of 2024-25". Would you call that "spin"? Truth said in a way to cause you to believe untruth? And they couldn't even get the number of DeRail members right. Recently, Delegate Austin told members of the General Assembly that there is a group of 14 or 15 people that have issue with the trail. He said he sees no issue. After the VDOT Citizen Information Meetings, he can no longer hold to that number. I feel like I spend a lot of time correcting misinformation. My statement here was intended to set the record straight. Hopefully I can move on to something more productive from this point. Maybe even something that you, as board members, could engage in."

Jessica McGuire, Valley District

Ms. McGuire thanked the Board for hearing her concern. She noted she is the president of the Cypress Court HOA with 3,900 homeowners in their community. She reported there is a culvert under their driveway that she understands is their liability; however, they contest the recent water runoff issues they are being asked to process. She explained in 2018 they started noticing the amount of runoff was no longer a normal amount and their HOA paid over \$20,000 to clean up the excess sand, silt, and debris, but some of the homeowners cannot pay their fees in a lump sum. Again in 2020, more water dumped in, and the excess mud flow was coming from a sink hole on Highland Drive. She stated they should not be responsible for this debris from the sink hole. She noted there was a pipe under Highland Manor that broke causing the sink hole, which was filled in with dirt and sand by VDOT. She stated they are asking for help with the excess amount of dirt from the sink hole.

Donna Smith, Buchanan District

"Good afternoon. The three of us are here today representing The Cottages of Steeplechase HOA. We are seeking assistance from the Botetourt County Board of Supervisors to potentially expedite the process of incorporating our three private streets into the VDOT system. Responsibility for these private roads currently belongs to First Bank of Virginia. However, at some point in the future, the roads will be the responsibility of The Cottages of Steeplechase HOA if not incorporated into the VDOT system. The Board of Directors of The Cottages of Steeplechase HOA have been told that no inspection report was ever filed for these roads. Due to this fact, Botetourt County and First Bank of Virginia hired ECS Mid-Atlantic, LLC, in August 2022 to obtain core samples from various areas of the roads. This request was to determine pavement depths and CBR tests for the private roads. Interpretation of the report from ECS Mid-Atlantic dated September 2022 indicates that the complete core samples were more than adequate to handle the anticipated average daily traffic that these roads would experience. The HOA Board of Directors has considered three facts concerning our roads. First, Primrose Court, Sunrise Lane, and Carrington Court were all completed at the same time and in the same manner as Teresa Lane. Second, Teresa Lane has already been accepted by VDOT. Third, the ECS Mid-Atlantic report indicates favorable core sample results on the three private streets. These three facts are evidence to our Board of Directors that all of these streets meet VDOT standards. Based on these facts, the Board of Directors of The Cottages of Steeplechase are requesting that Primrose Court, Sunrise Lane, and Carrington Court be incorporated into the VDOT system. As always, we appreciate any support and guidance the County may be able to

provide in our efforts. Thank you in advance for your careful consideration. The HOA Board of Directors of The Cottages of Steeplechase”

Jim Stadtlander, Fincastle District

Mr. Stadtlander asked if the Board members were at the recent community meetings. He stated there are four or five of us there all the time, but he wanted to present the Board with the current status of their petition with 943 signatures, noting it's more folks than just in Oriskany. He noted there are about 20 people in Oriskany according to the Census, but really there's more than that. He gave a copy of the petition to the Chairman.

Marty Jenkins, Fincastle District

Ms. Jenkins stated the past month had been very busy and on Labor Day, they learned there was a special session of the General Assembly with one item for funding for the Craig Botetourt Scenic Trail. At that time, they began emailing each member of the General Assembly. She stated their group recently attended a meeting in Clifton Forge in which Delegate Austin and Stephanie Clarke spoke. They presented Delegate Austin with a copy of the petition that had over 800 signatures against the trail. She noted while attending a recent VDOT meeting, she was told by Rachel Jones that “this is not a done deal”. She asked if there would be any upgrades with paving, signage, or widening of the road and the answer she received was paving is not currently planned, but signage is included. She stated his will be like no other trail you have been on before and to beware.

Andrea Smith, Amsterdam District

Ms. Smith stated the Bible tells us to repent from our wicked ways and she asked that the Board repent in their decision on the library books. She stated she supports the library, but not in support of this agenda. She stated she was there to protect children from this grooming and abuse. She noted concerned citizens have made excellent arguments about the destruction of books sexualizing children, but their arguments have been ignored. She questioned if historical books and the Bible will be removed next and at what point are these books called “dangerous” in their eyes.

Anne Palmer, Fincastle District

Ms. Palmer stated she is not against the libraries, and in fact, loves the library, but she is against the sexualization of children. She stated of all the thousands of books that are available, why would the Board want these for our children? She stated they are going to keep coming to Board meetings and speaking. She stated she prays for the Board and wants things to go well for them. She encouraged the Board to open their hearts and look at what they are giving their stamp of approval to.

Gary Whitley, Fincastle District

Mr. Whitley stated he left some documentation with the Parks and Recreation office and encouraged the Board to look at the information. He stated when the trail gets going there will be bicycle shops, hikers, and folks parking horse trailers. He stated during his career of 25 years as a soil tester, mainly on the Creeper Trail, he found there was very little trash and very little crime so folks should not be concerned about those things. Instead, he found people with strollers and their families having a good time. He noted this would actually be a great place for the Iron Man contest. He stated trails are everywhere and they are needed. He stated he would like to see a small Welcome Center with food made available to visitors of the trail.

CONSENT AGENDA

- a) Approval of Minutes of August 22, 2023 Regular Meeting

- b) Noise variance request for American Cancer Society's Cattle Baron's Ball event
- c) Appoint Gary Larrowe (Delegate) and David Moorman (Alternate) as voting delegates at VACO Annual Conference
- d) Appoint Sheriff Ward to Virginia Alcohol Safety Action Program (VASAP) and Community Criminal Justice Board (CCJB)
- e) Resolution authorizing filing of suit regarding appeal by O-N Minerals

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

MOTION: Dr. Bailey

SECOND: Mrs. White

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

RESOLUTION #23-09-03

APPROVAL OF TRANSFERS AND APPROPRIATIONS

For the month of September, there was one transfer request, which was a transfer of budgeted debt service funds to the capital project fund.

1. Transfer total budgeted funds of \$542,225.00 from General Fund – Debt Service from the following accounts: \$58,887.50 from ETC Expansion, 100-4095000-12110-9500-326 and \$483,337.50 from Circuit Courthouse Reconstruction, 100-4095000-21100-9500-325. These budgeted funds will be transferred to Fund 315-4095000. This budget transfer precedes the actual transfer of General Fund dollars in November 2023.

With respect to appropriation requests, there were eight pass-through and one regular appropriation. Appropriation #9 is for payment of an unemployment claim.

PASS-THRU APPROPRIATIONS:

1. Additional appropriation in the amount of \$450.00 to Animal Control – Medical & Lab Supplies, 100-4035100-35100-6004. This is for restitution reimbursement.
2. Additional appropriation in the amount of \$136,433.70 to EDA Transfers, 100-4091800-91800-3800. This is to provide a pass-through appropriation for the recently received DHCD/VATI Grant retainage associated with the Botco/Lumos Networks Broadband Project # 1. These funds will be passed from the EDA to Lumos.
3. Additional appropriation in the amount of \$2,391.86 to the following Correction & Detention accounts: \$269.98 to Uniforms, 100-4033100-33100-6011, \$1,321.88 to Medical & Lab Supplies, 100-4033100-33100-6004, \$600.00 to Pathway Home, 100-4033100-33100-5865, and \$200.00 to Food Supplies & Services, 100-4033100-33100-6002. The first item is for contract payments, the second item is for medical co-pays and reimbursements, the third item is for TAP Coordination fee, and the fourth item is for social security incentives.
4. Additional appropriation in the amount of \$20,000.00 to Fire & EMS – Capital Outlay – Equipment – Read Mountain Fire Station – Roanoke County Funds, 100-4035500-35500-8001-306. These are funds received from Roanoke County to offset purchases.
5. Additional appropriation in the amount of \$11,451.44 to Fire & EMS – Convention & Education, 100-4035500-35500-5540. These from Virginia EMS Scholarship Program to offset the cost of a Paramedic course for three personnel.
6. Additional appropriation in the amount of \$1,540.00 to Fire & EMS – Capital Outlay – Other Capital, 100-4035500-35500-8012. This is a reimbursement of an overcharge for an appreciation event.

7. Additional appropriation in the amount of \$125.00 to Fire & EMS – Buchanan Fire & Rescue – Volunteer Incentives, 100-4035500-35530-5922. These are contributions specifically for Buchanan Fire Department.
8. Additional appropriation in the amount of \$5,672.25 to the following Sheriff Department accounts: \$246.56 to Office Supplies, 100-4031200-31200-6001, \$150.00 to Overtime, 100-4031200-31200-1200, \$3,001.58 to Subsistence & Lodging, 100-4031200-31200-5530, \$2,174.11 to Vehicle Supplies, 100-4031200-31200-6009, and \$100.00 to DARE Donations, 100-4031200-31200-5860. These are for FOIA requests, overtime cost reimbursement, extradition cost reimbursement, and donations.

REGULAR APPROPRIATIONS:

9. Additional appropriation in the amount of \$301.52 to Unemployment Claims, 100-4091000-91000-2600. This is to cover an unemployment claim paid in September.

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

MOTION: Mr. Clinton

SECOND: Mr. Martin

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

RESOLUTION #23-09-04

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

Total expenditures requested for approval for September for the General Fund including debt service and all other funds was a combined total of \$1,607,559.24. Payable disbursements of note for the month were as follows:

Technology Services	\$83,210 paid to Tyler Technologies for annual cost of tax application services. (Animal licenses, VA tax, Maplink integration, cashiering)
	\$55,434 paid to Harris Enterprises for annual fees for enterprise software modules (Financial, Community Development, Payroll, Human Resources)
Animal Control	\$44,501 paid to Sheehy Autos for a 2023 Ford F-150 Supercrew Responder
Sports Complex	\$27,423 paid to Sportaflex for field fencing
Community Organizations	\$46,929 paid to Visit Virginia Blue Ridge for the 2 nd support payment for FY23.
Transfer to EDA	\$136,434 paid to Economic Development Authority of Botetourt County as pass-thru state retainage grant finds portion for the VATI/BOTCO/LUMOS Broadband Project #1.
CIP – Radio System System Replacement Plan	\$31,320 paid to Morcom International for contracted services performed for the project. (Technical assistance and RFP responses)

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

MOTION: Dr. Bailey

SECOND: Mrs. White

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

RESOLUTION #23-09-05

RESOLUTION DESIGNATING OCTOBER 22-28, 2023, AS RED RIBBON WEEK

For the 31st year, citizens of the Roanoke Valley and surrounding areas are asked to take a stand against drug use and risky behaviors through the observance of *Red Ribbon Week*.

RAYSAC (Roanoke Area Youth Substance Abuse Coalition) and Blue Ridge Behavioral Healthcare, requested the Board of Supervisors to proclaim October 22 – October 28, 2023, as Red Ribbon Week. Some of the events scheduled for the Roanoke Valley include:

- Participation of elementary, middle, and high schools in awareness campaigns using this year's theme "Be Kind to Your Mind, Live Drug Free!" This will be an opportunity for schools to raise awareness about the dangers of and health risks associated with substance abuse, as well as ongoing issues related to mental health.
- RAYSAC will sponsor valley-wide RRW contests and awards for schools, with in-school trophy celebrations with our winners to celebrate their programs.
- The community at large will be encouraged to support the essence of RRW.

RESOLUTION RECOGNIZING RED RIBBON WEEK 2023

During its regular meeting on September 26, 2023, the Botetourt County Board of Supervisors took the following action:

WHEREAS, alcohol and drug abuse in this Nation have reached epidemic stages; and

WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, the National Red Ribbon Campaign offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs); and

WHEREAS, the National Red Ribbon Campaign will be celebrated in every community in America during the week of October 22 - 28; and

WHEREAS, government, law enforcement, media, businesses, medical institutions, religious institutions, schools, senior citizens, service organizations, parents, and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying red ribbons during this week-long campaign; and

WHEREAS, the County of Botetourt further encourages its citizens to participate in drug prevention education activities, not only during Red Ribbon Week, but all year long.

NOW, THEREFORE BE IT RESOLVED that the County of Botetourt, Virginia, does hereby proclaim October 22-28, 2023 throughout our County as Red Ribbon Week.

Adopted this 26th day of September 2023.

MOTION: That the Board recognizes October 22-28, 2023 as Red Ribbon Week.

MOTION: Mr. Martin

SECOND: Dr. Bailey
AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #23-09-06

RESOLUTION DESIGNATING OCTOBER 8-14, 2023 AS FIRE PREVENTION WEEK

PROCLAMATION

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,800 people in the United States in 2021, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 338,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, two out of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, Botetourt County residents should turn pot handles toward the back of the stove; always keep a lid nearby when cooking; keep a three-foot kid-free zone around the stove, oven, and other things that could get hot; watch what they heat; and set a timer to remind them that they are cooking; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires almost in half; and

WHEREAS, Botetourt County's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Botetourt County residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2023 Fire Prevention Week™ theme, "Cooking safety starts with YOU. Pay attention to fire prevention™," effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

NOW THEREFORE, BE IT PROCLAIMED, that we, the Board of Supervisors of Botetourt County, Virginia, do hereby proclaim October 8 - 14, 2023, as **Fire Prevention Week** throughout this community.

MOTION: That the Board recognizes October 8-14, 2023 as Fire Prevention Week.

MOTION: Mr. Clinton
SECOND: Mrs. White

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION #23-09-07

PUBLIC HEARING – PROPOSED ORDINANCE AMENDMENT TO THE BOTETOURT COUNTY CODE TO ADD SECTION 23-341. TAXATION OF SOLAR ENERGY GENERATION FACILITIES. THE AMENDMENT WOULD LEVY A LOCAL TAX ON SOLAR ENERGY GENERATION FACILITIES LOCATED IN BOTETOURT COUNTY PURSUANT TO THE CODE OF VIRGINIA, 1950, AS AMENDED

David Moorman, Deputy County Administrator, explained state law provides for local revenue collection from solar generation facilities either through 1) local taxation, or 2) by exempting them from local taxation and receiving a share of facility revenues. Localities may elect the method of their choice.

An estimation of comparative revenues from the two methods was provided to the Board. The analysis projected that Botetourt County would realize more revenue by taxing solar energy generation facilities than by participating in revenue sharing.

To implement a local tax, the County's tax code would need to be amended to add a tax on solar generation facilities. A draft ordinance amendment was provided and it was recommended that the County maximize the revenues it could realize from solar energy generation facilities by levying a local tax. During the August board meeting, the Board authorized a public hearing be held on the proposed ordinance amendment and public advertisement of the same for its regular September 2023 meeting. The ordinance reads:

AN ORDINANCE AMENDING THE BOTETOURT COUNTY CODE, 1985, AS AMENDED, TO ADD SECTION 23-341. TAXATION OF SOLAR ENERGY GENERATION FACILITIES

23-341. Solar energy generation facilities.

- (a) Pursuant to section 58.1-2606.1 of the Code of Virginia, 1950, as amended, solar photovoltaic facilities less than five megawatts in alternating current generating capacity shall be exempt from taxation on the following portions of their values: For the first five years after commencement of operation, 80%; for the second five years of operation, 70%; and 60% thereafter. Solar photovoltaic facilities that serve the electricity needs solely of property on which they are located, as provided in section 15.2-2288.7 of the Code of Virginia, 1950, as amended, are exempt from taxation on 100% of their value.*
- (b) The tax rate applied to the taxable portion of the fair market value of solar photovoltaic facilities mentioned in subsection (a), if any, shall be the same as the real estate tax rate for the county.*
- (c) The Commissioner of the Revenue shall assess the fair market value of the solar photovoltaic facilities mentioned in subsection (a) as real, personal, or public service corporation property in the manner provided by general law.*

(Statutory References: Sections 58.1-2606.1, 15.2-2288.7.)

Dr. Scothorn opened the public hearing.

Terri Brockly, Valley District

Ms. Brockly questioned where there were solar power facilities that would be taxed and what exactly would be taxed.

Mr. Lockaby explained to the Board that this ordinance is for taxing small solar generating facilities and they are subject to taxation at different rates with different assessment methodologies, depending on who owns them and how large they are. He explained facilities below 5 megawatts are tax exempt unless the County adopts an ordinance making them taxed. If they are to be taxed, the Code of Virginia requires they be taxed the same as residential.

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

MOTION: That the Board adopt the proposed amendment to the Botetourt County Code to add Section 23-341 TAXATION OF SOLAR ENERGY GENERATION FACILITIES, as presented.

MOTION: Dr. Scothorn

SECOND: Mr. Martin

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

ABSTAIN: Mrs. White

RESOLUTION #23-09-08

DISCUSSION OF GREENFIELD STREET SAFETY

Mr. Clinton reported he had contacted Delegate Terry Austin to see what might be done with the speeding traffic on Greenfield Street, at the request of local citizens. Delegate Austin took the request to VDOT, and a response letter from Salem District Engineer Ken King was received. A copy of the letter was provided to Board members.

Mr. Clinton further discussed concerns he heard from residents such as the need for sidewalks and the speed limit being too high and not being enforced. He noted VDOT had done a traffic study and determined the existing speed limit of 35 mph to be appropriate.

Mr. Clinton also noted he had been in touch with Sheriff Ward who also supported the efforts. Mr. Clinton requested the Board formally request the "Additional \$200 Fine" signage for Greenfield Street, as suggested in the letter from Mr. King.

MOTION: That the Board make a formal request to VDOT for installation of "Additional \$200 Fine" signs in the Greenfield Street area.

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

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

RESOLUTION #23-09-09

VDOT MONTHLY UPDATE

Brian Blevins, 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. **Traffic Engineering has completed their**

review and are not making any immediate improvements as this intersection as it is being submitted with several other locations for a districtwide pedestrian signal upgrade project in FY24 HSIP Spot Program.

- 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). **Traffic Engineering has completed their review and do not recommend any changes.**

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 review comments sent to Botetourt County o August 22, 2023.
 - Waiting on resubmittal.
- Flex, LLC
 - 1st review comments sent to Botetourt County on June 13, 2023.
 - Waiting on plan resubmittal.
- Ridges of Ashley (Ashley Plantation)
 - 1st review comments sent to Botetourt County on August 9, 2023.
 - Waiting on resubmittal.
- Tucker Subdivision
 - 1st review comments sent to Botetourt County on July 13, 2023.
 - Waiting on resubmittal.
- Plateau at Cedar Ridge
 - 2nd review comments sent to Botetourt County on August 18, 2023.
 - Waiting on resubmittal.
- Greenfield Street Grading
 - 1st review comments sent on August 22, 2023.
 - Waiting on resubmittal.
- Helms Storage Facility (Affordable Mini-Storage)
 - 1st review comments sent on September 7, 2023.
 - Waiting on resubmittal.
- Roanoke Road Apartments (site plan for development)
 - 1st submittal received on August 14, 2023.
 - 4th TIA submittal received on September 13, 2023.
 - Plans and TIA are currently under review.
- Sheetz (Laymantown Road)
 - 1st submittal received on August 24, 2023.
 - Plans are currently under review.

- **Permits Issued:**

- Permits issued between 08/08/2023 –09/11/2023:
 - 12 Utility Permits
 - 2 Private Entrances

1 Maintenance of Traffic
3 Special Events

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 2024 Routes.
- Buchanan Area:
 - Grading various gravel roads, adding stone where needed and dust control when necessary.
 - Mowing/trimming on secondary roads.
 - Tree trimming on Route 630 (Springwood Road).
 - Pipe replacement on Route 1322 (4th Street).
- Eagle Rock Area:
 - Continue mowing secondary routes. Second round of mowing completed on the week of 9/18/23.
 - Patch over pipe installations on secondary roads.
 - 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).
 - Machine shoulders, shoulder repair, and ditching on Route 460 (Blue Ridge Boulevard).
 - Pipe replacement on Route 650 (Lugar Lane).
 - Mow trimming on Route 665 (Country Club Road).
 - Pipe replacement on Route 723 (Brickyard Road).
 - Pipe replacement on Route 795 (Orchard Drive).
 - 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.
 - Mowing secondary routes throughout the Troutville area.
 - Gravel road maintenance with grading and dust control throughout the Troutville area.

Mr. Martin reported there are potholes on Route 460 East bound lane, approximately 100 yards of the subdivision.

Dr. Bailey thanked Mr. Blevins for working on Redbud Lane.

Mrs. White asked for an update on Back Creek Road in regard to the Six Year Plan. Mr. Blevins replied it is nearly complete and they had to skip a section because they had a mishap with a contractor truck.

Mrs. White asked for an update on Pico Road, Nace Road, and Exit 168. Mr. Blevins replied Pico Road and Nace Road were completed. He stated the exit ramp at 168 doesn't afford any options but if there was something in particular the traffic engineering team could look at it, they would. Mrs. White suggested maybe some signage would help.

Dr. Scothorn discussed the concerns mentioned by a citizen regarding dirt runoff at Cypress Court. He noted the dirt does come over and it starts way above on VDOT property. He stated there is a lot of dirt and these citizens are asking for help. Mr. Blevins replied he could not attest to the situation at that time, but he would look at it and see what options there are. He explained there are some limitations and environmental permitting takes time. He noted the culvert is not VDOT's. Dr. Scothorn asked how they could make that a public roadway. Mr. Blevins replied he did not know what the new Code was, but it would require the right of way to be converted to public and every resident has to sign off on it, then the Board would have to approve it. He noted VDOT does not collect names and sign off, and they do not inspect private roads during construction. Dr. Scothorn suggested, and Mr. Blevins agreed, it would be best to meet in person with the HOA representatives and another person to look at it.

CONSIDER RECOMMENDATION TO TRANSFER THE VA250th COMMITTEE TO THE BOTETOURT PRESERVATION PARTNERSHIP

Sarah Rodgers, Chair of VA250 Committee, explained the committee was established by the General Assembly in 2020. The Virginia American Revolution 250 Commission (VA250) serves to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the independence of the United States in the Commonwealth of Virginia, one of the former colonies and future states, where much of this history took place.

A primary goal of the Commission is to convene and facilitate a Commonwealth-wide commemoration and celebration, multi-faceted and inclusive of hundreds of partners and representatives of the wide array of histories, sites, stories, and communities that define Virginia.

The state Commission is chaired by Delegate Terry Austin. In August 2022, he requested that Botetourt County form a local VA250 Committee to support education and commemorative events in Botetourt. In November 2022, the Board of Supervisors adopted a resolution in support of participating in VA250. The resolution called for the creation of a local committee (comprised of "local citizens, county employees, and members of the Botetourt County Historical Society and Visit Virginia's Blue Ridge") to plan and coordinate programs within the County and communicate with VA250.

A committee of representatives of local history organizations, local governments, VBR, and interested citizens was formed. The committee was an informal, ad hoc body. It was not a registered 501(c)3 or corporation and had no legal existence, authority, or ability to receive or

expend funds or to provide direct in-kind resources beyond the direct personal services of its members.

Ms. Rodgers explained it would be desirable that the County's 250th Committee be able to receive tax-free donations (both cash and in-kind). The Committee's mission aligns with the Botetourt Preservation Partnership, Inc.'s mission, which is to facilitate collaboration between local historic and preservation entities to protect and promote the history of Botetourt County. The Partnership is a registered 501(c)3 that was incorporated in August 2022.

Also, there is significant overlap in membership between the Partnership and the current Botetourt 250th Committee. Thus, in the interest of eliminating duplication of effort and to leverage the Partnership's greater ability to obtain and manage grants and donations, and its established relationships throughout the County, it was recommended that the Board consider dissolving the Botetourt County 250th Committee and designate the Botetourt Preservation Partnership, Inc. as Botetourt County's official VA250th Committee. The Partnership is agreeable to serving in this capacity.

It was further recommended that an amount not to exceed \$10,000 be appropriated from the County's General Fund Undesignated Fund Balance for the purpose of matching grant funds awarded to the Partnership for activities and programming commemorating Virginia's 250th.

Mr. Clinton stated the grants are up to \$10,000, so it is limiting in the fact that it is through June 2024, and the committee should also be seeking other grants not limited to \$10,000 with a match.

Mrs. White asked if there are opportunities to seek grants that are not matching grants. Ms. Rodgers replied there are very few.

Dr. Scothorn stated the grant may need to be exceeded in the future and wondered if there were any legal limits. Ms. Rodgers replied there were no limits that she was aware of.

Dr. Bailey asked if there was a budget for the VA250 event. Ms. Rodgers replied grants are competitive and they do not have a specific budgeted item in place yet, but the goal is to have smaller events leading up to the main event. She noted the next grant cycle closes March 2024.

MOTION: That the Board dissolve the ad hoc Botetourt 250th Committee and appoint the Botetourt Preservation Partnership, Inc. to serve as the Botetourt County 250th Committee.

MOTION: Mr. Martin

SECOND: Dr. Bailey

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

RESOLUTION #23-09-10

MOTION: That the Board appropriate an amount not to exceed \$10,000 from the County's General Fund Undesignated Fund Balance to the Botetourt Preservation Partnership, Inc. to match grant funds awarded to the Partnership, if and as required, for activities and programming commemorating Virginia's 250th exclusively. Any portion of this appropriation not expended for this exclusive purpose by June 30, 2024, shall be retained by the County for its use without restriction unless otherwise appropriated by the Board of Supervisors.

MOTION: Mr. Clinton

SECOND: Mrs. White

AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
RESOLUTION: #23-09-11

HEALTH INSURANCE RENEWAL

David Moorman reviewed the information. He explained the County's new health benefits plan year begins December 1, 2023, and includes medical, prescription drug, dental, vision, and wellness plans, and an Employee Assistance Program. OneDigital benefit advisors assist the County with planning and oversight of its health-related benefit programs.

The County's health plans performed well over the past year. As a result, the total projected cost increase for medical and prescription drug insurance is 4% or \$133,761. No other increases are proposed other than a small increase in dental insurance administration fees. Although funding to support the proposed renewals is available in the current County budget, the County's Health Fund was the recommended source of funding for the renewal increase.

Mr. Moorman explained during the Open Enrollment period, staff makes the information available to all employees by providing a packet of information and of course, the Human Resources office is always available for assistance. He noted since the pandemic, we have not held in-person open enrollment meetings, but we do our best to make information and resources available to employees.

Mr. Moorman stated there are voluntary incentive-based programs and employees can receive up to \$400 each year by completing certain tasks such as an annual exam, an online Health Risk Assessment, and educational seminars. There are also gym reimbursements available.

MOTION: That the Board authorize the award of group health insurance plans, benefits and premiums as recommended to MedCost Benefit Plans, Berkley Reinsurance, Kroger Prescription Plans, Script Sourcing, EyeMed Vision Care, and Delta Dental effective December 1, 2023, and the continuation of the County's wellness program.

MOTION: Dr. Bailey

SECOND: Mr. Martin

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

RESOLUTION #23-09-12

MOTION: That the Board authorize the addition of Reference Based Pricing and Specialty Alternative Funds programs to the County's Kroger Prescription Plan effective December 1, 2023.

MOTION: Dr. Bailey

SECOND: Dr. Scothorn

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

RESOLUTION #23-09-13

MOTION: That the Board authorize the maintenance of active employee premiums effective December 1, 2023, at their current rates, and the adjustment of COBRA and retiree rates as permitted by law.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

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

RESOLUTION #23-09-14

MOTION: That the Board authorize staff to execute all necessary instruments upon the review and approval of the County Attorney.

MOTION: Mr. Martin

SECOND: Mrs. White

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

RESOLUTION #23-09-15

Dr. Scothorn recessed the meeting at 3:58 p.m. Dr. Scothorn reconvened the meeting at 4:07 p.m.

CONSIDERATION OF A PETITION FOR AMENDMENTS TO THE BOTETOURT COUNTY ZONING ORDINANCE THAT WOULD PERMIT OFF-SITE SHUTTLE PARKING FOR SPECIAL EVENTS FACILITIES

Jonathan McCoy stated the request was an owner-initiated petition for amendments to the Botetourt County Zoning Ordinance to amend the parking standards to quantify the minimum number of parking spaces required for a Special Events Facility and to create a provision that would allow a portion of the required parking spaces to be located off-premises at a remote or satellite parking lot.

Section 25-581.2. - Zoning ordinance text amendment—Owner-initiated of the Botetourt County Zoning Ordinance states, “The owner or the agent of the owner of any parcel of real property, or any other resident of the county, may file a petition for a change in the text of the zoning ordinance. The petitioner shall state with reasonable specificity the text that he wishes to be added, deleted, or amended.”

Mr. McCoy explained if the Board refers the request to the Planning Commission, it shall be treated as a board-initiated text amendment and staff would draft the advertisement for the public hearing to provide flexibility to the Planning Commission as they consider the specifics of the request.

Engineering Concepts, Inc. on behalf of Vandelay Industries Properties, LLC, submitted the petition that requests consideration of proposed amendments to Chapter 25 – Zoning, Article IV. - Supplemental Regulations, Division 3. - Parking of the zoning ordinance to quantify the minimum number of parking spaces required for a Special Events Facility and to create a provision that would allow a portion of the required parking spaces to be located off-premises at a remote or satellite parking lot.

The petitioner states that this use is well suited for alternate parking arrangements, which is a common practice for a Special Events Facility, and is already in use during special events at the Daleville Town Center.

The following goals or benefits from allowing remote or satellite parking were noted in the petition and are as follows:

- a reduction in traffic hazards and congestion through the use of shuttle buses or carpooling
- a possible reduction in the number of driveways
- a reduction in conflicts by minimizing the number of vehicles entering and existing a location
- encouraging the use of alternative modes of transportation
- utilization of existing and adequate parking facilities that are not in use during events

- a reduction in environmental impacts from the creation of new parking lots.

Staff recommended that the Board refer the petition to the Planning Commission for their detailed consideration of the request and to provide a recommendation on the possible amendments. Staff is prepared to work with the petitioner to finalize the draft language for the proposed amendments that would assure good zoning practice. Staff also recommended that a public hearing be scheduled for November 2023, which would coincide with the Special Events Facility SEP request that prompted the submittal of the petition.

MOTION: That the Board refer the petition to the Planning Commission.

MOTION: Mr. Clinton

SECOND: Dr. Scothorn

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

RESOLUTION #23-09-16

CONSIDERATION OF A PETITION FOR AMENDMENTS TO THE BOTETOURT COUNTY ZONING ORDINANCE TO AMEND REGULATIONS RELATED TO SIGNAGE

Drew Pearson presented the request. He noted this was an owner-initiated petition for amendments to the Botetourt County Zoning Ordinance to amend the sign ordinance standards that would expand the use of electronic message board or “LED” signs.

Section 25-581.2. - Zoning ordinance text amendment—Owner-initiated of the Botetourt County Zoning Ordinance states, “The owner or the agent of the owner of any parcel of real property, or any other resident of the county, may file a petition for a change in the text of the zoning ordinance. The petitioner shall state with reasonable specificity the text that he wishes to be added, deleted, or amended.”

Nathan Ives, a local resident and associated with a local convenience store, submitted the petition that requested consideration of proposed amendments to Chapter 25 – Zoning, Article IV. - Supplemental Regulations, Division 2. - Signs of the zoning ordinance to expand the use of electronic message board or “LED” signs.

The petition points out that the use of “LED” signs is common practice at uses such as churches, banks and gas prices at convenience stores, pointing out that gas prices rise and fall frequently, and the digital signs help get the prices adjusted quickly and efficiently to avoid loss in profit and to help customers get a better price when prices drop. The petition also points out that many of their convenience store sites are not price controlled by the operator of the store and that this technology allows the prices to be changed remotely, which is more efficient than having to do so manually. The petitioner agreed that the sign ordinance should make sure that the use of electronic message board signs should be controlled in a way that its use doesn’t get out of hand and that there needs to be regulations as to how much is allowed or how big the numbers should be.

Staff recommended that the Board refer the petition to the Planning Commission for their consideration in detail and to subsequently provide a recommendation as to whether the use of “LED” type signage should be expanded. Mr. Pearson stated should the Board refer the petition to the Planning Commission, it shall be treated as a board-initiated text amendment and staff would draft the advertisement for the public hearing to provide flexibility to the Planning Commission as they consider the specifics of the request.

Mr. Person also recommended that the Board authorize staff to include other needed sign ordinance updates that would address the topic of content neutrality to assure that the sign ordinance would stand against a constitutional challenge as a result of a ruling in Reed v. Town of Gilbert by the United States Supreme Court that unanimously invalidated a sign ordinance that treated signs differently based on their content that basically found that the sign regulations were content-based restrictions on free speech. For example and in the case of an electronic message board signs, a sign ordinance can regulate whether or not to allow for the use of “LED” signs, what use districts the signs should be allowed, how large or what percentage of an overall sign that could be “LED”, but the sign ordinance should not regulate the content of the message or allow certain land uses to utilize “LED” and not others.

Dr. Bailey asked how many requests they get for LED signs. Mr. Pearson replied this is the first petition, but they do get several inquiries, especially from convenience stores for gas prices. He noted the current ordinance does not allow it for everyone but it is more commonplace now, and it is more efficient.

Mr. Martin stated he had talked to citizens, and they would rather have the LED signs instead of manually having to change information on signs.

Mrs. White asked if our current signs are noncompliant. Mr. Pearson replied they are, but as long as they don’t change it or replace it, they can continue to use it as is, but if they want a new sign, they will have to come into conformity, but staff does not go out looking for sign violations, they simply respond to complaints.

MOTION: That the Board refer the petition to the Planning Commission with a public hearing to be advertised and held by the Planning Commission in January 2024.

MOTION: Mr. Martin

SECOND: Dr. Bailey

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

RESOLUTION #23-09-17

FY22 SHELTER UPGRADE ASSISTANCE FUND GRANT

Chief Ferguson stated he was pleased to announce that the Department of Fire & EMS had secured a grant award of \$46,900 from the Virginia Department of Emergency Management. This grant aims to bolster the County’s disaster preparedness by assisting in the purchase of a mobile HVAC unit, generator, and a Propane heater.

He stated the County’s commitment remains steadfast towards the safety and wellbeing of our citizens. Recognizing the varied nature of disasters, the Fire/EMS department has continuously sought to enhance their emergency response capabilities. A critical component of this endeavor is the ability to provide a climate-controlled space during emergencies. While the last major event necessitating a full shelter was the Derecho event in 2012, our County has frequently set up “warming centers” and “cooling centers” for shorter durations. The proposed equipment ensures our readiness to extend immediate relief and shelter to our residents until more sustainable solutions emerge.

The mobile HVAC unit, complemented by a generator and a Propane heater, is versatile and adaptive to varying emergency scenarios:

- It can be integrated into main sheltering facilities, ensuring comfortable environments for larger populations.

- It is designed for rapid deployment, ideal for establishing short-term heating or cooling shelters in diverse locations.

The total cost for this critical equipment stands at \$70,700.36. The department had secured a grant of \$46,900 from the state, leaving a balance of \$28,800.36. Chief Ferguson proposed that the County allocate these matching funds to complete the purchase.

MOTION: That the Board authorize an additional appropriation in the amount of \$28,800.36 to support the purchase of the mobile HVAC unit as described to 100-4035500-35500-8001-328 Fire & EMS Capital Outlay- FEMA/VDEM Grant.

MOTION: Mr. Martin

SECOND: Dr. Bailey

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

RESOLUTION #23-09-18

RESOLUTION AUTHORIZING BLUE RIDGE FACILITY LEASE

Chief Ferguson explained the Department of Fire & EMS had been working with the Blue Ridge Volunteer Fire Department leadership to put forth a formalized agreement on the terms and conditions of the use of the fire station owned by the volunteer fire department incorporation.

Botetourt County currently operates a 24/7 ambulance crew of two personnel out of this facility and will soon relocate a shift supervisor position into the facility as well. As such, both parties felt it wise to put forth a lease agreement. He noted the lease being presented had been reviewed and approved by the volunteer membership of the Blue Ridge Volunteer Fire Department, as well as reviewed by Mr. Lockaby, as to form.

MOTION: That the Board approve the lease agreement, as presented, and authorize the County Administrator to affirm the lease on behalf of the Board of Supervisors.

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

RESOLUTION #23-09-19

RADIO SYSTEM UPDATE

Matt Hinckle, Emergency Services Manager, reviewed a presentation providing an update on the Radio System. His presentation provided audio clips from the existing service and then compared those to what it would sound like with the new system, noting the stark difference.

Dr. Scothorn asked Deputy Dillow, who was attending the meeting, his opinion about the need for this system. Deputy Dillow replied, "We have to have it". He further explained it puts the responders in danger to not have good communication with dispatch. Chief Ferguson echoed Deputy Dillow's comments.

Mrs. White asked about the lifespan of the new system. Mr. Hinckle replied it is 15 years, with one upgrade included in the first 10 years.

CONSIDER LEASE FOR JUVENILE PROBATION OFFICE

Jon Lanford, Assistant County Administrator, reported in the fall of 2022 he was contacted by Ms. Sandra Crawford, Court Unit Services Supervisor for the 25th district, regarding the condition of the Juvenile Probation Office space in Fincastle. For quite some time they had

occupied office space on the corner of Main and Roanoke on the second floor above the Registrar's Office and had periodically had challenges with plumbing and water intrusion. For background, §16.1-234 of the Code of Virginia requires each City and County where an office is located to provide suitable quarters, utilities, and telephone service.

A staff member in Juvenile Probation submitted a formal request for differing accommodations to their Central Office staff in Richmond related to water intrusion in space (concerns over mold, mildew, etc.), odor from plumbing fixtures and ADA accessibility. The County was able to address and correct issues related to water intrusion and plumbing; however, making that space ADA compliant was not feasible due to the age of the building and layout.

Over the course of several months, Mr. Lanford met with Ms. Crawford to discuss our efforts to improve the conditions in the space, but the one issue that physically could not be resolved was ADA accessibility. As such, we began looking for alternative spaces that would fit their needs. Mr. Lanford reminded the Board that County owned space is very limited.

The group began looking for potential lease locations and found two buildings that were identified by Juvenile Probation Staff for consideration. One located at 50 British Woods Way (off Rt. 220 Alt.) and the other at 1645 Roanoke Road (near Lord Botetourt High School). Both spaces were visited on several occasions by Juvenile Probation staff and Mr. Lanford. Based upon layout and closer proximity to Fincastle, the 1645 Roanoke Road space was selected by the group.

Since selecting the location, the group had been working to finalize a draft lease and monthly rate. A draft lease was provided for review, and it was noted the lease had been reviewed by the County Attorney. Mr. Lanford noted he anticipates this to be short-term. Mr. Lanford requested an appropriation of \$17,100 from the Undesignated Fund Balance to cover the deposit and eight months of rent.

MOTION: That the Board approve the lease agreement as presented and authorize the County Administrator to affirm the lease on behalf of the Board of Supervisors and authorize an appropriation of \$17,100 from the Undesignated Fund Balance, as requested.

MOTION: Mr. Martin

SECOND: Dr. Scothorn

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

RESOLUTION #23-09-20

BOARD MEMBER COMMENTS

Mrs. White acknowledged and commended Mr. Clinton's research and work on the Greenfield Street safety concerns. Also, she offered her condolences to Mr. Larowe on the passing of his brother.

Dr. Scothorn recessed the meeting at 4:56 p.m. Dr. Scothorn called the meeting back to order at 6:00 p.m.

6:00 P.M. PUBLIC HEARINGS

VALLEY DISTRICT: RYT LLC REQUESTS TWO SPECIAL EXCEPTION PERMITS FOR LIGHT AUTO/TRUCK REPAIR AND MINI-WAREHOUSES, EACH WITH POSSIBLE CONDITIONS, IN THE BUSINESS (B-3) USE DISTRICT, LOCATED ON LEE HIGHWAY, CLOVERDALE VA, APPROXIMATELY 0.2 MILES SOUTH OF THE SIMMONS DRIVE INTERSECTION AND IDENTIFIED ON THE TAX MAPS AS 101(11)18B.

Drew Pearson gave a brief description of the request and reported the owner had requested a tabling of this item for 60 days.

MOTION: That the Board table these requests for 60 days, per request by the owner.

MOTION: Mr. Martin

SECOND: Mrs. White

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

RESOLUTION #23-09-21

BUCHANAN DISTRICT: FLOYD L. STINNETT LIFE ESTATE AND WILLIAM H. STINNETT (TOTAL ENERGIES RENEWABLES USA, LLC, LESSEE) REQUESTS A SPECIAL EXCEPTION PERMIT FOR A UTILITY-SCALE SOLAR ENERGY FACILITY, WITH POSSIBLE CONDITIONS, LOCATED ON PATTONSBURG LANE, ADJACENT TO 339 PATTONSBURG LANE AND IDENTIFIED ON THE TAX MAPS AS SECTION 66-5.

Mrs. White (Vice Chair, Buchanan District) informed the Chair that this request involves a portion of her property and as such, she would recuse herself from the discussion and vote. Mrs. White left her seat at the Board table and took a seat in the audience.

Nick Baker, County Planner, reviewed the following staff report from the Planning Commission meeting:

Planning Commission Recommendation:

On a vote of 4:0:1:0, (Mr. Kidd abstained) the Planning Commission recommended approval of the commission permit. On a vote of 4:0:1:0, (Mr. Kidd abstained) the Planning Commission recommended conditional approval of the utility-scale solar energy facility Special Exception Permit request, with the following six conditions:

1. The proposed development shall be constructed in substantial conformance with the concept site plan titled, "Solar Star Buchanan 2 LLC" completed by Nakia Addison of TRC Companies, Inc. on July 20, 2023.
2. Prior to the issuance of the first building permit, the proposed development shall include a construction management plan that details traffic control requirements, limits on the hours of construction, limits on lighting associated with construction, mitigation for dust and burning operations, and plans for staging and storage of materials. The construction management plan shall be submitted in addition to the site plan as part of the required technical review.
3. Prior to the issuance of the first building permit, the applicant shall coordinate with the Chief of Botetourt Fire/EMS to provide information satisfactory to the Chief to develop an emergency operations plan that contains, at 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 matter experts for preparing for, and safely responding to, a fire, explosion, or other incident requiring a public safety response at the solar energy facility. During the operating life of the facility, 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.
4. The SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance.
5. 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.

6. The applicant shall be granted a waiver from the required 150-foot vegetative buffer around the perimeter of the project area. The waiver shall relieve the applicant from substantial conformance to the 150-foot vegetative buffer that was shown on the concept site plan titled, "Solar Star Buchanan 2 LLC" completed by Nakia Addison of TRC Companies, Inc. on July 20, 2023.

Staff Comments:

Staff received one email listing concerns for the request, mainly due to traffic. Staff also received six emails in favor of this request, with the submitters praising the project for its economic and environmental benefits. Two citizens spoke during the public comment period. One person was in favor of the request and the second person was not in favor of the request. The person in favor of the request brought up the importance of the project itself, the ability of a farmer to diversify income, support for the use of sheep for vegetation control, and that the arrays would not be visible to other properties. The person opposed to the request brought up traffic concerns including a wooden planked, one lane bridge crossing Purgatory Creek covered with asphalt controlling the only access to six homes on the other side of the creek; Mill Road with a pinched, sharp turn immediately off of US Route 11; and Pattonsburg Road with poor sight distance due to curves, embankments, buildings, and trees, and no place to pull over other than into a neighbor's driveway in order to pass. After the public comment period, staff brought up the technical review process that occurs after the approval of an SEP. Staff reminded the planning commission that VDOT will conduct further reviews of the project once the SEP has been approved and may require further improvements to the road leading into the project area. Mrs. Pendleton cited the required road improvements from the utility-scale wind turbine applicant as an example of this process.

After staff's presentation, Mr. Alex Fox from TotalEnergies and Ms. Carrie Blankenship from TRC presented a request for a waiver from the required vegetative buffer around the project area. The reasons provided for the request were the low visual impact of the project and the intent to keep all vegetation on the property to the maximum extent possible. Mr. Fox and Ms. Blankenship provided a visual impact analysis from multiple vantage points adjacent to the property, which showed minimal impact to views. A copy of the visual impact analysis was included with the report. A condition recommending a landscaping waiver was added at the request of the Planning Commission in order for the applicant to eliminate the required 150-foot vegetative buffer around the perimeter of the project area.

Following Mr. Baker's review of the Planning Commission report, he introduced Mr. Alex Fox with TotalEnergies.

Mr. Fox, representing TotalEnergies, then offered a presentation detailing their request. He explained how Community Solar works and noted that they do plan to re-seed the project area to create a pollinator friendly habitat.

Carrie Blankenship discussed the Visual Impact Analysis. She reported they looked at eight different viewpoints, taking pictures and adding the solar array to scale as if it were constructed, and of all locations they were unable to see it once it was constructed, due to either foliage or the distance itself. She noted they also looked from the river from a recreation standpoint and found that the way the site slopes you cannot see it from the river either.

Mr. Fox commented they were excited about the project and hoped it will help to reduce electrical costs for citizens. He also noted there would be road improvements on Pattonsburg Lane at the section after the bridge.

Mr. Clinton questioned if this would affect the Blue Ridge Parkway viewshed. Ms. Blankenship replied the distance from the Parkway to the site keeps it from being seen. She noted part of the process was to reach out to different entities looking for any potential environmental impacts. Mr. Baker added that the ordinance does require the study of a 1-mile radius around the property line, and wildlife habitat within a 2-mile radius, and they found no issues. Mr. Clinton stated wildlife migration is very important in this area. Mr. Baker agreed and replied there would be concern if this were a heavily graded project, but this is open farmland so there is no impact.

Dr. Bailey asked if there is an escalation value over a 20-year life span. Mr. Fox replied he did not recall there being an escalator value.

Dr. Bailey asked if there is a bond between them and the landowner. Mr. Baker replied there is a Bonding Committee that takes care of that. Mr. Fox added the plan is to own and operate this facility, not sell it, but they do reserve the right to sell it in the future if they choose to.

Dr. Scothorn asked Mr. Fox to explain the credit program. Mr. Fox replied they would feed the electricity into the grid and customers can subscribe to receive credits so when they get their Dominion bill, they would have credits toward that bill. They would then bill the customer separately at a cost that would be much less than what they would have paid Dominion. Dr. Bailey questioned if there would be income restrictions on who can subscribe for the credits. Mr. Fox replied the credit program would be available for low to moderate income customers in that zip code.

Mr. Clinton questioned if they would use their own construction crew. Mr. Fox replied they oversee the project with a general contractor on site and would use local contractors and tradesmen.

Dr. Scothorn thanked Mr. Fox for his due diligence in providing more information than was required.

Dr. Scothorn opened the public hearing.

Mallory White, Buchanan District

Ms. White stated she is a lifelong resident and agriculture teacher and was present to speak in support of this project. She stated it is important to her to keep the land out of commercial and residential development and keep it for agricultural use. She noted it is popular to start solar sites to do solar grazing with sheep because you can't use goats or cattle for this purpose. She stated he does not see it as an eye sore, and in fact, most people probably won't even notice it is there. She stated she is excited for the fact that local students will be able to see it in operation, which makes it a great learning tool also.

Lindsey Fenster, Buchanan District

Ms. Fenster stated she grew up in Botetourt County then went away to school, and now practices as a mixed animal veterinarian. She stated she and her brother are the sixth generation working to keep their family farm running. She stated their vision for the future of the farm is its sustainability, more in the sense of keeping it productive for future generations. She

stated the economic climate in agriculture can be very challenging, and they are a low expense operation, breaking even every year. She explained the returns from this project will allow her family to maintain the farm. She concluded by stating she loves her family farm and there is nothing more important to her than keeping it relevant and valuable, and she believes this is the best way to accomplish that.

Mr. Clinton asked about the remote monitoring, specifically how many facilities are monitored at one time. Mr. Fox replied Community Solar is a relatively new business and they do have ongoing monitoring, but there is daily monitoring with a detailed meter on site that keeps track of how much power is being generated.

Dr. Bailey stated this agricultural project represents something we should take seriously and the site is an ideal location.

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

MOTION: That the Board approve the Special Exception Permit request for a solar energy facility, utility-scale, on the property of Floyd L. Stinnett Life Estate and William H. Stinnett (TotalEnergies Renewables USA, LLC, lessee), with the six conditions recommended by the Planning Commission and as shown below:

1. The proposed development shall be constructed in substantial conformance with the concept site plan titled, "Solar Star Buchanan 2 LLC" completed by Nakia Addison of TRC Companies, Inc. on July 20, 2023.
2. Prior to the issuance of the first building permit, the proposed development shall include a construction management plan that details traffic control requirements, limits on the hours of construction, limits on lighting associated with construction, mitigation for dust and burning operations, and plans for staging and storage of materials. The construction management plan shall be submitted in addition to the site plan as part of the required technical review.
3. Prior to the issuance of the first building permit, the applicant shall coordinate with the Chief of Botetourt Fire/EMS to provide information satisfactory to the Chief to develop an emergency operations plan that contains, at 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 matter experts for preparing for, and safely responding to, a fire, explosion, or other incident requiring a public safety response at the solar energy facility. During the operating life of the facility, 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.
4. The SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance.
5. 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.
6. The applicant shall be granted a waiver from the required 150-foot vegetative buffer around the perimeter of the project area. The waiver shall relieve the applicant from substantial conformance to the 150-foot vegetative buffer that was shown on the concept site plan titled, "Solar Star Buchanan 2 LLC" completed by Nakia Addison of TRC Companies, Inc. on July 20, 2023.

MOTION: Mr. Martin
SECOND: Dr. Bailey
AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn
RECUSE: Mrs. White
RESOLUTION #23-09-22

MOTION: That the Board approve the Commission Permit request on the property of Floyd L. Stinnett Life Estate and William H. Stinnett (TotalEnergies Renewables USA, LLC, lessee), as recommended by the Planning Commission.

MOTION: Mr. Martin
SECOND: Dr. Bailey
AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn
RECUSE: Mrs. White
RESOLUTION #23-09-23

ADJOURNMENT

MOTION: That the meeting be adjourned.

MOTION: Mr. Martin
SECOND: Mr. Clinton
AYES: Dr. Bailey, Mr. Clinton, Mr. Martin, Dr. Scothorn, Mrs. White
TIME: 6:43 p.m.