The regular meeting of the Campbell County Board of Supervisors was held on the 3rd day of January 2017 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Mike P. Rousseau, Chairman, Presiding  Timberlake Election District
James A. Borland          Spring Hill Election District
Stanley I. Goldsmith      Altavista Election District
Bob Good                  Sunburst Election District
Eddie Gunter, Jr.         Concord Election District
J. D. Puckett             Brookneal Election District
Eric R. Zehr              Rustburg Election District

Also present were:
Frank J. Rogers, County Administrator
Clifton M. Tweedy, Deputy County Administrator
David W. Shreve, County Attorney
Kristin B. Wright, Staff Attorney

Administrator Rogers called the meeting to order at 4:00 p.m. and welcomed everyone to the organizational meeting of the Board of Supervisors. Supervisor Puckett led the Pledge of Allegiance and gave the invocation.

// ELECTION OF CHAIR AND VICE-CHAIR

Nominations were called for 2017 Chairman. Supervisor Borland nominated Supervisor Mike P. Rousseau for 2017 Chairman.

On motion of Supervisor Zehr, it was resolved the Board of Supervisors closes the nominations for Chairman and affirms the election of Supervisor Mike P. Rousseau as 2017 Chairman.

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None

Supervisor Rousseau assumed the seat of Chair and opened the floor for nominations for Vice-Chairman. Supervisor Borland nominated Bob Good of the Sunburst Election District for 2017 Vice-Chairman.

On motion of Supervisor Zehr, it was resolved the Board of Supervisors closes the nominations for Vice-Chairman and affirms the election of Supervisor Bob Good as 2017 Vice-Chairman.

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None

// TIME AND PLACE OF MEETINGS

The Board discussed a change in the time of the meetings to better accommodate citizens who work during the day. The first motion offered by Supervisor Zehr was to start the business part of the meetings at 5:30 p.m. with public hearings beginning at 7:00 p.m. Additional discussion led to a substitute motion to adjust the timing of the meetings to keep public hearings from being so late in the evenings.

On substitute motion of Supervisor Borland, it was resolved the Board of Supervisors establishes the regular meeting schedule for 2017 as follows:
First and Third Tuesday of each month beginning at 5:00 p.m. with public hearings beginning at 6:30 p.m.
Board of Supervisors Meeting Room, Walter J. Haberer Building, Rustburg, Virginia.
The third Tuesday of the month is reserved for special meetings as needed.

If the Chairman acts, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting, the meeting shall be continued to the following Thursday of that week at 5:00 p.m. and all hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required per authority of Section 15.2-1416 of the Code of Virginia.

The vote was: Aye: Borland, Good, Goldsmith, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None

The substitute motion passed; therefore, no vote was taken on the original motion.

// APPROVAL OF MINUTES

On motion of Supervisor Gunter, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the December 6, 2016 regular meeting as presented.

Before the vote was taken, the Board recognized Mrs. Moore for her writing of the minutes.

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None

// FY 2016 AUDITED FINANCIAL REPORT

Matt McLearen of Robinson, Farmer, Cox Associates presented the Comprehensive Annual Financial Report for the year ended June 30, 2016. He indicated they encountered no difficulties in working with staff and all records were made available to them. There were no disagreements with management of the County or the School Board. There were no significant audit findings, deficiencies in internal controls or material weaknesses, and therefore a “clean” opinion was given.

Mr. McLearen indicated the General Fund year-end balance on June 30, 2016 was approximately $26.35 million and the Unassigned General Fund portion of that was approximately $15 million. The County was well within the targeted range of the total General Fund Unassigned Fund Balance to the total General Fund expenditures. Many fund balance policies and fund brokers like to see 20 to 25 percent; the County was well within that benchmark at 33 percent. He noted the General Fund balance had increased by $2.2 million, and the County had an excess of $9 million in revenues after all expenditures. Mr. McLearen brought the Board’s attention to Table 3, Fund Balances of Governmental Funds Last Ten Fiscal Years, which showed the changes in the General Fund Balance over the past ten years.

The County has received a Certificate of Achievement for the past year as it has for the last several years. This was a very prestigious honor to receive, and the County has submitted its FY 2016 Audit again for consideration.

In answer to a question by Supervisor Gunter, Mr. McLearen indicated the County finances were stable and the Fund Balance was on par with other stable localities. The debt load was on the conservative side at less than one (1%) percent of the taxable real estate assessments. Counties were not limited to a debt level like cities or towns, but if they were, the limit in Virginia was ten (10%) percent.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors accepts the FY 2016 Audited Financial Report.
The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None

// RUSTBURG MIDDLE SCHOOL BOILER REPLACEMENT

Administrator Rogers indicated the Joint Committee met on November 21, 2016 and discussed several maintenance and capital improvement needs of the Schools. These included storm water drainage improvements to Bee Drive, HVAC repairs at Brookville Middle and the replacement of boilers at Rustburg Middle School. The projects on Bee Drive and Brookville Middle would represent significant costs and would require additional engineering work to fully develop a project scope and estimate.

The quote to replace the existing steam boilers at Rustburg Middle was $137,423.25, and the Joint Committee recommended the costs be paid from the $821,510 funds reverted by the Schools at year end for future school facility expenses. Several Board members visited Rustburg Middle and confirmed the boilers had outlived its life expectancy and needed to be replaced. Southern Air was commended for keeping the system going for as long as they could.

On motion of Supervisor Zehr, it was resolved the Board of Supervisors approves the expenditure to replace boilers at Rustburg Middle School at the cost of $137,423.25 to be funded from monies reserved for school facility expenses, and approves two appropriations (1) General Fund, Transfers, appropriating $137,423.25 to Transfers Out to School CIP Fund, and decreases the Unassigned General Fund Balance by $137,423.25, and (2) Schools CIP Fund, appropriating $137,423.25 to Rustburg Middle School Boilers, and increases Transfer In From General Fund by $137,423.25, to replace boilers at Rustburg Middle School.

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None

// BID AWARD – SCHOOL ADMINISTRATION HVAC REPLACEMENT

Bids were received to perform replacement of the School Administration Building HVAC system Phase 1. Previously the Board authorized an engineering study of the HVAC system in the building due to the age of the system and numerous breakdowns to the system that heats and cools the southern end of the building. The study by Dewberry determined the roof top unit needed to be replaced along with other system modifications to improve equipment reliability and reduce temperature fluctuations. Dewberry estimated the constructions costs at $290,000.

The lowest responsive bid was received by Southern Air, Lynchburg, Virginia in the amount of $249,519. Funds were budgeted in the Capital Improvement Plan in the amount of $290,000.

On motion of Supervisor Zehr, it was resolved the Board of Supervisors accepts the lowest, responsible and responsive bid from Southern Air, Lynchburg, Virginia in the amount of $249,519 to perform the School Administration HVAC System Phase 1 construction, and approves a contingency of $20,000 to allow for any unexpected issues that may arise during construction.

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None

// HIGHWAY MATTERS

A resolution was received from VDOT to add Carriage Parkway into the Campbell County Secondary Road System. Carriage Parkway was located in the Carriage Grove subdivision in the Rustburg Election District. The road had been built to state standards and met all other VDOT requirements.
On motion of Supervisor Zehr, it was resolved the Board of Supervisors adopts the following resolution:

**NOW THEREFORE, BE IT RESOLVED,** that the Virginia Department of Transportation is hereby requested to add the street description below and on attached Form AM 4.3 to the Campbell County Secondary Road System for maintenance of the following subdivision road which has been constructed by the subdivider as a Class “A” subdivision in accordance with the requirements of Section 33.2-705, Code of Virginia and the Virginia Department of Transportation’s Subdivision Street Requirement, **TO WIT:**

**Project/Subdivision Carriage Grove – Section III Block A**

**Street Name and/or Route Number**
Carriage Parkway, State Route Number 1634

BE IT FURTHER RESOLVED, that this Board guarantees a minimum unrestricted 50-foot right of way with additional widths as may be necessary for cuts, fills and drainage together with easements on adjacent properties.

Recorded in Plat Cabinet “C” Slide 126 Pages 1257-1260 on January 16, 2015
Instrument No. 150000213

The vote was: **Aye:** Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
**Nay:** None
**Absent:** None

Highway Matters from the Board:

- Supervisor Zehr noted a large pothole at the intersection of Calohan Road and Greenhouse Road.
- Supervisor Borland advised a green highway sign on Calohan Road with the wording “Rustburg” on it was bent.
- Supervisor Good requested an update on the Timberlake Road signaling issues. Mr. Austin indicated a study of the whole Timberlake Road corridor from Heritage High/Leesville Road to Waterlick Road was being conducted, and one of the outcomes may be a signal coordination project. The study was at least six months away.
- Mr. Austin advised a public hearing would be held on January 17th at the District Office on replacement of the two bridges on Route 460 in the City of Lynchburg. VDOT would be accepting public comments on the preliminary designs.

// **CONSENT AGENDA**

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors approves the following under the Consent Agenda:

a. **Appropriations** –

1. General Fund, County Fund, deleting $991 from Budget Set Aside and appropriating to Violence Again Women Grant, $900 to Comp – P/T Help, $69 to Employer Cost – FICA and $22 to Workers Comp, to apply with reporting requirements of the grant;
2. General Fund, deleting $1,955 from the Undesignated Fund Balance and appropriate the same to Byrne Equipment Grant, to correct FY posting;
3. Sheriff’s Forfeited Assets Fund, deleting $5,000 from Police Equipment/Supplies and appropriating same to Beginning Fund Balance, Sheriff Forfeited Assets, to return unspent funds to fund balance;
4. General Fund, Clerk of Court, appropriating $9,688 to Hardware/Software RMS/SRA Maintenance; and raises estimated revenue, TTF Technology Trust Fund, by $9,688, monies from Compensation Board to maintain Records Indexing System;
5. General Fund, Clerk of Court, appropriating $1,100 to Hardware/Software RMS/SRA Maintenance; and raises estimated revenue, Rev-Fed Government/General Fund, funds from Compensation Board to maintain Records Indexing System;
6. General Fund, Clerk of Court, appropriating $440 to Dues & Association Memberships and $4,527.61 to Postage; and raises estimated revenue, Clerk of the Circuit Court, by
$4,967.61, vacancy savings from employee on unpaid Family Medical Leave fully reimbursable by Compensation Board;

7. School Operating Account, Improving Teacher Quality NCLB, appropriating $8,134.85 to Teachers, $7,514 to VRS Hybrid, $257.69 to Group Life, $2,068.13 to Purchased Services and $9,600.94 to Travel, and deleting $2,518.52 from Substitute Teacher, $5,192.33 from FICA, $3,228.81 from VRS, $10,118.75 from Health/Dental, $128.76 from Disability Insurance and $84.70 from Materials & Supplies; and raises estimated revenue, Title II-A Improving Teacher Quality funds, by $6,503.74, to balance federal funds received;

8. School Operating Account, Spec Ed – Regular, appropriating $2,718.32 to Teachers, $960.55 to Stipends, $26,750.10 to FICA, $41,736.88 to VRS, $30,000 to VRS Hybrid, $20,219.10 to Health/Dental and $4,283.24 to Group Life, and deleting $10,478.99 from Teacher Aides and $64.54 from Disability Insurance, and raises estimated revenue, Spec Ed – Regular, by $116,124.66, to match 2016 award allocation;

9. School Operating Account, Perkins Career Grant, appropriating $2,000 to Other Cost, and deleting $1,000 from Purchased Services and $3,397.85 from Capital Outlay Replacement, and decreases estimated revenue, Perkins Career Grant, by $2,397.95, to match funds received;

10. School Operating Account, Immigrant & Youth, appropriating $1,225.02 to Materials & Supplies and deleting $2,337.26 from Travel, and decreases estimated revenue by $1,112.24, to match funds received;

11. School Operating Account, Consortium, appropriating $6,843.13 to Travel, and deleting $6,690.22 from Purchased Services and $10,361.19 from Materials & Supplies; and decreases estimated revenue by $10,208.28, to match funds received;

12. School Operating Account, Project Graduation, appropriating $25,810 to Stipends, $2,000 to FICA and $1,000 to Materials & Supplies; and raises estimated revenue by $28,810, state funds received for Project Graduation;

b. County Attorney invoice –

Approves payment to the County Attorney in the amount of $5,702.32 for legal services rendered in December 2016;

c. Recordation of Abstract of Votes

Section 24.2-675 of the Code of Virginia requires the Electoral Board to forward a certified copy of each abstract of votes to the Clerk of the Board of Supervisors to be recorded in its minute book.

President and Vice President
Donald J. Trump – Republican 19,551
Hillary Clinton – Democratic 6,664
Gary Johnson – Libertarian 665
Evan McMullin – Independent 419
Jill Stein – Green 102
Total Write in votes 134

Member House of Representatives, District 05
Tom A. Garrett, Jr. – Republican 20,326
Jane D. Dittmar – Democratic 6,479
Total Write in votes 59

Proposed Constitutional Amendment Question 1

Should Article I of the Constitution of Virginia be amended to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise?

Yes 15,081
Proposed Constitutional Amendment Question 2

Shall the Constitution of Virginia be amended to allow the General Assembly to provide an option to the localities to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty, where the surviving spouse occupies the real property as his or her principal place of residence and has not remarried?

Yes 21,682
No 4,726

Mayor – Brookneal
Phyllis L. Campbell 362
Total Write in votes 23

Member Town Council – Brookneal
James A. “Champ” Nowlin* 334
J. B. “Benny” David, Jr.* 266
Richard T. Adams, Jr. * 230
Total write in votes 47

*Elected to Town Council

Mayor – Altavista
Michael E. Mattox 959
Total write in votes 428

Member Town Council – Altavista
Beverley E. Dalton* 774
Tracy A. Emerson* 660
James H. Higginbotham II* 618
Betty Y. Gilliam 610
Tanya S. Overbey 571
Timothy J. Thacker 358
Total write in votes 35

*Elected to Town Council

d. Forestry Lease Renewal

Approves the renewal of a lease of approximately one (1) acre of land to the Virginia Department of Forestry beginning February 1, 2017 and ending January 31, 2032 for $1.00 (One Dollar) per year;

e. Quote 008-FY17 – On-Call Technical Radio Services Tier Two

Accepts the lowest quote from Star City Communications, Forest, Virginia in the amount of $75.00 per hour for a Radio Technician and $85.00 per hour for a Project Manager for On-Call Technical Radio Services for the Department of Public Safety for general maintenance support and on-call system analysis and recommendations, as needed, to perform technical radio services including radio repair for Motorola, MA-COM, Icom and Ericsson brand mobile and portable radios, and radio and microwave assistance for four (4) communications tower sites (Concord, Brookneal, Johnson Mountain & Long Mountain).

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None
Several appointments were made at this meeting.

On motion of Supervisor Zehr, it was resolved the Board of Supervisors appoints the following:

Carter Elliott   Brookneal-Campbell County Airport Authority  
2112 Suburban Road   Term expires January 31, 2021  
Lynchburg VA 24501  

Kathy L. Mosebrook   Library Board of Trustees  
1275 Greenhouse Road   Term expires June 30, 2020  
Rustburg VA 24588  

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr  
Nay: None  
Absent: None  

On motion of Supervisor Puckett, it was resolved the Board of Supervisors appoints the following:

Stanley I. Goldsmith   Tri-County Lakes Administrative Commission  
Frank J. Rogers   Term expires January 31, 2018  

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr  
Nay: None  
Absent: None  

On motion of Supervisor Borland, it was resolved the Board of Supervisors appoints George Rosser, 2466 Wileman Road, Lynch Station, Virginia 24571 to fill an unexpired term until December 31, 2018 representing the Industrial Development Authority on the Economic Development Commission.

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr  
Nay: None  
Absent: None  

MATTERS FROM THE BOARD

- Supervisor Goldsmith has received a call from a constituent concerning the state of the Animal Shelter; he recommended the Board begin discussions on upgrading those facilities as they were deteriorating.

- Several Board members commented on the problems that have arisen for business owners in the County since the adoption of the new sign ordinance. There was a consensus for the Planning Commission to review the current ordinance. David Shreve, County Attorney, advised the Board could not suspend the current ordinance while waiting for a review by the Planning Commission. The following motion was offered:

  On motion of Supervisor Zehr, it was resolved the Board of Supervisors requests the Campbell County Planning Commission to review the current ordinances as they pertain to temporary and permanent signs.

  The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr  
  Nay: None  
  Absent: None  

- Supervisor Borland appreciated the County’s excellent financial condition as presented in the current audit report and reflected by the awards the County has received. He commended the Management Services Office for keeping the County in good financial order.
Supervisor Zehr observed some odors from the Landfill on Christmas Day and requested an update. Administrator Rogers indicated the gas extraction system was up and operational, and the odor vaporizing system was in place. The City of Lynchburg had decided to haul much of its sludge to Amelia County to help the odor problems; however, the Board should be aware the reduction of sludge may impact the revenue stream.

Supervisor Zehr relayed to Lisa Linthicum, Director of Social Services, compliments from someone he met who was working with the foster care program in Campbell County on how well the program was run and the excellent staff in Campbell County.

Chairman Rousseau recessed the meeting at 5:03 p.m. until 5:30 p.m. for several public hearings.

//  PUBLIC HEARING – REZONE REQUEST ON LYNCH MILL ROAD

Chairman Rousseau reconvened the meeting at 5:30 p.m. and after a slight delay for technical issues, opened the first public hearing at 5:33 p.m. on:

PL-16-107 Request by Jeff Myers, agent for Robert and Tammy Lee, to rezone property located on the east side of Lynch Mill Road, approximately 950 feet south of the split with Goodman Xing Road from Residential – Single Family to Residential – Multi Family for use as a Masonic lodge. The property is located in an area designed as medium to high-density residential per the current Comprehensive Plan.

Sandra Shackelford, County Planner, explained this was a request to rezone 3.71± acres from Residential – Single Family (R-SF) to Multi Family (R-MF) for use as a Masonic Lodge. The property was located on Lynch Mill Road in the Altavista Election District in an area residential in nature. The zoning in the vicinity was Residential – Single Family, Residential – Multi Family and Agricultural. Lynch Mill Road serves the property, and the request would not significantly impact the traffic flow. A traffic impact analysis was not required. No proffers were submitted with the request, and the property would be served with private water and septic systems. The Planning Commission recommended approval of the request by a vote of 6-0 citing good zoning practice. One Planning Commission member abstained due to his membership in the Masonic Lodge.

Jeffrey Myers, 907 Broad Street, Altavista, was the applicant and explained the Masonic Lodge was a fraternal organization that did volunteer work. They held monthly meetings generally from 6:30 p.m. to 9 p.m., and several times a year there were social and family events. No gambling or alcohol was permitted in the lodge. Mr. Myers did not anticipate any problems with traffic on Lynch Mill Road, and a commercial entrance would need to be permitted through VDOT once the rezoning was approved.

In answer to questions by Supervisor Borland, the 5,000 square foot building would be built at an estimated cost of $80,000 to $100,000.

No one spoke in favor of or in opposition to the proposed rezoning. The public hearing was closed at 5:40 p.m.

Supervisor Goldsmith declared he was a member of the Masonic Lodge and would not be voting on the rezoning request. He was in favor of the project.

Supervisor Gunter advised he attended the Planning Commission meeting and no one from the public was opposed to the request. He offered the following motion:

On motion of Supervisor Gunter, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice APPROVES Request #PL-16-107 by Jeff Myers, agent for Robert and Tammy Lee, to rezone property located on the east side of Lynch Mill Road, approximately 950 feet south of the split with Goodman Xing Road from Residential – Single Family to Residential – Multi Family for use as a Masonic lodge.
The vote was: Aye: Borland, Good, Gunter, Puckett, Rousseau, Zehr  
Nay: None  
Absent: None  
Abstain: Goldsmith

// PUBLIC HEARING – REZONING REQUEST ON COVERED BRIDGE ROAD

The next public hearing was opened at 5:38 p.m. on:

PL-16-114 Request by James Barbour, agent for Bethel Pentecostal Holiness Church, to rezone property located at 6354 Covered Bridge Road from Agricultural to Residential – Single Family to subdivide the parcel and sell the existing home. The property is located in an area designated as rural per the current Comprehensive Plan.

Ms. Shackelford reviewed the staff report indicating the request was to rezone 3.51± acres from Agricultural (A-1) to Residential - Single Family (R-SF) in order to subdivide the parcel to sell the existing house and retain the remainder of the property for use by the church. The property was located on 6354 Covered Bridge Road, Gladys, in the Brookneal Election District. Because three acres is required in an Agricultural zone, the parcel could not currently be subdivided. The applicants were requesting the zoning be changed to Residential – Single Family in order to subdivide the portion of the property that contained the house. The house was no longer used as the church parsonage, and they would like to sell it. The remainder of the property would continue to be used by the church.

The area was rural in nature, and the zoning in the vicinity was Agricultural. Covered Bridge Road serves the property, and the request would not impact the traffic flow. A traffic impact analysis was not required. No proffers were submitted with the request, and the property would be served with private water and private septic systems. The Planning Commission recommended approval of the request by a vote of 7-0 citing convenience.

A. C. Orrell, P. O. Box 483, Hurt, Virginia, was representing the church. He advised the Pastor of the church had a home, and they wanted to sell the parsonage. To do so would require the property to be rezoned. The church is across the road from the subject property.

No one spoke in favor of or in opposition to the proposed rezoning. The public hearing was closed at 5:45 p.m.

Supervisor Puckett indicated the property was in his District, and the Planning Commission has recommended approval citing convenience. He offered the following motion:

On motion of Supervisor Puckett, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing convenience APPROVES Request #PL-16-114 by James Barbour, agent for Bethel Pentecostal Holiness Church, to rezone property located at 6354 Covered Bridge Road from Agricultural to Residential – Single Family to subdivide the parcel and sell the existing home.

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr  
Nay: None  
Absent: None

// SPECIAL USE PERMIT BY LIBERTY UNIVERSITY FOR SHOOTING RANGE

The next public hearing was opened at 5:46 p.m. on:

PL-16-118 Request by Todd Carroll, agent for Liberty University, for a special use permit to construct and operate a shooting range and related school uses on property zoned Agricultural. The property is located on Camp Hydaway Road across from 42 Lakeridge Drive and is located in an area designated as medium to high-density residential per the current Comprehensive Plan.
Ms. Shackelford reviewed the rezoning report. The request was for a special use permit to use approximately 491 acres to construct and operate a shooting range with spaces for different types of facilities including school and educational uses. The property was zoned Agricultural and located in the Concord Election District.

The area was residential in nature, and the zoning in the vicinity was Agricultural. Camp Hydaway Road (Route 677) serves the property, and the request would have an impact on daily traffic counts (currently 430 vehicles per day). The Project Evaluation Committee which reviewed the request did not require a traffic study. The property would be served by a private well, and a private septic system. According to the Comprehensive Plan, the property was located in an area designated as a medium to high density residential.

The Planning Commission recommended approval of the request by a vote of 7-0 citing convenience with the conditions the applicant utilize the site in general conformance with the use described in the narrative and as shown on the site plan submitted with the request. The Board of Supervisors may impose any reasonable conditions upon approval of the permit.

Randy Vaughan, 716 Rainbow Forest Drive, Lynchburg, architect with Wiley and Wilson was the project manager. He along with Keith Thompson also of Wiley and Wilson would be providing an overview of the proposed Liberty Mountain Shooting Sports project. The primary purpose of the facility was a student amenity to teach responsible firearms ownership. The project would include a competition center for regional and national competitions that would be an economic benefit to the area. The facility would be available for law enforcement training use as well as for use by the public. Liberty intends to make it a first class facility in keeping with other Liberty University structures. The shooting facility would be situated on undeveloped property owned by Liberty University and relatively close to the campus. Liberty also owns much of the adjoining property.

Continuing, Mr. Vaughan indicated the property was off of Camp Hydaway Road, and a parking area would be located close to the road. They would improve an existing road into the site. Looking at the site plan, he indicated the areas for pistol and rifle ranges and further up the hill would be the competition area, a skeet shooting area, a classroom facility and awards pavilion.

Keith Thompson, Wiley and Wilson, reviewed the most up-to-date plan showing the existing VDOT approved entrance into the property and the first parking area of 150 spaces that would also accommodate any overflow parking needs for events at Camp Hydaway. Further down the access road there was another parking area containing 350 spaces for a combined total of 500 parking spaces which should be more than adequate for high event days. The Liberty University Police Department had already committed to assist with traffic flow on high event days without cuing on Campbell Hydaway Road and preventing participants from parking along the road.

Mr. Thompson indicated the rifle and pistol ranges would be located to take advantage of the existing topography for noise and safety reasons. The natural terrain and the tree buffer would help to provide a bunker to buffer the noise. It was their intent to be in compliance with the County’s Noise Ordinance. Once the site was developed and before the facility opened, they would conduct noise testing to determine if additional measures to buffer noise were warranted. The skeet trap would be located in the upper area and clearing would be kept to a minimum to create shot lines and keep its natural appeal. Keeping it heavily forested would be a nice amenity as well as canceling noise. The entire plan was shifted to provide a more northerly direction for shooting which was better for competitions and allowed them to use a natural bluff to mitigate noise. Close to the awards pavilion, additional parking would be located to comply with Americans with Disability Act (ADA) requirements. Lastly, an archery range was located in a hollow so that wind would not be an issue. Mr. Thompson indicated they would have an on-site septic system. He concluded by stating Liberty University would hold public safety as its highest priority.

Supervisor Borland questioned that if traffic was coming from both directions at approximately the same time on Camp Hydaway Road, how would Liberty avoid cuing along the road. Because the road was very narrow, it appeared a middle turn lane may be necessary. Mr. Thompson indicated they were evaluating a right turn lane and a middle turn lane as an
additional option. He misspoke when he said there would be no cuing along Camp Hydaway Road, but rather the intent was to minimize cuing. Liberty University would be assisting with traffic and pedestrians entering the site. Supervisor Borland acknowledged Liberty’s intent to improve Camp Hydaway Road at least at the entrance into the site.

Supervisor Borland referred to an e-mail the Board received from a constituent who was a competitive skeet shooter and could not attend the Board meeting. He suggested the Board visit the closest residence to the proposed shooting range and have someone at the range fire rounds from a 12 gauge shotgun, multiple high-power rifles (including AR-15/M16 rifles), and different caliber pistols and muzzle loading rifles to do a noise test. Mr. Thompson acknowledged they would be conducting noise tests and some of the shooting such as skeet would be conducted at the top of the hill. The constituent further wrote that most of the members of the Board had probably never been to sanctioned shoots involving skeet, trap, 5-stand, high-power rifle, pistol matches and did not know the number of gun reports involved. For example, a sanctioned skeet shooting having 50 participants firing 4 gauges and doubles would involve around 25,000 gunshots. Supervisor Borland was concerned about the noise.

Mr. Thompson responded noise was a concern, and he could not say that noise would not be an issue in the immediate area. It certainly would be loud, and there would be events with high volume of shots. But it was the University’s intent to adhere to all County ordinances. This would be an intuitive process. They plan to have members of the Liberty University Police Department conduct shooting tests at the range with various guns and have noise meters at the adjacent property lines to register what the actual noise levels were. From those tests, they would be able to determine what needed to be done such as baffling, limiting the type of shot that could be used and adding additional vegetation and landscaping. Liberty wanted the site to be very lush and planned to plant evergreen trees particularly on the higher levels where shotguns would be used. Mr. Thompson acknowledged they may find those areas difficult to get below the maximum noise levels required by the County’s Code, but they were confident they would be able to do it.

In answer to a question by Supervisor Zehr as to the number of competition events held each year, Mr. Thompson said he would not anticipate more than 25 events per year, but he would have to let Liberty University answer that question. Obviously, there would only be a few events the first year to make sure everything was working smoothly. The hours of operation would follow with the County’s Noise Ordinance that lowers the noise levels between the hours of 10 p.m. and 6 a.m. If an event happened to run long, they would confer with County officials to determine whether to be a few minutes late or come back the next day which would cause a whole day of additional disruption to nearby residences. There would be some night training available as well.

Supervisor Puckett commented that Campbell County had been looking to locate a firing range for its law enforcement officers for some time. One of the sites looked at was in the Brookneal area near Hat Creek. A noise test was conducted placing people in the various residences around the proposed range to listen for the sounds of the shots. They were able to determine how louds the sounds were and how well tolerated the noise would be. He asked if a similar test could be conducted at the subject site. Mr. Thompson indicated the test would be difficult to do now before all the grading had been done. If it was done now, it would not be a true sample of the sound levels.

In answer to additional questions by Supervisor Puckett, Mr. Thompson confirmed berms would be built to receive the shots. What has Liberty planned to do to mitigate the buildup of lead in the berms and potential runoff of the lead? Liberty has hired a specialized consultant that works with the Environmental Protection Agency to develop a lead abatement program. During the design, they look first and foremost at containment which would be the backstops. Those backstops would have at least two feet of soil, no rocks to cause ricochet, and the soil would be engineered to actually hold the lead. Layers in the bottom such as lime would prevent migration of the lead. At regular intervals the soil would be recycled to remove the lead. On areas where you would not be shooting into a berm, lime would be spread to keep the soil at a proper ph. to keep the lead from migrating. Another concern would be heavy rains down the grade of the site. The design would include berms to slow the water down and using settlement basins for any runoff. At this time they were not planning to use any types of filter, but that would be an option if additional measures were needed. Mr. Thompson added they would use the EPA review
document when it was received to determine best management practices. The measures to use would be dependent on the nature of the soil.

Supervisor Goldsmith questioned the indoor shooting facility noted on the site plan. Mr. Thompson indicated that building was taken off the table for now because they had learned of other indoor shooting ranges being planned for the region. In an effort to have the facility economically feasible, Liberty decided not to build the indoor facility at this time. In answer to additional questions, Liberty would employ dedicated trained staff to run the facility. In addition, they plan to house some of the Liberty University Police Department on the site which would help to ensure no one was using the facility without supervision. Supervisor Goldsmith reiterated that Campbell County had wanted to develop a firing range for some time, and he was pleased that County law enforcement would be able to utilize the proposed facility. Mr. Thompson commented they wanted this to be an amenity for Liberty University, the entire community and especially law enforcement. Supervisor Goldsmith added at the same time the Board did not want to disturb anyone’s use or enjoyment of their own property, but it was critical to have a place to provide this type of training.

Following up on questions regarding lead abatement, Supervisor Borland asked what happens to all the lead from shotguns. There was grass in the shotgun shooting area of the proposed facility. Mr. Thompson indicated there was no plan to remove the grass and recycle the lead, but it may be economically feasible to remove the grass and recycle the lead in the future. For now, their primary focus was to keep the lead from migrating into the water supply.

Chairman Rousseau called for comments in favor of or in opposition to the proposed special use permit.

Steve Hutcherson, 2821 Wileman Road, Lynch Station, Virginia, was the Sheriff of Campbell County and for the past eleven (11) years Campbell County had been looking to find a place for a shooting range. He was surprised when he received a call from Liberty University about building a range in the County. The Sheriff’s Office currently uses the Lynchburg Police Department range which was in Campbell County for their training and only receives one week in the spring and one week in the fall to certify all members of the department. They were able to certify everyone, but he did not feel they were doing the training they should be doing. His preference was not to have large groups firing each day and having to solicit every firearms instructor in the area for those two weeks. If an officer was having issues, there was little time to provide one on one instruction. Sheriff Hutcherson believed only providing the basic training required was a huge safety issue and the use of this firing range would be a benefit to his department.

Supervisor Borland commented he was a former police officer and was able to qualify as a marksman and sharp shooter. It took practice to accomplish those levels. He was in favor of the Sheriff’s Office being able to use this facility. In answer to his question regarding any written agreements to use the facility, Sheriff Hutcherson indicated he did not have an agreement; Liberty indicated they could use the facility four weeks a year and a couple of days per month. Supervisor Borland suggested it may be well to have a Memorandum of Understanding to that effect.

Sheila Tolley, 763 Candlers Mountain Road, Rustburg, spoke in opposition to the firing range. She purchased her property in 1975. While she did not have anything against shooting, she was concerned about traffic and noise as neither a traffic study nor a noise study had been done. Right now more than 1,000 vehicles passed her home daily. In 2015 VDOT estimated there were 430 vehicles per day on Camp Hydaway Road, and there was probably more now. Mrs. Tolley indicated Camp Hydaway Road was not built to sustain 600 cars a day due to the width of the road, the lack of a centerline and guardrails. Over the forty plus years she had lived on Candlers Mountain, fifteen to twenty people had died on her road. The road was not wide enough, had a lot of curves and people did not observe the reduced speed limit signs. Candlers Mountain Road was not equipped for additional traffic. As to noise, she could hear the football games at Liberty and events at Camp Hydaway. How would 25,000 shots a day sound? This was her home. Liberty owned a lot of other property that would be better suited and had fewer homes.
Richard Hinkley, 366 Pearson Drive, Rustburg, commented that Liberty has had a pistol/rifle/shotgun range facility at the university since 1980. They had always maintained it for law enforcement training. There had been no injuries, and safety was a priority. The range was open from dawn to dusk; except for those few times the State required night training. In 2009 the range was opened to students and the staff, and even with thousands of students and staff that had come through the training, there had been no injuries. There had been shooting at all times of the day, and as far as he knew, there had been no complaints. This was not something new, but something they were trying to expand. There would be an increase in traffic. As far as noise, most of the residents should already be used to the noise. With the rise in interest in Olympic skeet and trap, they had students asking where they could practice. The current facility was not able to meet their needs.

Jim Cerillo, 138 Cerillo Lane, Rustburg, indicated he was the only one that spoke at the Planning Commission because no one knew about the proposed special use permit. He appreciated the good questions the Board had asked. Mr. Cerillo disclosed he had nothing against Liberty or gun owners and that Liberty had been his customer for 25 to 30 years. He had been on the mountain since 1959 and seen a lot of changes. His first concern was property values pointing out there were more than 125 homes within 1.25 miles of the shooting range. The second was traffic. Candlers Mountain Road was a really bad road with many accidents over the years. There were five accidents just last month with one of those being a fatality. Traffic was unbelievable. Mr. Cerillo asked the Board to remember that Liberty was moving a major sporting activity off campus and questioned why the shooting facility was not placed next to the new soccer facility. He asked the Board to please consider the hundreds of people that would be affected by the noise by a facility that would be open all day seven days a week.

James Evans, 501 Westview Circle, Lynchburg, was an alumnus of Liberty and was a part-time firearms instructor. He supported the shooting range and knew it would be a world class facility. He has already talked with friends around the State who were excited and wanted to visit. While he understood the concerns about traffic and noise, he had faith that if anyone could build a range to make sure all concerns were addressed, it would be Liberty.

Donnie Stevens, 165 Camp Hydaway Road, commented he could already hear the other shooting range from his house, and it scared his son’s dogs when they were staying with him for a few months. He added the traffic on Camp Hydaway Road was bad already, and it was sometimes difficult to get by the camp with cars parked along the roadway. He was not against Liberty or the shooting range, but he did have concerns about the noise and agreed with the suggestion to do a noise test.

Hearing no further comments, the public hearing was closed at 6:39 p.m.

Supervisor Gunter indicated this property was in his District. He attended the Project Evaluation Committee meeting and the Planning Commission meeting. He also visited the proposed site with Liberty representatives, and he was confident they would make the facility as safe as possible. Many of the concerns expressed by the Board and citizens had been raised during the discussions, and Liberty responded to those concerns in an adequate manner. He believed Liberty would do everything in its power to make this a workable shooting range not only for themselves but for Campbell County and our law enforcement. The County had been working for a number of years to locate a shooting range for the Sheriff’s Office without success. This proposal was a great opportunity to meet that need and would be a tool to increase economic development in Campbell County. While he understood the concerns about traffic and noise, he believed if the roads became a problem, they would be addressed by VDOT. The County could not pass up this opportunity. Supervisor Gunter offered the following motion:

On motion of Supervisor Gunter, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing convenience APPROVES Request #PL-16-118 by Todd Carroll, agent for Liberty University, for a special use permit to construct and operate a shooting range and related school uses on property zoned Agricultural located on Camp Hydaway Road across from 42 Lakeridge Drive with the conditions the applicant utilizes the site in general conformance with the use described in the narrative and shown on the site plan submitted with the request.
Supervisor Goldsmith supported the motion, but believed the traffic and parking issues should be addressed now rather than waiting until there were major problems. As to noise, that would be a problem no matter where a range was located, but with good planning and buffers, it could be addressed. Everyone needed to work together to make this project work because it was too good of an opportunity to pass up.

Supervisor Puckett concurred with Supervisor Goldsmith and added he was pleased with Liberty’s plan for lead abatement. This was a serious issue impacting shooting ranges and needed to be addressed. He too was concerned about the traffic issues and they needed to be addressed during the planning process. He would support the motion.

Supervisor Good indicated he was an employee of Liberty University and upon advice from the County Attorney, it was permissible for him to discuss and vote on the proposed permit request. He read the following for the record:

I, BOB GOOD, being a duly elected member of the Board of Supervisors of the County of Campbell, Virginia, do hereby declare that I am able to vote on the Special Use Permit requested by Liberty University for use of 490.52 acres as a firing range. I have a personal interest affected by the transaction inasmuch as I am a full time employee of Liberty University, and I am also a member of a business, profession, occupation or group of three or more persons, the members of which are affected by this transaction, and I am able to participate in the transaction fairly, objectively and in the public interest.

Supervisor Good commented that Liberty has made reasonable accommodations by placing the range in the center of a large tract of land that was approximately 1400 feet from the nearest residence. If it were not approved for this location, he did not know of another place in the County that would be more suitable and have zero concerns by neighbors. It should also be considered the Sheriff’s Office has been waiting for nearly ten years to find a location to meet their training needs. He would support the motion.

Supervisor Zehr reiterated the lengthy process by the Sheriff’s Office, the Board and staff to locate a shooting range for the Sheriff’s Office and every proposed site was met with opposition. Based on Liberty’s reputation and standing in the community, he was more comfortable taking a risk with Liberty. He too would support the motion.

Supervisor Borland also believed Liberty would do an excellent job building and maintaining this facility and addressing the concerns of traffic and the roadway. He disclosed he had been employed by Liberty for 40 years. While he believed he could vote fairly and objectively, he chose to abstain from the vote.

Supervisor Gunter suggested the County needed to amend its Comprehensive Plan in light of this project which would then require VDOT to address the road concerns.

Chairman Rousseau commented the additional law enforcement presence on Candlers Mountain Road and Camp Hydaway Road from utilization of the shooting facility may help slow the traffic down. He was sensitive to traffic issues and encouraged VDOT and Liberty to do everything possible to increase safety of travelers on those roads. He supported the project and was confident the noise and traffic issues would be addressed although he would like to see the traffic issues addressed first before building the facility.

Supervisor Borland added he lived about a mile from both the shooting ranges on Candlers Mountain and the one near the airport owned by the City of Lynchburg. When he first moved there, he heard the gunshots, but hardly noticed them anymore.

Supervisor Goldsmith commented the Board appeared to be in favor of the project and this would be the last time the Board could ensure all issues were addressed to protect the property owners near the shooting range. All issues needed to be made a condition to the special use permit. While he had trust in Liberty, the commitments needed to be in place before moving forward. Administrator Rogers interjected proffers could not be suggested and there was very little the County does in controlling traffic. That relationship was between VDOT and the applicant as they moved forward with the project. The staff would do their best to relay concerns to VDOT.
Supervisor Good added Liberty’s interests were consistent with others in the County. They had a number of students and faculty that lived and traveled in the immediate area and wanted a safe and welcoming addition to the community.

There was a question from Jim Cerillo if the Board could limit the number of hours the facility was open. Ms. Shackelford indicated the Board could put conditions on a special use permit as long as it pertained to the use.

Supervisor Goldsmith stated for the record that he would recommend the County, Liberty and VDOT work together to formulate a transportation plan and make it a condition for approval of the final permit. There was a question from the Board on the VDOT report. Ms. Shackelford did not recall a specific report on safety concerns because it was determined it was an occasional use that would generate the traffic. The applicants would have to apply for VDOT permits to get their entrances in place, and if there were safety concerns in the final plans, VDOT would require upgrades at that time. Supervisor Zehr confirmed VDOT was aware of the project and had no objections to it.

In a question to Mr. Shreve as to anything legally the Board could do to express their concerns about the traffic and the roads, Mr. Shreve said it should be outlined in the minutes of the meeting. Supervisor Gunter was confident that Liberty University’s plan would protect the students and the neighborhood. They had heard the concerns, knew what needed to be done, and they would do it. Supervisor Borland called for the question.

The vote was: Aye: Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None
Abstain: Borland

// SPECIAL USE PERMIT BY GREG CRUZ TO ADD SECOND DWELLING UNIT

The last public hearing was opened at 7:07 p.m. on:

PL-16-119 Request by Greg Cruz, Sr., for a special use permit to add a second dwelling unit to an existing single-family home for use by an immediate family member on property zoned Residential – Single Family. The property is located at 704 Nickland Drive and is located in an area designated as medium to high-density residential per the current Comprehensive Plan.

Ms. Shackelford presented a request from Greg Cruz, Sr. for a special use permit to add a second dwelling unit to his home for use by his son, Greg Cruz, Jr., in order for his son to provide care for him and his wife as they age. A diagram was displayed showing the second dwelling connecting to the first dwelling by a porch.

The property was zoned Residential-Single Family (R-SF) and located at 704 Nickland Drive in the Spring Hill Election District. The area was residential in nature, and the zoning in the vicinity was Residential – Single Family and Agricultural. Nickland Drive serves the property, and the request would have a small impact on daily traffic counts. A traffic study was not required. The Planning Commission recommended approval of the request by a vote of 7-0 citing convenience.

Greg Cruz, Sr., 704 Nickland Drive indicated he and his wife were getting older and would like to avoid having to move to an assisted living facility. Adding the second dwelling would allow his son to live close by.

Greg Cruz, Jr., 8 North Jefferson Street, Apt. #5, Roanoke, indicated his Dad currently owned an adjacent parcel, but the septic was on that parcel preventing them from building a home there. Looking at the diagram, a shed would be relocated to the back of the parcel, and a modular home would be placed perpendicular to the existing home. He was aware of certain restrictions and conditions regarding the placement of the home on the parcel. He believed this solution would alleviate his Mom and Dad’s concerns of moving into a facility.
No one spoke in opposition to the special use permit. The public hearing was closed at 7:13 p.m.

Supervisor Borland indicated he had been to Mr. Cruz’s home and talked with the family. He supported the request and commended Mr. Cruz, Jr., for his willingness to move to help his parents at this stage of their lives.

On motion of Supervisor Borland, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing convenience APPROVES Request #PL-16-119 by Greg Cruz, Sr. for a special use permit to add a second dwelling unit to an existing single-family home for use by an immediate family member on property zoned Residential – Single Family located at 74 Nickland Drive.

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None

// ADJOURNMENT

On motion of Supervisor Puckett, the meeting was adjourned at 7:16 p.m.

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr
Nay: None
Absent: None

MIKE P. ROUSSEAU CHAIRMAN
Approved: ____________________