

## **BOTETOURT COUNTY BOARD OF SUPERVISORS**

### **MINUTES OF SEPTEMBER 27, 2022**

The regular meeting of the Botetourt County Board of Supervisors was held on September 27, 2022, at the Botetourt County Administration Center, 57 S. Center Drive, Daleville, Virginia, beginning with Closed Session at 12:30 p.m.

**PRESENT:** Dr. Richard G. Bailey, Chairman  
Dr. Donald M. Scothorn, Vice Chairman  
Mr. Stephen P. Clinton  
Mrs. Amy S. White

**ABSENT:** Mr. Billy W. Martin, Sr.

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

Chairman Bailey called the Closed Session meeting to order at 12:30 p.m.

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

- Section 2.2-3711.A.3 - Acquisition or disposition of real property for economic development purposes where discussion in open session would adversely affect the County's bargaining position or negotiating strategy namely concerning the Amsterdam (Greenfield) and Blue Ridge districts.
- Section 2.2-3711.A.5 - Discussion on prospective businesses or industries or the expansion of existing businesses or industries where no previous announcement has been made of their interest in locating or expanding facilities in the community in the Amsterdam (Greenfield), Buchanan, Blue Ridge (Jack Smith Park), and Fincastle Districts.
- Section 2.2-3711.A.7 - Consultation with legal counsel pertaining to actual or potential litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating/litigating posture of the County regarding the Capital Improvement Plan (CIP).
- Section 2.2-3711.A.8 - Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice regarding GIS information and Overlay discussion.

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

ABSENT: Mr. Martin

RESOLUTION #22-09-01

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

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

BE IT RESOLVED, that to the best of the Board members' knowledge only public business matters lawfully exempt from open meeting requirements and only such matters as were identified in the motion to go into Closed Session were heard, discussed or considered during the Closed Session.

AYES: Dr. Bailey, Mr. Clinton, Dr. Scothorn, Mrs. White  
ABSENT: Mr. Martin  
RESOLUTION #22-09-02

Mike Lockaby, county attorney, explained the Overlay item was discussed in Closed Session because he had received correspondence from an attorney regarding certain items in the Overlay that warranted him giving legal advice to the Board in Closed Session.

Chairman Bailey announced the following revision to the agenda:

1. "Amendment to the Capital Improvement Plan" would be removed from the Consent Agenda and discussed separately.

#### **PUBLIC COMMENT**

Walter Michael, 1215 Archway Road

Mr. Michael discussed property taxes. He also discussed the Capital Improvement Plan and the appendix that was proposed to be removed from the Plan that evening. He stated it has been said that staff believes the appendix has caused confusion and should be removed but this is not ethical for citizens. He suggested if the Plan could be explained further instead, that would certainly help.

Danny Goad, 4766 Read Mountain Road

Mr. Goad stated he feels the purpose for the CIP is to look ahead in what the county is planning to do. He stated he expected to see some items in the CIP recently so he would know what is coming up, particularly Colonial Elementary School and the courthouse. He expressed concern that citizens aren't given notice that these plans are in progress, and they have no idea what is going on. He stated plans would be much more acceptable to citizens if they know what the plans are.

The following comments were received via email prior to the meeting:

Jacqueline Wade, 336 Stratford Drive

"The tax increase is ridiculous! With everything else being so expensive how is it right to DOUBLE our county taxes. Please reconsider this."

Stacy Orange, 191 White Oak Drive

"My husband and I have major concerns over the increased value of vehicles causing major increases in personal property bills. These bills are due right before Christmas, which is already a big enough financial strain, but now they are even more expensive! Please help out working families. We are a large family with 10 kids. We live paycheck-to-paycheck. I don't know how families like ours are going to continue making ends meet with the cost of everything increasing at alarming rates. What are we to do? What can be done to help?"

Rachel Hancock, 885 Roanoke Road

“I would like to address the Board of Supervisors regarding ground water runoff from the lands across Rt. 220 from Botetourt Commons and run off from Botetourt Commons that is flooding my property during heavy rains. I would also like to show a video of the flooding that occurred on August 25, 2022. Jon Lanford has the video.” (Note: Three videos were shown later in the meeting.)

### **INTRODUCTIONS**

- Travis Hipes, Desktop Support Technician II
- Chris Mundy, Recreation Coordinator

### **RETIREMENT**

The Board recognized the retirement of Ricky Dowdy, Supervisor of Maintenance.

### **CONSENT AGENDA**

- a. Minutes of August 23, 2022 Regular meeting
- b. Extension of contract for County Administrator
- c. Noise variance request for American Cancer Society’s Cattle Baron’s Ball event
- d. Appoint David Moorman as the voting Delegate at VACO Conference
- e. Consideration of Fourth Amendment to Tank and Ground Space Lease Agreement

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

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

ABSENT: Mr. Martin

RESOLUTION #22-09-03

### **AMENDMENT TO THE CAPITAL IMPROVEMENT PLAN (CIP)**

Mike Lockaby, county attorney, explained that If the Board contributes money to a project on the CIP, this allows developers and VDOT to justify some of their matching funds to be able to do some of these developments; however, this does not necessarily mean it will be funded with County funds. That said, you can only take those off-site transportation offers if you have had 5% population growth between the last two censuses, therefore, the County is not able to accept cash proffers now because we did not have 5% population growth. Because we cannot accept those proffers, it is best to take them out of the CIP at this time.

Mrs. White asked for clarification that the money that is being eliminated was not attached to a specific project. Mr. Lockaby confirmed that statement and added that the money was not there to begin with, and it was just a placeholder for planning purposes.

MOTION: That the Board approve the amendment to the Capital Improvement Plan, as discussed.

MOTION: Mrs. White

SECOND: Dr. Scothorn

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

ABSENT: Mr. Martin

RESOLUTION #22-09-04

### **RESOLUTION DESIGNATING OCTOBER 23-31, 2022 AS RED RIBBON WEEK**

For the 30<sup>th</sup> year, citizens of the Roanoke Valley and surrounding areas are taking 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, had requested the Board of Supervisors proclaim October 23 – October 31, 2022 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 "Celebrate Life, Live Drug Free!" This will be an opportunity for schools to raise awareness about the dangers of and health risks associated with substance abuse.
- 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 Red Ribbon Week.

MOTION: That the Board approve a resolution supporting October 23-31, 2022 as Red Ribbon Week in Botetourt County.

MOTION: Mrs. White

SECOND: Dr. Scothorn

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

ABSENT: Mr. Martin

RESOLUTION #22-09-05

### **CONSIDER RESOLUTION TO ESTABLISH HISTORICAL PROPERTIES COMMISSION AND APPROVAL OF BY-LAWS**

In an effort to identify, prioritize, and facilitate the preservation of historic properties in Botetourt County, it was deemed appropriate to establish a committee to carry out these goals. The draft resolution and bylaws were reviewed and agreed upon by the presumptive committee in August.

Dr. Bailey thanked Mr. Clinton for his continuous work and support of this. He stated these are great committee members and he is looking forward to seeing what comes from this group in the future.

MOTION: That the Board establish the Botetourt County Citizen Commission for Preservation of Historical Properties (BCCC) and approve the committee by-laws, as presented.

MOTION: Mr. Clinton

SECOND: Dr. Bailey

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

ABSENT: Mr. Martin

RESOLUTION #22-09-06

### **VDOT MONTHLY UPDATE**

Robin Keeler, assistant resident administrator, reviewed the following report:

#### Construction Project Updates

- 0220-011-786 (UPC 105543) Route 220 Safety Improvements – South of Route 43 to South of Iron Gate
  - Project accepted July 26, 2022.
  - Project will be in warranty period until July 26, 2023.
  - Expect occasional erosion and sediment control maintenance activities.

- Tinker Mill Road Culvert Replacement
  - Work began early May.
  - Project is open to traffic with no restrictions as of August 3, 2022.
- Route 622 - Prices Bluff Road - Road Closure for Bridge Work
  - Close road on September 22, 2022 and reopen road on October 28, 2022.
  - The detour length is 6.6 miles.
  - Coordination has been made with EMS.

#### Yearly Resurfacing Contracts

- Prep Work:
  - Work to prepare the secondaries and primaries for resurfacing continues as the weather allows.
  - Paving operations have begun.

#### Traffic Engineering Work Orders

- Middle Creek Road/Campground - A Traffic Engineering Work Order was submitted on 6/6/2022 requesting a speed study as well as consideration for bicycle and pedestrian warning signs. The review has been completed. The Salem Residency will reach out to the camp and Botetourt County Police for guidance.
- Rte. 11, Lee Highway, Buchanan - A Traffic Engineering Work Order was submitted on 8/24/2022 requesting a speed study be conducted beginning at the intersection of Lee Highway and Mt. Joy Road, near the Virginia Forge Company, north to KC Collections. The request includes review of the distance between the 55, 45, 35 and 25 mph zones.

#### Land Development Projects and Land Use Permits

- Site Plan Reviews:
  - APEX Wind Farm Plans (on-site plans)  
2nd review comments sent to Botetourt County on April 4, 2022.  
Currently waiting on plan resubmittal.
  - APEX Wind Farm Dagger Spring Road Plans (off-site plans)  
2nd review comments sent to Botetourt County on May 27, 2022.  
Currently waiting on plan resubmittal.
  - Daleville Town Center Crossover Removal  
2nd submittal received on July 7, 2022.  
VDOT Approval was granted on August 26, 2022.
  - The Jackson at Ashley Plantation  
2nd review comments sent to Botetourt County on June 27, 2022.  
Currently waiting on plan resubmittal.
  - Mullens Markings  
3rd submittal received on September 08, 2022.  
Plans are currently under review.
  - Laymantown Area Gas Line Project  
2nd review comments sent to Botetourt County on May 18, 2022.  
Currently waiting on plan resubmittal.
  - Daleville Town Center Phase 5 Subdivision  
1st submittal received on July 28, 2022  
1st review is complete and the letter will be sent out once signed
  - Daleville Town Center Village South  
1st submittal received on August 1, 2022  
1st review is complete and the letter will be sent out once signed.
  - Dollar General (Town of Buchanan)  
3rd submittal received on September 13, 2022

- 3rd review is complete and the letter will be sent out once signed.
- Gala Compressor Station/Columbia Gas (Gala Loop Detour)
  - 2nd submittal received on September 2, 2022
  - VDOT approval was granted on September 6, 2022
- Botetourt County Courthouse
  - 1st review comments sent to Town of Fincastle on August 23, 2022
  - Currently waiting on plan resubmittal.
- Permits Issued:
  - Permits issued between 08/09/2022 –09/14/2022:
    - 5 Utility Permits
    - 3 Private Entrances
    - 1 Commercial Entrance

### Residency Projects

- Clyde's Run - Rural Rustic
  - Contractor mobilized equipment and materials to the project and work will begin as soon as the weather permits.

### 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.
    - PMSS 2022 Routes Completed.
    - Starting on PMSS 2023 Routes.
  - Buchanan Area:
    - Grading various gravel roads, adding stone where needed and dust control where necessary.
    - Grader/LeeBoy patching, hand tar and gravel patching on various routes.
    - Cleaned up storm debris on various routes.
    - PMSS 2023: patching on Route 643, Mountain Valley Road and Route Bobblets Gap Road, and Route 628, Prease Road, next on schedule
    - Ditching along various routes:
      - VA-43
      - Route 625, Mount Joy Road
      - Route 628, Prease Road
      - Route 643, Bobblets Gap Road
      - Route 643, Mountain Valley Road
    - Mowing/trimming on secondary roads:
      - Route 614, Arcadia Road/Jennings Creek Road.
      - Trimming brush on Route 630, Springwood Road.
  - Eagle Rock Area:
    - Grading various gravel roads, adding stone where needed and dust control where necessary. All roads have had chloride applied at least once. Will continue grading when conditions allow.
    - Mowing/trimming on primaries and some secondary roads continues. Will finish the first round and start the second round. Start to work on Prices Bluff Rural Rustic our part of Prices Bluff Rural Rustic is complete starting our part of Clydes Run Rural Rustic

- Fincastle Area:  
Grading various gravel roads, adding stone where needed and dust control where necessary.  
Mowing/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.  
Mowing/trimming on primaries and some secondary roads.  
Shoulder work along Alt-220 and Route 11.  
Ditching on Route 657, Rainbow Forest Drive. Then cutting brush per PMSS 2023.  
Pipe replacement Route 752, Old Mill Drive.  
Pipe replacement Route 805, Hastings Lane.

Mrs. White thanked her for the update on Middle Creek. She noted Davis Run had been resurfaced and she had received concerns from residents that there is loose gravel, which is very slippery. Mrs. White noted she had driven through there and she did find a lot of loose gravel. She asked that VDOT check on it.

Mr. Clinton reported a recurring issue with stormwater overload at Cedar Ridge. He suggested VDOT take a look at this. He also reminded her that he had spoken with Mr. Blevins about the light synchronization and turning right at the Sheetz on Route 220. He stated he realizes it is a complex issue, but Mr. Blevins understands his concern.

Dr. Scothorn reported the 12-foot-deep sinkhole and gas pipe was still there. Ms. Keeler replied it is being worked on, but the problem is obtaining supplies. She noted the estimated time of completion is in December. Dr. Scothorn asked if there was anything on site that could be done while they wait for supplies/material. Ashley Mothena, assistant resident engineer for VDOT, replied the project is in the works but it happened faster than they anticipated and now they are going through the procurement process. She explained to get it procured, fabricated, and installed will take until December. It was already in the works, but that storm brought it to the front quicker than they expected. Dr. Scothorn suggested that the road be resurfaced and use a detour. Mrs. Mothena replied they would get it completed as soon as possible but they do not want to overpromise, and it is more about a lead time to get the materials, than trying to figure out what to do.

Dr. Scothorn asked if there were any other sinkholes in that area. Mrs. Mothena replied this is not a true sinkhole, but rather a failure in the system. She stated this will be a big project, and in fact, her office is not handling it but the bridge department is because of the size of the pipe. There had been indications alongside the road that something was going on and the pipe under the road was in really bad shape, but they did not expect it to happen this quick, she noted.

Dr. Scothorn asked if the Exit 150 area is a pollination area. Mrs. Mothena replied VDOT is only allowed to mow the area alongside the road once per season and they are mowing where they are allowed to mow. Dr. Scothorn stated the viewshed is unacceptable and it is nothing but weeds. Mrs. Mothena replied it will take time to get this established and she understands the concern, and the department has had a lot of internal discussions about it.

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

There were no transfer requests for the month of September. The following supplemental

appropriations were requested for the reasons indicated. There were eight pass-through appropriations and one regular appropriation.

PASS-THRU APPROPRIATIONS Pass-thru items 1-8 represented expenditure reimbursements, miscellaneous receipts, contributions, and insurance proceeds. Regarding regular appropriations, #9 was for the Munters Road project and would be combined with existing budgeted funds to cover the final billing form Avis Construction.

1. Additional appropriation in the amount of \$40.00 to Dispatch – Convention & Education, 100-4031400-31400-5540. This is for a contract payment.
2. Additional appropriation in the amount of \$8,501.38 to the following Correction & Detention accounts: \$246.66 to Uniforms, 100-4033100-33100-6011, \$4,245.80 to Medical & Lab Supplies, 100-4033100-33100-6004, \$3,208.92 to Salaries, 100-4033100-33100-1100, and \$800.00 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 work crew and transportation expenses, and the fourth item is for social security incentives.
3. Additional appropriation in the amount of \$1,253.75 to the following Sheriff Department accounts: \$20.00 to Other Operating Supplies, 100-4031200-31200-6014, \$990.00 to National Forest Patrol, 100-4031200-31200-1900, \$193.75 to Vehicle Supplies, 100-4031200-31200-6009, and \$50.00 to Firing Range Expenses, 100-4031200-31200-6015. These appropriations are for permits, reimbursement of forest patrol and transportation expenses, and firing range expenses.
4. Additional appropriation in the amount of \$25,410.00 to Fire & EMS – Convention & Education, 100-4035500-35500-5540. This is a receipt from Virginia EMS Scholarship Program to offset the cost of paramedic courses for 5 personnel.
5. Additional appropriation in the amount of \$2,572.56 to Fire & EMS – Capital Outlay – All Other, 100-4035500-35500-8012. These are funds received from International Association of Fire Chiefs to offset the cost of rescue and recovery courses attended.
6. Additional appropriation in the amount of \$8,982.00 to Fire & EMS – Fire Insurance, 100-4035500-35500-5302. This is an insurance reimbursement for the elimination of an apparatus from the policy.
7. Additional appropriation in the amount of \$100.00 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. These are contributions made in memory of Larry Clinebell.
8. Additional appropriation in the amount of \$13,480.64 to the following Sheriff Department accounts: \$293.64 to Office Supplies, 100-4031200-31200-6001, \$12,953.30 to Overtime, 100-4031200-31200-1200, and \$233.70 to FICA, 100-4031200-31200-2100. This is for FOIA fees received, security provided for Buchanan and Ironman events.

REGULAR APPROPRIATIONS:

9. Additional appropriation in the amount of \$26,350.21 to CIP -VDOT Revenue Sharing, 100-4094000-40000-9409-809. This appropriation, when added to the remaining budgeted amount will cover the final contractor payment for the Munters road extension at Greenfield.

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

MOTION: Mr. Clinton

SECOND: Dr. Scothorn



AYES: Dr. Bailey, Mr. Clinton, Dr. Scothorn, Mrs. White  
ABSENT: Mr. Martin  
RESOLUTION #22-09-07

**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 \$2,076,010.33. Payable disbursements of note for the month were as follows:

CIP – CCH Renovation	\$180,015 paid to Architectural Partners for services provided for the courthouse project
CIP – VDOT Revenue Sharing	\$561,971 to Rock Tec, Inc. for Application #6 for the Munters road extension
Technology Services	\$118,846 paid to SHI International for Microsoft annual maintenance contracts
Animal Control	\$27,485 paid to Sheeby Auto for a Ford F-150 Supercab

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

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

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

ABSENT: Mr. Martin

RESOLUTION #22-09-08

**CONSIDERATION FOR APPROPRIATION OF FUNDS FROM THE BUCHANAN FIRE AND EMS CONTRIBUTIONS FUND**

In recent months the Department of Fire and EMS had been working with volunteers at the Buchanan station on identifying operational priorities and gaps in associated equipment. A project that has been identified as the top priority, is that of purchasing vehicle stabilization equipment for use on motor vehicle crashes.

The proposed stabilization equipment would ensure that the Buchanan apparatus primarily responsible for vehicle stabilization and extrication is better equipped to provide this service. A package of stabilization struts, bases, chains, and rated ratchet straps would allow for personnel to properly stabilize vehicles ranging in sizes from passenger cars to tractor-trailers.

Chief Ferguson supported this request as a meaningful purchase to enhance the safety for department personnel operating in these types of situations.

The total cost of the project is \$26,044, of which the Buchanan fund will cover the vast majority. The remainder would be covered by funds already available in the FY23 budget.

MOTION: That the Board authorize the transfer and appropriation of \$17,537.41 from the Buchanan Fire & EMS Contributions Fund (Fund 235) to the Botetourt County Undesignated General Fund (Fund 100).

MOTION: Mrs. White

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

MOTION: That the Board appropriate \$17,537.41 from the Undesignated General Fund (Fund 100) to the Buchanan Fire & EMS Capital Outlay – Machinery and Equipment 100-4035530-8001-000.

MOTION: Dr. Scothorn  
SECOND: Dr. Bailey  
AYES: Dr. Bailey, Mr. Clinton, Dr. Scothorn, Mrs. White  
ABSENT: Mr. Martin  
RESOLUTION #22-09-10

**CONSIDER RESOLUTION APPROVING TWO STREETS IN THE VILLAGE AT TINKER MOUNTAIN (TINKER VALLEY DRIVE AND CARDINAL LANE) BE TAKEN INTO THE SECONDARY SYSTEM OF HIGHWAYS**

David Givens, county engineer, explained that Tinker Valley Drive (Route 1172) and Cardinal Lane (Route 1173) in The Village at Tinker Mountain Subdivision, adjacent to Catawba Road (Route 779), had been reviewed and approved by VDOT and were eligible for acceptance into the State's Secondary System of Highways.

MOTION: That the Board accept Tinker Valley Drive and Cardinal Lane in The Village at Tinker Mountain subdivision, into the State's Secondary System of Highways, as presented.

MOTION: Mr. Clinton  
SECOND: Dr. Scothorn  
AYES: Dr. Bailey, Mr. Clinton, Dr. Scothorn, Mrs. White  
ABSENT: Mr. Martin  
RESOLUTION #22-09-11

**HEALTH INSURANCE RENEWAL**

The County's new health benefits plan year begins December 1, 2022. The County's benefit plans include medical, prescription drug, dental, vision, wellness plans, and an Employee Assistance Program.

OneDigital benefit advisors assists the County with planning and oversight of its health-related benefit programs. Mary Jones with OneDigital joined remotely to present an overview of renewal proposals and recommendations for the Board's consideration.

**Medical Plan and Prescription Drug Plan**

It was recommended that the County renew its medical insurance program with MedCost Benefit Services and its prescription drug plan with Kroger Prescription Plan. The proposed renewal reflects a 7.2% (\$237,566) reduction in expected annual costs from \$3.31 million to \$3.08 million. This reduction is attributable to several factors:

1. Fewer claimants hitting the specific stop-loss: in the prior period the amount over the specific stop-loss was \$553,172 and the current period is \$311,819; this resulted in a decrease in reinsurance premiums of 6%.
2. Overall, the large dollar claimants (claims more than \$25,000) are lower vs. the prior two periods.

3. The pharmacy spend for plan year 2021-2022 is down significantly due to:
  - a. fewer large dollar claimants, and
  - b. implementing Script Sourcing this past year. Net savings from this program were \$66,000 through July 31, 2022.

No changes in plan design or coverage were proposed for the new plan year.

#### Dental Plan

The County's current dental carrier is Delta Dental. The expected liability for the new plan year is 5.4% (\$5,600) higher than the previous year. A proposed increase in administrative fees was negotiated away resulting in no increase in administrative fees for this program. Renewal of this program with Delta Dental and making no changes in coverage was recommended.

#### Vision

The County's vision plan is a four-year fully insured plan with EyeMed that extends through November 30, 2026. No change in coverage or costs are proposed through that period.

#### Renewal Proposal

Overall, the expected total cost of employee group health benefit plans (medical, prescription drug, dental, vision, etc.) is projected to decrease 7.2% or approximately \$232,000.

Staff recommended maintaining employee premiums at current amounts.

David Moorman noted that last year there was no increase, but to have a 7.2% decrease this year is very pleasing and this was the largest decrease that he was aware of for the past 20 years. He commended employees for trying to stay healthy and reduced claims.

Dr. Scothorn thanked Mr. Moorman and his team for their hard work in getting the information together and celebrated the decrease in costs.

Chairman Bailey stated it was delightful to see a decrease in the cost.

MOTION: That the Board authorize the award of group health insurance plans, benefits and premiums to MedCost Benefit Plans, Berkley Reinsurance, Kroger Prescription Plans, Script Sourcing, EyeMed Vision Care, and Delta Dental effective December 1, 2022, and the continuation of the County's wellness program, and authorize staff to execute all necessary instruments upon the review and approval of the County Attorney.

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

ABSENT: Mr. Martin

RESOLUTION #22-09-12

#### **CONSIDERATION OF HEALTH FUND RESERVE POLICY**

Botetourt County has provided a suite of health-related benefit programs for its employees for many years. Since at least the early 1990s, the County has administered partially- or self-funded medical, prescription drug, and dental group insurance programs, and a wellness program. More recently, the County added a vision insurance program and an Employee Assistance Plan (EAP). These programs are funded jointly by the County and its employees.

County Administration actively monitors and manages the programs in partnership with the program providers and an independent professional insurance/HR consultant. For many years, the County has placed an emphasis on education and providing employees tools and opportunities to proactively manage their wellness and treatments.

A willingness to experiment, innovate, and take advantage of emerging opportunities while protecting the County and its employees from excess liability has contributed to generally better-than-benchmark clinical and financial outcomes.

While management for outcomes is vital given the cost of group benefit programs, the actual ability to influence and manage outcomes is limited. Serious genetic diseases and conditions are not preventable by healthy habits. Traumatic injuries caused by accidents are not entirely preventable or predictable. Increases in health-care costs are beyond the County's sphere of influence. While protections against catastrophic losses are included in the County's program designs (e.g. reinsurance and actuarial modeling), cost increases and catastrophic illnesses or injuries occur every year. Depending on their quantity and severity, they can have significant financial impacts that exceed the protections built into benefit plans.

The County has a Health Fund into which both County and employee contributions for health-related benefits are deposited. Expenses for insurance coverages and program costs are paid out of the Fund. If contributions to the Fund exceed expenses, the excess contributions are retained in the Fund to provide a reserve. If contributions to the Fund are insufficient to cover the costs of expenses, the reserve is available to cover the shortfall.

Due to plan designs and the efforts of employees, the County's planning and oversight group, program providers, and the County's consultants, the County's Health Fund balance, as of August 31, 2022, was \$2,959,786. This balance has been built-up over several years.

Based on guidance from independent consultants and best practices, Botetourt County seeks to establish a written policy to ensure the maintenance of an appropriate Health Fund Reserve – a reserve that will protect the County, its employees, and taxpayers from catastrophic losses associated with unexpected events.

The recommended policy:

Goal. The goal of this reserve policy for the Botetourt County Self Health Fund is to maintain sufficient cash, as determined by best estimates available, to 1) ensure the continuity and sustainability of health-related employee benefit programs, 2) preserve and protect other financial resources of the County, and 3) avoid excessive or unnecessary fund balances.

Policy. The required reserve level shall meet or exceed the following calculation:

Health Fund Reserve = Estimated IBNR (Incurred but Not Reported) + 10% of Anticipated Annual Costs

This will establish the amount of funds to be left in reserve, that is, over and above annual County and employee contributions. Additional funding may be held in reserve to be used for future health-related costs, planned benefit changes, or for other related purposes, at the discretion of the elected body.

Compliance and Reporting. Botetourt County staff will continue to monitor expenses in this area and utilize data and recommendations from consultants and may recommend future adjustments to this policy as appropriate. If, following the conclusion of any program year, the actual Health Fund Reserve balance exceeds the calculated Health Fund Reserve by more than 20%, a report will be made to the Budget Subcommittee of the Board of Supervisors, including recommendations. Excess Health Fund Reserve amounts may be transferred, as determined by the Board of Supervisors, for other public purposes.

The required Health Fund Reserve amount for the current period would be approximately \$800,000. The Board gave unanimous consent for staff and the Budget Subcommittee to review and prepare recommendations for the disposition of excess fund balance. The review process and subsequent recommendations would occur no later than within the development of the FY24 County Budget.

MOTION: That the Board adopt the Health Fund Reserve Policy, effective immediately.

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

ABSENT: Mr. Martin

RESOLUTION #22-09-13

### **CONSIDERATION OF RFP FOR PROFESSIONAL DESIGN SERVICES FOR RENOVATION OF THE BUCHANAN LIBRARY**

In November 2021, the Board of Supervisors awarded a contract for a professional assessment of the Buchanan Library building in preparation for its proposed renovation to finish the currently unfinished mezzanine and second floor levels of the building.

Enteros Design performed the work in consultation with library staff, maintenance and building staff, and a study oversight team comprised of Supervisors White and Clinton, Library Director Julie Phillips, and Deputy County Administrator David Moorman. Enteros' completed its assessment in March of this year and its report was provided to the Board.

Following receipt of the report, County Building and Maintenance officials and the County's study team reviewed and vetted the work. Multiple discussions were had with Enteros about potential alternatives and "value engineering" and some limited opportunities for modifications to reduce costs were identified. Enteros' March 31, 2022, cost estimate for the proposed renovation was \$1.5 million for construction. With the addition of design costs, furniture and fixtures, technology, and other necessary costs, Enteros estimated a total project budget of \$2.1 million.

At the request of the oversight team, staff had prepared a Request for Proposals for professional services for schematic design, construction design, and bidding and construction support. If approved, the RFP would be issued in coming days with proposals due not later than October 20, 2022. The estimated cost of the services is between \$180,000 and \$220,000. Funding in support of the library renovation was included in the current year budget in an amount sufficient to cover the cost. The RFP proposals would be evaluated by the project team.

Mr. Clinton suggested removing the administrative costs at this time.

Mrs. White stated that this was one of the first projects brought to her attention when she came on the Board and she had spent a lot of time on this. She stated she appreciated Mr. Clinton's guidance and perspective and she realizes this is a real need for the community. She stated the citizens need this resource for Wi-Fi access, for virtual opportunities and it would be great if they could host meetings or do schoolwork at the library. She noted the county moved this building in the 1990s and it is still not completed; therefore, the Board needs to honor its commitment to this and get it finalized.

Dr. Bailey discussed the potential for parking issues. Mrs. White agreed that parking at the library is a limitation of the property but to build somewhere else would be very costly. Mr. Clinton stated Julie Phillips has done a great job with the libraries and we need to keep the momentum going because a public library is the fabric of a community, and this is a great opportunity for the town of Buchanan.

MOTION: That the Board authorize the issuance of an RFP to move forward with the construction document phase but take out the administrative costs at this point.

MOTION: Mrs. White

SECOND: Mr. Clinton

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

ABSENT: Mr. Martin

RESOLUTION #22-09-14

**AUTHORIZATION TO REVIEW AMENDMENTS TO INCORPORATE SOLAR ENERGY GENERATING AND BATTERY STORAGE FACILITIES INTO THE ZONING ORDINANCE**

Sec. 25-581.1.(a). - Zoning ordinance text amendment—Board or planning commission initiated. of the Botetourt County Zoning Ordinance states, "At any time, the board of supervisors or the planning commission may initiate by resolution an amendment to the text of the zoning ordinance."

Staff explained should the Board refer the petition to the Planning Commission, it shall be treated as a board-initiated text amendment, therefore, staff would take into consideration how the proposed amendment would impact all properties within the county and draft the advertisement for the public hearing to provide flexibility to the Planning Commission as they consider the specifics of the request.

As technology continues to grow and change, new development opportunities arise. Renewable energy generating facilities are becoming more viable and more prevalent across rural areas in the Commonwealth. These facilities bring their own challenges and opportunities for the citizens of Botetourt. It is important for the County to plan for future development and ensure that these facilities can be sited appropriately.

Staff recommended that the Board refer the request to the Planning Commission so that they may consider the request in detail and provide a recommendation on whether the ordinance should be amended to add proposed land use and further evaluate the amendments to consider in what zoning use districts such uses related to solar and battery storage shall be allowed, whether by right or by special exception, how the use shall be defined, and what, if any, supplemental regulations would be appropriate. If referred to the Planning Commission, a public hearing would be advertised to consider the proposed amendments and to provide a recommendation on the changes.

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

MOTION: Dr. Scothorn  
SECOND: Mrs. White  
AYES: Dr. Bailey, Mr. Clinton, Dr. Scothorn, Mrs. White  
ABSENT: Mr. Martin  
RESOLUTION #22-09-15

**CONSIDER ACCEPTANCE OF FINCASTLE MUSEUM GRANT**

Jon Lanford, assistant county administrator, provided a presentation to update the Board on the status of the Botetourt County Museum Project. Legislation regarding appropriation from the Commonwealth is shown below:

Fincastle Museum

Item 386 #5h	First Year - FY2023
Natural and Historic Resources	
Department of Historic Resources	\$6,000,000

Page 418, after line 46, insert:

"V. Out of the amounts in this item, \$6,000,000 the first year from the general fund is provided to the County of Botetourt to support the site acquisition, design and construction of the new Fincastle Museum within the boundaries of the Town of Fincastle. As a condition of receiving this amount, the County must provide no less than \$500,000 in local matching funds."

Mr. Lanford explained there is no deadline for the County to expend the funds but they must be accepted by the County and we have to certify there will be a local match of \$500,000. There are no reporting requirements, he said.

Dr. Bailey stated the vision here is that there will be a building dedicated to the 250 years of history of our area. He stated Delegate Austin is to be commended for finding the funding for this.

Mr. Lanford reported he would issue an RFP for architectural engineering firms and would also evaluate feasibility, operational structure, governance structure, maintenance of building, and staffing needs.

Mrs. White asked if the County would own the building. Mr. Lanford replied that is still to be determined but perhaps the County may own it and lease it out to another entity. He stated the first step is to certify the local match and accept the grant funds. He noted we are very early in the process and there are a lot of unknowns at this point. To bring an MOU between the County and State, we must certify that we will provide the local match, which can be through in-kind, which gives us access to the \$6M. The County must accept the money and it be transferred by June 2023, he said.

Mr. Clinton questioned if we have the option for our in-kind amount to be for operational or maintenance costs. Mr. Lanford replied the operation and maintenance costs cannot be used as our local match.

MOTION: That the Board authorize acceptance of grant and appropriates \$6M of state grant and required \$500,000 local match to be provided by in-kind contributions for engineering and civil/site work associated with the Fincastle Museum project.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey  
AYES: Dr. Bailey, Mr. Clinton, Dr. Scothorn, Mrs. White  
ABSENT: Mr. Martin  
RESOLUTION #22-09-16

### **APPOINTMENTS**

- a) Appoint Dr. Warren Clark to the Roanoke Valley Greenway Commission for a three-year term to expire June 30, 2025.
- b) Appoint Emily Berry as a parent representative to Community Policy Management Team (CPMT) for a two-year term, expiring September 1, 2024.

MOTION: That the Board approve the committee members, as presented.

MOTION: Dr. Scothorn  
SECOND: Dr. Bailey  
AYES: Dr. Bailey, Mr. Clinton, Dr. Scothorn, Mrs. White  
ABSENT: Mr. Martin  
RESOLUTION #22-09-17

### **BOARD MEMBER COMMENTS**

Dr. Scothorn stated he had received several calls about property taxes. He stated he understands that citizens are upset, and it is good to hear from citizens, but we need to discuss with them the facts. He stated he realizes some people have hardships and some citizens have even said to him that they must decide between their medications or paying taxes. He encouraged those citizens to research and possibly consider changing their health insurance for better coverage or for assistance with their medications because there are programs to help with the cost of medications. He asked that individuals who are putting tax information out there to please talk to the Board and/or staff first to ensure the information is accurate.

Mrs. White concurred with Dr. Scothorn's comments. She reported during her calls with citizens she tried to help everyone understand the process and their individual bill because it is important that they know what they are actually paying for. She stated everything has gone up for everyone and some of it is out of our control. She reminded everyone of the tax relief the County provided last year to the agricultural community and small business community. She stated accurate, sound, and consistent communication is so important. She questioned how the Board can help people who are in distress and encouraged citizens to contact their Board member if they have questions.

Chairman Bailey stated it is a bizarre circumstance for used car values to increase instead of decrease and it is not quite comparing apples to apples. He stated we do not know how long car values will continue to increase and it is out of the Board's control. He reported J.D Power had bought NADA and they use the lowest value. He stated he appreciated all the work from staff over the past weeks and the Board did the best they could.

Mr. Clinton reported he also had received some calls from citizens. He stated the calls were instructive and he wasn't sure that he was able to explain the process adequately. He said a common question he received was, "What am I getting with this increase?", and citizens saying the schools need to be renovated.

Dr. Scothorn added the County is also competing with other localities for Fire/EMS, school teachers and general employees. He stated beyond our buildings, the Board is also trying to



protect employees and reminded everyone that the County gave \$2.1M back in relief during the pandemic. He stated he is glad to hear from citizens.

Chairman Bailey highlighted a few recent and upcoming events:

- Botetourt County Corporate Family event at The Preserve on September 14 – A successful event and well attended. Big thanks to Botetourt County staff and staff of The Preserve.
- Norvel Lee Dedication event on September 17 was well attended and appreciated by the family.
- Sheriff's Office and Fire/EMS worked collaboratively and successfully on an incident that occurred recently.
- 250<sup>th</sup> Anniversary of the Town of Fincastle event on September 24. Very successful event and thanks to Mr. Clinton for his attendance.
- Munters Ribbon Cutting ceremony coming up on September 28. This is a 365,000 sq. ft. building and will provide 200 jobs. A very positive addition to Botetourt County.

Mrs. White stated it was wonderful to hear of all the community events going on. She stated she hoped to see everyone Saturday for Mountain Magic, weather permitting. She stated she had heard the Sunflower Festival was a great success.

Chairman Bailey recessed the meeting at 3:48 p.m. The meeting was called back to order at 6:00 p.m.

#### **6:00 P.M. PUBLIC HEARINGS**

**Amsterdam and Valley Districts:** The Botetourt County Board of Supervisors propose amendments to *Chapter 25 – Zoning, Article III – Overlay Districts* of the Botetourt County Code to establish the *Gateway Crossing Overlay District* that promotes the vision of the Gateway Crossing Area Plan (2016 Comprehensive Plan Update) and 2010 Comprehensive Plan and is designed to create an attractive gateway into the county from the Interstate 81 interchange around Exit 150. The purpose of the proposed amendments is to minimize the spread of development into rural areas by encouraging growth in the overlay where existing infrastructure and services are available and can support dense development containing walkable, human-scaled sense of place with a network of connected streets that contain sidewalks; bike and pedestrian accommodations, housing near employment opportunities, and integrated larger footprint commercial and/or employment centers. The existing underlying zoning use districts shall remain in effect, except for certain prohibited uses that are noted in the proposed amendments and are described as uses that do not contribute towards fulfilling the purpose of the overlay. The overlay is comprised of a residential subdistrict, a community business subdistrict and an interstate business subdistrict. Each subdistrict allows for additional permitted and special exception land uses, and each with unique development standards that include lot, building, and use limitation requirements specific to each subdistrict.

The Gateway Crossing Residential Subdistrict in the area northwest of the I-81 150 interchange as depicted on the proposed zoning map, is intended to support a combination of mixed density residential uses with a walkable community design and complementary, neighborhood-scale commercial uses. The Residential Subdistrict contains parcels located on both sides of Tinker Mountain Road east of the train tracks, between I-81 and the Reserve at Daleville Apartments located on Commons Parkway, except for parcel 101-52.

The Gateway Crossing Community Business Subdistrict provides development standards for a range of uses to meet local needs such as small-scale shops, office, civic space, parks, and high-density residential uses as permitted in the Residential (R-4) Use District. The Community Business Subdistrict is located along Roanoke Road (US 220) between I-81 and Glebe Road; along both sides of Commons Parkway; along both sides of College Drive; along Cedar Plateau Way; along both sides of Old Estates Lane; along both sides of Tinker Mill Road between Roanoke Road and Old Orchard Lane; along Wendover Road between Roanoke Road to parcel 101A(1)BK3-1; along both sides of Daleville Centre Drive; along the north side of Valley Road between Roanoke Road and Daleville Center Drive; along both sides of Catawba Road between Roanoke Road and parcel 101-8; and along both sides of Market Ridge Lane, Marketplace Drive and Market JCT in the Orchard Marketplace Shopping Center.

The Gateway Crossing Interstate Business Subdistrict promotes a combination of service-oriented commercial uses such as hospitality, lodging, retail, and office space designed to be compatible with the goals of a walkable district with a mixture of uses. The Interstate Business Subdistrict contains parcels located along both sides of Lee Highway, between 2525 to 3396 Lee Highway; along the south side of Kinzie Road; between Gateway Xing and Lee Highway; and several vacant parcels along Olde Route 604 between Olde Route 604 and Cloverdale Road and parcel 101-163.

The overlay reduces front, side, and rear setbacks under certain conditions, eliminates floor area ratio (FAR) requirements and impervious surface requirements, provides standards for entrances, windows, and doors for new principal buildings, and increases the maximum height of buildings and structures in each subdistrict. The overlay provides standards for new public streets, subdivision blocks, access management, and provides sidewalk requirements for new development or construction exceeding 15% of the gross floor area unless otherwise waived by the zoning administrator when topography or land conditions would not be necessary to achieve the purposes of the overlay. These standards are provided to ensure that the walkability and multimodal vision of the overlay and Comprehensive Plan are met. The overlay also reduces the minimum number of required parking spaces required for all land uses, encourages the placement of parking to the side and rear yards, limits the location of drive-through service windows, requires accommodations for bicycles, eliminates the total lot square foot maximums for signage, and defines uses not otherwise listed in the ordinance.

Staff noted a complete copy of the proposed ordinance and map showing the overlay boundary were available at <https://www.botetourtva.gov/778/Gateway-Crossing-Overlay> or may be viewed in person at the Planning and Zoning Office.

Staff reviewed a presentation including details on the history of the overlay, the boundaries and subdistricts of the overlay, information on the intent and purpose of the overlay, the permitted and prohibited uses, and some standards for buildings and lots.

Staff reported the Planning Commission heard public comments from six speakers during the public hearing. Four people opposed the request citing concerns such as communication about the amendments, costs to taxpayers, the number of apartments, whether the Board of Zoning Appeals would ever overturn decisions made by the Zoning Administrator, and zoning on top of zoning. Two people endorsed the overlay district, in that it can assist in redevelopment that would pay taxes to improve schools and roads.

Staff reported that the Planning Commission invited staff to return and answer some of the questions posed by citizens. Staff answered questions related to total acreage (620 acres) and

miles of major roadway (2.7 miles) in the overlay, offered data on vehicle traffic counts, reiterated the many years of public outreach, stakeholder meetings, and direct and indirect information provided to the public, and clarified that local funding is not being used for improvements in the overlay. Planning Commission members expressed no concerns about the proposed Overlay and thanked staff for their diligent work over many years on the ordinance text.

Following the Planning Commission meeting, staff received two requests, which were included in the Board packet. One request was from the property owner to remove the former Cash Building Supply property from the overlay, and the other was a request to make some modifications to the proposed language.

Nicole Pendleton explained the zoning amendment is a tool to foster attractive entrance into the County and is not a new regulation county-wide. She stated zoning needs to change as our environment and our needs change and this is an attempt to provide an option to start something very different than what we have currently. We have had many meetings with stakeholders, meetings with property owners, and continuous communications, she stated.

Drew Pearson stated that many citizens had asked him what an overlay represents. He explained that an overlay is an additional set of standards that sit on top of the existing zoning standards and generally is for an area you want to make changes in but do not want to change zoning countywide. He emphasized that the underlying districts that are currently there, are still there, and that an overlay can add some new uses, and even take away permitting for some future uses, but does not impact current businesses.

Mr. Pearson stated he had been asked, "What can the overlay do?" He explained sometimes this relaxes and affords less restrictive uses, but sometimes it can make things more restrictive, but in this case, it relaxes the standards. He reported he already had interest from developers, and he is not surprised by the interest in this area.

Mr. Pearson reviewed possible uses and explained that the uses that are already currently operating, can continue to operate. He clarified that the Overlay does not take a business that already exists and make it go away; however, the Overlay does allow for other uses that may not be allowed in other zoning areas.

Mrs. Pendleton added that there had been a lot of meetings and phone calls, and revisions were made to the ordinance per conversations and suggestions from citizens.

Mrs. White asked how many apartments would be permitted there because there is a lot of information circulating about it. Mr. Pearson replied he also had received a lot of questions about this. The county has only received one application, and the proposal includes 240 units.

Mrs. White asked how this would change the impervious surface regulations. Mr. Pearson replied most use districts have requirements that would allow for a specific percentage of impervious surfaces. If someone develops this site, they still must meet landscaping requirements. There would still be open space, with stormwater basins designed to calculate how much water is generated. If you have more hard surfaces, the stormwater basin will get bigger. Further, any redevelopment of a property has to go through a full technical site review including county engineer, VDOT, and others, he noted.

Mrs. Pendleton added that stormwater requirements are still in place and the County engineer looks at existing versus proposed site condition calculations. Also looked at are tree canopy coverage requirements. This would not totally eliminate the green space of the area, she said.

Dr. Bailey stated this reduces some restrictions on businesses, making it more business friendly.

Mrs. Pendleton stated zoning tends to be reactive and it evolves and changes according to needs and wants of an area. This proposed zoning amendment is not countywide, she emphasized.

Chairman Bailey declared the public hearing open.

Joanne Monday, 520 Archway Road

Ms. Monday stated the County is not listening to the citizens and she doesn't like the way the county operates. She stated this County only grows if someone stands to make money. She stated the Board needed to protect the citizens' interests, not their own. She stated the Board is raising taxes. She stated if people want a "big city", then they should go there and leave this county alone. She concluded by stating she does not want this project.

John Hull, Roanoke Regional Partnership, 111 Franklin Road SE

Mr. Hull stated the Roanoke Regional Partnership is proud to partner with the County. He stated the County has the tools that guide development and support growth and there is a positive momentum that comes with partnerships. He stated economic development prospects like to see availability of multiple services in a community. He thanked the Board for their time.

Jim Ludington, 733 Asbury Lane

Mr. Ludington stated the number of units that are proposed is very frightening to him because this could bring another 3,000 to 4,000 people to the community. He stated he battles the same situation on Etzler Road with multifamily units. He stated he would like for the Board to put a stop to this now. He stated he moved here from southern California because he wanted a rural place and he doesn't want to go through 30 minutes of traffic just to get to a store or a restaurant. He encouraged the Board to vote for the citizens and allow us to maintain the rural atmosphere in this county. We don't want this to be a high population area, he said. He stated he did not see this as a money-making situation but questioned if this would bring in tax revenue. He concluded by stating he would like the Board to vote against this.

Andy Tunnell, 352 Settler's Road

Mr. Tunnell stated he moved to Botetourt County 18 years ago from Roanoke to be in a rural environment, with scenic views, beautiful mountains, open spaces, rural farmland, peace and quiet. He stated he did not move out here to see Botetourt County turn into Roanoke, Williamson Road, or Short Pump in Richmond. He suggested there be a referendum and let the county citizens vote on it, not five board members. He thanked the Board for their time.

Walter Michael, 1215 Archway Road

Mr. Michael stated he had three questions to ask on behalf of his three neighbors. The questions were:

- (1) Will there be any subsidized units?
- (2) Is this housing for illegals?
- (3) Can the Board pledge to not approve this?

Jackie Amos, 103 Summit Lane

Mrs. Amos stated we can't afford this although there was a very rosy picture painted with the presentation. She stated it looked very good and was aesthetically pleasing but there is another side and that's how it is going to be paid for? She stated the only way is to raise taxes. She stated from 2016-2020 we were living in the promised land with 401K investments thriving and everything going well, but not now. She stated she and her husband have watched their money slip away and now the County wants to present a multi-million-dollar project to the citizens while we are already enduring the various price increases. She stated the only way to pay for this is by raising taxes and many citizens currently rely on food banks to get through the month. She asked the Board to consider the stress on young families. She thanked the Board for their time.

Anna Bruce, 84 Stayman Road

Ms. Bruce stated she had been a business owner in the county for 25 years. She stated her concern is for existing businesses because some will be classified as noncompliant and that makes things uncertain for current businesses. We want our business to be certain, she said. She stated this will cause higher taxes for the current businesses. She stated planned communities are never successful and she lived in one in Maryland. She thanked the Board for their time.

Chris McCloud, 165 Tinkerview Drive

Mr. McCloud stated he can tell it is tax time because the developers show up. He stated he had heard this was going to be Section 8 housing and our County doesn't need this. He stated he knows some of the Board members personally but maybe it is time to change our political leaders.

Daniel Cyrus, 102 West Eden Way, Lynchburg

Mr. Cyrus introduced himself as the developer and thanked the Board for their time and consideration. He stated it is unfortunate the comments he had heard that evening because we are all only trying to be proactive instead of reactive. He explained that zoning changes are necessary for all counties and as needs change, zoning needs to change with it. He clarified that the application tonight is not Section 8 housing; that 240 high-end units are what is proposed. He noted these units tend to attract young professionals because of the communities that they build. He stated this overlay is important for the County to grow. He clarified that there are no tax dollars being used as this is funded by private money; however, it could create a tax base to allow the County to decrease citizen taxes.

Arlene Boyd, 853 Hardbarger Road

Ms. Boyd stated her business is located in this corridor and she had recently lost employees because they could not find affordable housing, so they move away. She stated she understands this is not going to cost residents more taxes, but rather alleviate taxes. She stated at times she will leave Botetourt County to go somewhere else to shop because there is nothing here to do. She stated there are no places to live here. How many of our kids have gone to college and don't come back because they can't do anything here? She stated Botetourt County is a beautiful place and she loves the vision the Board has for this county to have a balance. She stated if there is no growth, then there is stagnation. She thanked the Board for putting this overlay together and she hoped they approve it.

Doug Gimbert, 247 Peachtree Valley Drive

Mr. Gimbert thanked the Board for allowing him time to speak. He stated we do not need to turn this into an apartment complex dwelling and there is no benefit to the taxpayers. He stated he used to pay 62 cents/100, now he pays 79 cents/100 and he doesn't know how people are

expected to believe this will not raise taxes. He stated the people in the room are the majority and do not want this. Stacking up people in apartments is not going to help, he concluded.

Dale Wilkinson, 185 Park Drive

Mr. Wilkinson stated he had been a Botetourt resident for 35 years and raised four kids. He stated he is proud of this community where we can have different opinions, listen to each other, and then our elected officials vote. He stated he is a firm believer to keep Botetourt County beautiful and this project has to be carefully considered. He stated he agrees that Exit 150 is a mess and we've heard this for years and the County has gathered the stakeholders, listened, and are trying to develop a plan to get rid of the mess. He stated the Interstate corridor is going to be what we all want, to bring in money from people who are traveling through. He stated he wants a limited government and a diverse community. He said he wants folks to have a place to live in our community. He thanked the Board for listening and working to come up with the best possible answer.

Andy Kelderhouse, 115 Daleville Lane

Mr. Kelderhouse stated he is a 45-year employee of Fralin and Waldron, Inc., with their most recent project being the Daleville Town Center. He explained Exit 150 is the gateway to our county and region and what is there today is an embarrassment, not by design or intent, but from a former truck stop that had to go. He stated these proposed changes are a step in the right direction, but one must look at the entirety of it to see its true value. He noted additional by right uses will aid in the marketing for these parcels for businesses and we need to put tools in place to make use of the space. He stated he understands concerns about multi-family housing units; however, this is not the case with this project. Currently the Daleville Town Center includes retirees and young professionals, which brings a good balance. He stated this area desperately needs to be developed to help bring about higher quality preservation of our rural area.

Linda Rottman, 970 Hardbarger Road

Ms. Rottman stated her recollection of Exit 150 was that the Board took it very seriously, and she appreciated that. She stated the proposal before us abdicates the Board's responsibility to a non-elected agency and we have all seen what happens when legislative power is given to an unelected body. She stated the people do not want this and did not get to see the details ahead of time. She stated development should be made an easier process and clearly all the development is not equal because this takes away our voice to say what goes forward. What need is there of an overlay when there is a variant process, she asked. The overlay does not serve the interests of citizens and the vote should be tabled until citizens can ask all their questions, she said. She concluded by stating this proposal was laid out as a rosy picture but there is no accountability. She thanked the Board for their time.

Seth Wilkinson, 185 Park Drive

Mr. Wilkinson stated he was raised in Botetourt County and he agreed with sentiment that Botetourt County's most important asset is its beauty. He encouraged the Board to preserve the natural resources we all love. He encouraged the Board to support this proposal.

MOTION: That the Board recess for ten minutes.

MOTION: Mr. Clinton

SECOND: Mrs. White

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

ABSENT: Mr. Martin

TIME: 7:35 p.m.

Chairman Bailey called the meeting back to order at 7:45 p.m.

Ben Crew, 1208 Corporate Circle

Mr. Crew thanked the Board for allowing him time to speak. He stated he is employed with Balsler and Associates. He stated his firm has received a lot of feedback over the years on this specific property. He stated as someone that works in 20 localities, he can attest that every county is unique, and this has to be a right fit for Botetourt County because this parcel is the gateway into Botetourt County. He explained challenging properties have been investigated before but there always seems to be some type of showstopper with the current ordinance that stops any development. This overlay will help the area around Exit 150 and help it to thrive, he said. He stated now is the time to support the vision of what Botetourt County wants to do with the County.

Danny Goad, 4766 Read Mountain Road

Mr. Goad stated what the Board has before them is a “gate” of barriers. The “gates” that we have are our elected representatives, these apartments, and the crowding that is going to occur, he said. He stated he thought this might be 1,000 apartment units, but has now learned it is 2,000 units, which would be a near 15% increase of citizens. He stated a lot of the problems at Exit 150 were created by the County because they shut down the truck stop. He stated the County is harassing the Pilot station because they changed their name. He stated this construction of adding 4,000 more people in this area is going to result in crowding, which affects the farmers. He stated there were no farmers in attendance because they are probably still out working. He stated he eats supper every night at his home to support farmers because that food has to come from somewhere. He stated economic development includes our farmers. He asked the Board to please protect Botetourt County like the mountains protect Floyd and Franklin counties. He concluded by stating the Board members are the only ones that stand between us and completely changing this County.

Rick Painter, 173 Murray Drive

Mr. Painter stated he felt he should give the Board some advice. He stated his master's degree is in Leadership and the first rule of leadership is simple, you cannot lead an organization, you have to lead people. He reminded the Board they are only leading because the citizens voted for them. He stated he is not seeing leadership from the Board. He stated he believes the Board to have good intentions, but leadership is not about intentions, but rather perception. He stated this Board had made decisions recently that the citizens do not approve of. He stated the Board should represent the citizens and suggested they read and answer the questions that are on the Botetourt County Facebook page.

Rachel Hancock, 885 Roanoke Road

(Ms. Hancock's three videos she mentioned at the beginning of the meeting were shown.) She stated that she was very upset because she had been flooded out to the extent that heavy rains come up her kitchen sink. She reported when she was sick in bed with Covid there was black water coming up her sink, all over the countertops, in her cabinets, and she had to throw everything away. She stated she also had water in her basement. She stated the County is not doing anything about the water coming on her property and now she has mold. She stated she is 77 years old and has lived here all but 5 years of her life. She thanked the Board for their time.

Deborah Wiley, 93 Alpine Drive

Ms. Wiley asked where the County intends to put the extra schools that will be needed from all these extra kids that will be here living in the apartments.

Shelia States 571 Grandview Drive

Ms. States stated that it would have been helpful if staff had pointed to the location of the proposed apartments while showing the map and apartment buildings.

Kendell (did not obtain last name), Roanoke

Citizen asked when all the questions presented that evening would be answered.

Joanne Monday, 520 Archway Road

Ms. Monday asked if the questions that were proposed during the meeting would be answered before the vote was taken.

Susannah Pendleton, 200 Butler Court

Ms. Pendleton asked what it would take to bring this to a referendum.

The following comments were received via website/email prior to the meeting:

Brianna Vaught, 337 Gravel Hill Road

“What does the county plan to do BEFORE this project to fix the schools? They are already busting at the seams, and you plan to bring more residents into the county to go to our schools. As a parent of children who would be in Botetourt County schools well into the 2030's this is very concerning for me. Also, you want to do this project in an already high traffic area that can get impassable when an accident on 81 occurs and people reroute to RT 11 to go around. I see plans to develop but no plans to accommodate extra children or traffic.”

Deanna Whitacre, 240 Goldfinch Trail

“Our schools are in terrible disrepair. Lord Botetourt High School specifically suffers from black mold, leaking roof, and vermin. With the recent discovery by the Botetourt County School Board that \$4.5 million dollars is "missing" from the budget and no repairs to our schools are possible for several years, we have no business increasing housing capacity as suggested by this amended. To "increase the number of multi-family dwelling units allowed per acre and a Special Exception Permit, with possible conditions, to increase the maximum building height above 45 feet in accordance with the Gateway Crossing Overlay District" would bring in more students to burden our insufficient school system and area infrastructure. The county does not need more affordable housing until it can decently take care of the educational needs of the existing students. Thank you.”

Andrew Downs, 416 Campbell Ave Suite 101

“The Appalachian Trail Conservancy (ATC) has been a partner of Botetourt County's in the establishment and protection of the Appalachian National Scenic Trail (A.T.) for decades. Recently we've continued this history of success working effectively on multiple projects that benefit the A.T. and the County. We thank you for supporting the 220 Park-and-Ride project and proposed safety improvements to the Trail's underpass of I-81 at Route 779.

ATC has been a member of the Gateway Crossings Steering Committee and appreciates the consideration that the committee has given to the Trail in the plans for the Gateway Crossings Overlay. The A.T. is a significant economic engine for the County, attracting tourists from all over the world and is a significant component of Botetourt County's identity as a place of scenic



beauty, high-quality outdoor amenities, and attractive culture. As a result, the County and its citizens have contributed significantly to the Trail's protection.

The Appalachian National Scenic Trail is a unit of the National Park System and bisects this area. We request the County Board of Supervisors direct staff to visually incorporate the A.T. corridor into the overlay and develop recommendations for minimizing impacts to the A.T. that can be provided to developers and voluntarily incorporated into construction plans. These recommendations may include but not be limited to:

- Recommended setbacks for building construction from A.T. lands
- Plantings that screen new buildings
- Use of low-visibility and natural-appearing materials
- Fencing and other barriers to control user-created access trails and manage undesirable ingress/egress

We ask the Board to consider a future amendment to the overlay that would codify an A.T. subdistrict and the recommended voluntary recommendations for minimizing impacts.

Thank you for the time, commitment, and consideration to the Trail that the County and its citizens have shown. We look forward to a continued partnership and future shared success in preserving one of Botetourt County's most cherished outdoor assets, the A.T.

In Partnership,  
Andrew R Downs  
Senior Regional Director - South  
Appalachian Trail Conservancy"

Matthew Chapin, 46 Housman Street

"I believe that the revitalization of the area included in the Gateway Overlay project will bring more businesses, residents, and an overall betterment to Botetourt County. The proposed changes will effectively draw in more visitors and companies that will help our county succeed."

Robert R. Young, 210 Carver Avenue

"We would like to have The Old Cash's Building Supply located at 3396 Lee Highway, Troutville, VA removed from the 150 Gateway Overlay Project."

M. Ann Neil Cosby, Wire Gill LLP, 9200 Forest Hill Avenue, Richmond, VA

"I hope you are doing well. I am writing to you and the Board of Supervisors (the "Board") on behalf of a number of individuals who own property in Botetourt County (the "County") located in the proposed Gateway Crossing Overlay District. These property owners have been closely following the County's proposed Gateway Crossing Overlay District Ordinance (the "Ordinance") and have significant legal and practical concerns with certain requirements of the Ordinance as currently drafted. While my clients generally support the Ordinance's purpose of creating a mixed-use district that is an economic hub and an attractive gateway for the County, they are concerned that certain requirements are quite vague and do not clearly articulate an achievable standard. Other sections include requirements that appear to be impractical and may be prohibitively expensive to satisfy given the location and topography of the underlying land. Our concerns are described and summarized in greater detail below.

BACKGROUND

The County is considering amendments to the County Zoning Ordinance to establish a "Gateway Crossing Overlay District" (the "Overlay District"). The Overlay District Ordinance includes standards of development (the "Development Standards") in the Gateway Crossing Area. (See footnote 1) The Ordinance includes Development Standards in the following areas:

- Sec.x.6- Lot, Building and Use Limitation Requirements (including regulations for setbacks, densities, entrances, windows and doors and maximum heights).
- Sec. x. 7 - Streets, Blocks, and Sidewalks
- Sec. x.8 - Access Management
- Sec. x.9-Parking
- Sec. x.10 - Landscaping, Buffering, and Screening
- Sec. x.11 -Signs

#### A. Vagueness Concerns

Provisions of the Overlay District state, among other things, that the Ordinance requirements apply to all parcels within the Gateway Crossing Area Plan and that the Development Standards "shall" apply in addition to the standards of the underlying base zoning district. (See footnote 2) Thus, the Development Standards are mandatory requirements and will have the "force of law" if adopted as part of the County's Zoning Ordinance. Unfortunately, certain standards are quite vague and do not clearly identify what is required to satisfy the Ordinance standards. For example, the Development Standards require that new roads or streets "shall connect with existing streets and planned streets as shown on the Gateway Crossing Future Land Use Map and Connectivity Plan" (the "Connectivity Plan"). In addition, all new roads must incorporate "the street hierarchy and complete streets elements" as depicted in the Area Plan. (See footnote 3) However, by its terms, the Connectivity Plan (Area Plan a Figure 12) is conceptual in nature. The Connectivity Plan states that it "shows the potential location of new streets" in "broad concepts" and that "the actual location of future streets will depend on the location of development, a more thorough analysis of the site conditions, and negotiations with property owners." (See footnote 4) Thus, new roads cannot connect with existing streets and planned streets as shown on the Connectivity Plan, because the plan is conceptual - the actual location of the streets in the Overlay District is unknown. Conformance with the connectivity standard in the Ordinance is not possible.

Similarly, the requirement that all new roads or streets must "incorporate street hierarchy and complete streets elements" as depicted on the Area Plan is vague as there are no "street hierarchy" requirements for the subdistricts or "complete street elements" set forth in the Area Plan. There are street types generally shown in the Area Plan, but (by their terms), these plans are conceptual in nature. With regard to "streets elements", the Area Plan includes a "Streetscape Plan" which establishes preferred "street design concepts" that may or may not be appropriate in all instances for all properties in the District. These concepts include the following:

- A sidewalk at least five (5) feet on both sides of the street for pedestrians;
- A planting strip or amenity zone (of some unspecified width) between the street and sidewalk for items such as street trees and benches;
- Eleven-foot wide travel lanes;
- On-street parking;
- "Narrow" setbacks; and
- Bike accommodations either through a shared use path, a bike lane that is five (5) feet in width, or a shared lane marking

As the Connectivity Plan and Streetscape Plan are merely conceptual, their elements may or may not apply to a singular parcel and it is unclear what is actually required under this section. While subsection x. 7. 1 .d. includes a waiver requirement, this waiver is only authorized where the "topography or other conditions of the land are such that the required improvements would not be necessary to achieve the purposes of this section." (Emphasis added) The term "necessary" is highly subjective and does not put a property owner on notice as to what is required to obtain a waiver from this subsection (even if it were clear what the section actually requires). Accordingly, we respectfully request that Sections x. 7 .c and d be deleted from the proposed Ordinance. (See footnote 5)

## B. Arbitrary Action

While acknowledging that zoning ordinances are presumed to be reasonable (and will be upheld if they are "fairly debatable"), a legitimate exercise of the zoning power requires that "the means employed [must be] reasonably suited to the achievement of [the] goal."<sup>6</sup> Substantive due process requires that a zoning action not arbitrarily or capriciously deprive a person of the legitimate use of their property. (See footnote 7)

In the Overlay District, the Development Standards apply to all properties, regardless of the location, topography and/or use of such property. While the Development Standards may be suitable for certain properties (or even in certain sub-districts), they may be wholly unreasonable as applied to other properties, particularly those in the 1B District. For example:

- Section x.3 .3.b. requires that at least 70 percent of the developed space in the 1B district should be for business, commercial, or office uses. However, this percentage is unreasonable for properties in the 1B district that are designated as being highly desirable for multi-family development.
- Sec. x.8. requires that except where explicitly prohibited by the terms of a VDOT entrance permit, all lots fronting on a state road shall have no more than one entrance per street or road. To the extent this language limits parcels with significant road frontage (i.e., 2,000 feet in some instances) from having more than one (1) entrance or curb cut, this requirement may be unreasonable.
- Sec. x.9.3 states that drive-through facilities are prohibited between the building and the public right- of-way, except where a drive-through facility is on a lot adjacent to four public rights-of-way. However, it is not clear where the drive-through must be located in such instances and may not be practically achievable.

Given the ambiguities and concerns with the Ordinance as set forth herein, it is respectfully requested that the Board defer acting on the Ordinance until its provisions may be revised as necessary to address these concerns. Thank you for your time and consideration.

Sincerely, M. Ann Neil Cosby, Wire Gill LLP

Related footnotes:

1. The Gateway Crossing Area Plan (the "Area Plan") was adopted as part of the County's Comprehensive Plan in November 2016. The Overlay District divides the Gateway Crossing Area into three (3) separate subdistricts, known as the "Gateway Crossing Residential Subdistrict", the "Gateway Crossing Community Business Subdistrict", and the "Gateway Crossing Interstate Business District".

2. See proposed Overlay District ordinance at Sections x.2 and x.4.
3. See 8.08.22 Draft Overlay District Ordinance at p. 7.
4. The Area Plan is not a regulatory document but states (on its face) that its purpose "is to clarify the county's preferred vision for the Gateway Crossing district and to establish policy for future development of the area so that the vision may be realized." Area Plan at p. 1.
5. As the Connectivity Plan and Streetscape Plan are currently included in the Comprehensive Plan as guiding principles, it is unnecessary for them also to be included in the Ordinance.
6. *Alford v. City of Newport News*, 220 Va. 584,586 (1979).
7. *Board of County Supervisors of Fairfax County v. Carper*, 200 Va. 653, 107 S.E.2d 390 (1959)."

Robert Eden, 898 Shawnee Trail

"Seems like this got pushed through during Covid when public meetings were not held. Not much in the way of public input as just committees made the decisions without public input. Not much published in the paper about this. Increasing the density of this area just makes for more congestion. I want this area to stay as quiet and sleepy as it is. Yes, these ideas would increase the tax base, but at what cost to the people who live here. We live at 898 Shawnee Trail. A few more stores and restaurants would be nice, but Pizza Hut and Country Cookin' have been vacant for years. We don't need sidewalks everywhere as nobody walks in this area. I don't want this to be like Roanoke. If we wanted that we would have moved there."

Jessica Sheets, 3256 Read Mountain Road

"As a lifelong resident of Botetourt County from the age of 6, I oppose the Gateway Overlay project. I am a resident of Cloverdale. This project would bring increased traffic to my road along with destroying what's left of the rural small town feel of Troutville and Cloverdale. Also, what plans do you have for expanding and updating Lord Botetourt High School and other schools that would be impacted? LBHS is very overcrowded presently and has been for many years. I understand that this project brings tax revenue to Botetourt, I would ask you to consider more than the dollars that must be awfully enticing. Consider the citizens of the county who have made it overwhelmingly clear they are opposed to this project. These are the citizens that the Board of Supervisors was elected to represent. Please listen to the will of the people and halt this project."

Lisa Farmer, 5694 Roanoke Road

"I am opposed to further development of the Daleville area. There is already too much congestion in this area. We moved here to live in the country – bought an existing home and have loved Botetourt for its gorgeous rolling hills and farms. We loved the low taxes which are rapidly increasing due to the demands of the influx of people and proposed infrastructure like this. PLEASE STOP THE OVER DEVELOPMENT and let Botetourt breathe for a few years before proceeding. Bigger is NOT always better!"

Patricia Woltanski, 44 Belle Crest Lane

"I am against this proposed ordinance change as there already is a population density issue in this area (Daleville Town Center and the Fieldstone development), and the traffic congestion only gets worse with a projected increase of 7,000 more car trips from the Fieldstone project alone. Let's keep our county and the view of the mountains beautiful."

Sheila and Rob States, 571 Grandview Drive

"I'm writing to you to express my taxpaying opinion about Gateway Crossing. This is not the time to be spending more money. When times get tough, families have to change their spending habits. Why should we not expect the same of our Board of Supervisors in making decisions? The economy isn't expected to suddenly improve, so instead of spending, the county needs to tighten their belts and spend only what is necessary. The necessary includes funds to take care of the mold problem at Lord Botetourt High School and updating the facilities in schools, rather than drawing in more restaurants and motels that basically provide only entry level positions of minimum wage. I haven't spoken to anyone who wants to see the Gateway Crossing happen! I've talked to my neighbors, my friends and colleagues. None can see any point to this kind of spend and tax idea, at this down time in the economy. Most of us who were not raised here, moved to Botetourt County for the beauty, the quiet, the slower pace of life, the rural area, and the wholesome environment to raise our children. And we did. My husband and I raised 3 children here. Two of them have remained in Botetourt because they love it and want to raise their children here. The third has expressed an interest in eventually returning to our home area. I was born and raised in Dallas, TX. I know what big city living is like, and I didn't want to raise my children in that kind of environment. When we first moved to Virginia, we lived in Roanoke City, where I taught school. After a few years, we moved to North Roanoke County...but our goal was always to live in Botetourt County, where we took drives on Sunday's, and dreamed of living here one day. In September of 1991, that dream came true, and we've never regretted it, but we also don't want the changes that are being mentioned, and the crowding, traffic, strain on schools, crime, and more, that would come from those changes. If we had wanted to live in a place of convenience, high crime, more traffic, and more disadvantages to the lifestyle we want, we would have stayed in the city or county of Roanoke. But we aspired for more...more peace, more quiet, more values, less crime, less congestion and a gorgeous rural area. Being a 'flatlander' not a day goes by that I don't thank God for the beautiful mountains, and views of the area we live in. Please don't let this happen to our area. We don't like the Agenda 21/30 guidelines being pushed from the U.N. This proposed change would lead Botetourt County right down that path. If you're not familiar with it, please do some research. It's right on the United Nations website. We want a home area that's not run by outsiders or governed by those with outside agendas. Please help us keep our beautiful county and improve on what we already have. More isn't always better."

William Sumner, 9431 Botetourt Road

"Viewing these district "districts" would seem to make sense initially. Concentrate interstate transactions near the interstate, identify residential areas that can easily become walkable communities and relaxing paces to live, and identify the community business corridor for growth. Yes, there are times that the county's own existing comprehensive plan is ignored in developing this vision. Here are some comments.

Walkable areas need to be safe, not create major backups with cross walks in major traffic flows that need to continually flow (like earlier cross walks at the roundabouts!) Please don't put pedestrians, leaving/entering parked cars, into major traffic flows! On street parking in high-volume, fast-moving traffic? Really?

Walkable areas make perfect sense for the residential districts, and really extend to the community business district. Those would be a benefit, both for new and existing residents. However, the walkable areas for the interstate business district, with the higher volumes of traffic should really be de-emphasized, certainly for safety reasons.

The vision photo/depictions of on-street parking, with no extra space on the traffic side, on the Route 11 area near the interchange with 220 alt makes NO SENSE AT ALL. It defeats the

safety guidelines for safe pedestrian spaces, and the VDOT inputs for fewer street access points in commercial areas, especially ones with high traffic. And it depicts more of a community business scenario than an interstate business area.

How are those district boundaries drawn? Some business areas are included in the community district, some are not. It does not create a uniform corridor and looks more like a Gerry-mandered political district. Do both sides of the 220 area get the same benefit from this, or have the same benefit from this, so that it becomes a uniformly appointed plan, rather than a continuation of hit and miss planning. It includes some residential homes. Does the Daleville Towne Center get special preference, not being in the overlay envelope? What's different there?

Apartments are listed in the residential district. Nicely depicted town homes, too. But there is a tremendous lack of reasonably priced apartment well documented in Botetourt County. What portion of the community business district will be apartment housing. It seems like this would be a win-win, to have shops closer to residents. Again, the Towne Center demonstrates it can work.

Other than being a wishful outline, with some reductions in building regulations, are there actually improvements planned or required in each of the districts that the county will help secure funding to provide? Especially in the community business district that for sure doesn't even have full connection to public sewer. Talk about a development infrastructure need!!! Time to lobby for some of the infrastructure dollars. All for now."

Chairman Bailey declared the public hearing closed.

MOTION: That the Board approve the proposed text and map amendments for the Gateway Crossing Overlay, including the two changes as follows:

1. At the written request of the owner, remove parcels 101(5)11 and 101(5)10 from the boundaries of the Gateway Crossing Overlay District. These parcels are at the north end of the overlay on Route 11 and would not have a significant impact to the remaining overlay area.
2. Remove Sec x.7 1, Street Requirements, and 2. Block requirements, for future review and consideration of inclusion into the county's subdivision ordinance.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

Chairman Bailey asked if there was any further discussion on the matter before the vote was taken.

Mr. Clinton stated the overlay district is well intentioned, but it is also unfinished and not urgent, and the Board does not have to rush into anything. He stated there are some good aspects to it but there are some things that could cause problems. Specifically, the apartment complex, Exhibit 1 in the presentation, is why the overlay is not ready because there are a lot of details that speak in opposition to logic and standards, he said. He stated what is being proposed is in contradiction to generally accepted standards of businesses we are trying to attract. The centerpiece that allegedly makes this work is the expansion of the by-right and the by-right is a sacred thing, but it's a nuisance to developers because it creates more public hearings, and more expense for developers. He stated that basically everyone who lives in Botetourt County travels Route 220 and that area is already congested. To develop there, without more public

hearings and notices, affects everybody. He commented that everybody deserves to know the proposed developments in this or any area. He stated we can do a lot of things without a public hearing, but this area affects so many residents. He stated the issues in the videos that Ms. Hancock showed are not going to be solved by the vote on the Overlay. He stated he can't argue with things that are designed and built according to standards at that time, but sometimes it just is not logical, and it doesn't really work. He stated maybe we need to be careful and not be in a hurry for this.

Mrs. White asked what the cost to taxpayers is. Mr. Pearson replied this is just like any other zoning ordinance and the cost is borne on the developer and there would be no tax dollars used for the development. He reminded the Board a lot of things can occur by right and no public hearings would be required in that case.

Mrs. White asked if there is any mention of a bypass road to be built. Mr. Pearson replied he had not heard anything of this and there is nothing in the overlay for this.

Mrs. White asked if the existing uses are protected. Mrs. Pendleton replied anything in B2 is already by-right and this takes the B2 zoning and adds specific additional uses.

Mrs. White asked if consideration had been given to schools taking on extra students. Mrs. Pendleton replied there is no potential projection for this.

Mrs. White asked if this rezoning has followed all appropriate processes. Mr. Pearson replied it certainly had. He added anytime there is a public hearing, there are two ads in a local newspaper, property owners are notified, and as much public notifications as possible is shared. He noted staff puts out yellow signs about the public hearing, even though they are not required by Code. For this hearing, staff put out 10-12 signs.

Chairman Bailey stated it is very clear that by-right use still exists in there today so there is a lot of properties without required public hearing or Board action. Mr. Pearson replied that is a correct statement.

Chairman Bailey stated the County is not buying property or incentivizing for businesses, but just making changes to make more options available.

Mrs. Pendleton reminded the Board the last major zoning overhaul was in 2002.

Chairman Bailey stated property owners who are grandfathered in will not experience changes. Mr. Pearson added the ordinance is not designed to make grandfathered uses go away.

Chairman Bailey asked Mr. Pearson if he could say that property owners there are in favor of the proposal. Mr. Pearson replied there are some misunderstandings about what the overlay will do, but for the record, the Planning Commission did hold a public hearing and did vote unanimously to approve this.

Mr. Clinton stated that we all miss things sometimes, in the details. He stated this proposal has merit, but it should be critically reviewed. He stated he was not in favor of Dr. Scothorn's motion and wanted to amend it.

MOTION: That the amendment be tabled for 90 days to get a critical detailed review.

MOTION: Mr. Clinton

The motion died due to a lack of a second.

Dr. Scothorn stated discussions for this have been going on since 2016 and the information has been out there all along. He asked Mrs. Pendleton what the process is if this became a by-right project that day. Mrs. Pendleton replied they would submit an application for consideration, the application would go to various departments for review, there would be a 45-day period for external review to ensure state and local requirements are met.

Mr. Clinton stated he does not see the need to rush this proposal and they can afford to take some more time for review.

Dr. Scothorn stated this has been in progress since 2016 and he wanted to proceed in an educated way. He stated the County has educated individuals responsible for reviewing and making decisions, making sure things are done properly and this proposal was an example of that.

Mr. Clinton agreed he would like to see Exit 150 developed but he isn't sure this will spur development.

Chairman Bailey repeated the motion on the floor and called for votes.

MOTION: That the Board approve the proposed text and map amendments for the Gateway Crossing Overlay, including the two changes as follows:

1. At the written request of the owner, remove parcels 101(5)11 and 101(5)10 from the boundaries of the Gateway Crossing Overlay District. These parcels are at the north end of the overlay on Route 11 and would not have a significant impact to the remaining overlay area.
2. Remove Sec x.7 1, Street Requirements, and 2. Block requirements, for future review and consideration of inclusion into the county's subdivision ordinance.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

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

NAYES: Mr. Clinton

ABSENT: Mr. Martin

RESOLUTION: 22-09-18

Amsterdam District: Lorrđ Ganeshjl Inc. and Gateway Coachman Land LLC (TPB Enterprises LLC, contractual purchaser) requests a Special Exception Permit, with possible conditions, to increase the number of multi-family dwelling units allowed per acre and a Special Exception Permit, with possible conditions, to increase the maximum building height above 45 feet in accordance with the *Gateway Crossing Overlay District*, if approved, in accordance with Chapter 25, Article II. District Regulations Generally, and Sec 25-583 of the Botetourt County Code. The request includes 2 parcels consisting of 6.45 and 3.612 acres that are located at 437 Roanoke Road, (US Route 220), Daleville, and identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcels 48 and 48A.

Staff reached out to John Russ, school superintendent, to get his opinion on the possibility of additional students and how that might affect the school division. Dr. Russ was unable to attend the meeting but responded to staff that he would not view additional students as a negative impact and all students are welcome into their buildings. He explained to staff that additional students would increase the Average Daily Membership (ADM), which does impact school



funding from the state. He also explained if a new development causes over-capacity, they could look at adjusting attendance lines to address the issue. He also noted the location of this proposed development does not add any safety or traffic concerns for any of their existing students.

Mr. Pearson stated in the Planning Commission meeting he was asked how close the complex would be to the Appalachian Trail. Mr. Pearson forwarded this question to the applicant to provide a reply. The applicant provided the following information: There would be a variety of distances involved, including 150 ft., 200 ft., 375 ft., 400 ft, and 600 ft. As for landscaping, canopy trees would provide additional screening.

Daniel Cyrus spoke about the apartments. He explained they are in no way subsidized apartments. All units have high-end finishes, and the target demographic is young professionals, retirees, and those transitioning in their life. He stated the stigma associated with apartments has gone away. He stated there is a stringent screening process with all tenants. He stated they own the property and manage them. He stated he had heard concerns about there being extra people in the area, but he sees that as a positive because people are what creates businesses and the County wants to attract businesses. He stated this isn't just any apartment complex and they take good care of their property. He stated he realizes this property borders the Appalachian Trail and they want to keep in the spirit of the trail. He stated they could have designed the project with a flat roof, which would be a more commercial feel, but they want the design to be in line with the aesthetics of the Appalachian Trail. He stated he thinks this will be a great project to spur development in the area and a great opportunity to put something here that allows the community to grow.

Mrs. White asked for specific sizes of the apartments and amenities. Mr. Cyrus responded with the following information:

- 1 BR start at 1300 sq ft, 3 BR have 1700/1800 sq ft.
- Comparable with high end apartments. Have elevators inside. Security cameras throughout.
- Clubhouse area, pool area. Resort like feel. Community Rooms, gym, business area, pet areas.

Dr. Scothorn commented that the Community Center looked really small. Mr. Cyrus replied the overall scale of project is hard to understand from a diagram but the Community Center is two levels.

Mr. Clinton asked about the proximity to the LNG gas facility and are there any written evacuation plans in place. Mr. Cyrus replied they had been in contact with nearby utilities and haven't had feedback. Mr. Clinton advised that they initiate this conversation.

Mr. Clinton commented that the height of the buildings is rather tall for Botetourt County and coming off the interstate, that's what people are going to see. He advised very careful consideration of that. Mr. Cyrus replied the apartments that they build are not a simple building and the finishes that they use are comprised of brick and stone, not vinyl sided square boxes. He added that they retain and manage their apartments, so the upfront investment is for the long haul.

Chairman Bailey declared the public hearing open.

Danny Goad, 4766 Read Mountain Road

Mr. Goad shared with the Board a few of the questions that he asked at the Planning Commission meeting. There are as follows:

1. What is the runoff entering the property?
2. Exiting the property?
3. How much water is generated during a rain event?
4. What is the design rain event in inches per hour and how long can that be sustained?
5. What is current runoff capacity in that topological area? Everything that would go in that drain region.
6. By how much does the current capacity exceed the current design capacity?

He stated it is important to not only meet regulations, but also meet the law and the law is that you don't hurt your neighbor. He stated he would like to get quantitative answers to his questions. He thanked the Board for their time.

Doug Gimbert, 247 Peachtree Valley Drive

Mr. Gimbert stated that what is going on at Exit 150 would not directly affect him, but he wonders who these apartments are going to benefit? He stated none of the tax paying citizens need an apartment. He stated this is the gateway to the Alleghany Highlands and is this how we are going to showcase Botetourt County? He stated apartments age just like cars and if these apartments are not managed properly and forever, what will happen then? The citizens will be responsible for these apartments. He stated no one puts their doghouse at your front door, you put it in the back yard. Apartments do not beautify an area, he said. He stated we are leaving this land to our children and grandchildren, and do we really want to leave apartments to them? He stated this does not benefit taxpayers of this County and it only benefits the developers.

Dr. Scothorn asked Mr. Cyrus if folks stay a while in their apartment or is it more of a temporary housing situation. Mr. Cyrus replied he has been in this business for 10 years and people stay. In fact, they have waiting lists of 100 people and all of their properties are entirely occupied. He stated they finish a building and people move into it and then they move to building the next one and they have leases in hand before the building is even finished. There is a huge demand now and we can't predict what the demand will be in 20 years from now for anything. No one knows what their property will look like in 20 years. He stated they invest a tremendous amount of money and are in it for long-term.

Mrs. White asked Mr. Cyrus if they have a property manager on site. Mr. Cyrus replied they have a property manager division, onsite, with maintenance onsite to keep the property in good condition. They want long-term tenants and have a lot of those folks. He stated he actually lived in one of the apartments himself.

Dr. Scothorn asked if there are any runoff concerns. Mr. Cyrus replied with this project there is a huge advantage because everything drains toward 220, to the VDOT drainage system.

Mr. Clinton stated this is a terribly advised project and he is getting impatient with these myths that everyone wants growth. He said we all know that there is a desire to grow but he hears from his constituents that we have enough growth, and we need to slow down. Perhaps it is time for us to take that position. He stated this may create hardships to our schools. He noted this is just housing and there is not as much revenue as with commercial developments. He also noted that there is going to be more traffic, which means more crashes. This is a poor demonstration, the preliminary site plan is poor, and it needs to be more thoughtful, he said.

It was noted that the Planning Commission unanimously recommended conditional approval of the request for additional density and height with the following five conditions:

1. The development of the property shall be constructed in substantial conformance with the concept site plan included with the application, titled "Preliminary Apartment Layout", prepared by Perkins and Orrison and dated June 6, 2022.
2. All building structures shall be constructed in substantial conformance with a mixture of building materials, architectural elements and similar color pallet as shown on the representative building elevation included with the application.
3. The maximum number of dwelling units shall be 240 units.
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.

Chairman Bailey declared the public hearing closed.

MOTION: That the Board approve the SEP for additional density on the property of Lorrd Ganeshjl Inc. and Gateway Coachman Land LLC (TPB Enterprises LLC, contractual purchaser) including the five conditions recommended by the Planning Commission.

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

AYES: Dr. Bailey, Dr. Scothorn, Mrs. White

NAYES: Mr. Clinton

ABSENT: Mr. Martin

RESOLUTION #22-09-19

MOTION: That the Board approve the SEP to increase the maximum height on the property of Lorrd Ganeshjl Inc. and Gateway Coachman Land LLC (TPB Enterprises LLC, contractual purchase).

MOTION: Dr. Scothorn

SECOND: Dr. Bailey

AYES: Dr. Bailey, Dr. Scothorn, Mrs. White

NAYES: Mr. Clinton

ABSENT: Mr. Martin

RESOLUTION #22-09-20

### **ADJOURNMENT**

MOTION: That the September 27, 2022 meeting be adjourned.

MOTION: Dr. Scothorn

SECOND: Mrs. White

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

ABSENT: Mr. Martin

TIME: 9:50 p.m.

RESOLUTION #22-09-21