

BOARD OF SUPERVISORS MEETING

January 7, 2020

The regular meeting of the Campbell County Board of Supervisors was held on the 7th day of January 2020 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Charlie A. Watts, II, Chairman, Presiding	Brookneal Election District
Kenneth R. Brown	Spring Hill Election District
Matt W. Cline	Concord Election District
Jon R. Hardie	Rustburg Election District
Susan R. Hogg	Timberlake Election District
A. Dale Moore	Altavista Election District
Steve W. Shockley	Sunburst Election District

Also present were:

Frank J. Rogers, County Administrator
Clifton M. Tweedy, Deputy County Administrator
F.E. "Tripp" Isenhour, III, County Attorney
Kristin B. Wright, Staff Attorney
Brooke S. Wright, Administrative Assistant

Administrator Rogers called the meeting to order at 6:00 p.m. and welcomed everyone to the organizational meeting of the Board of Supervisors. Administrator Rogers led the Pledge of Allegiance followed by a moment of silence.

// ELECTION OF CHAIR AND VICE-CHAIR

Nominations were called for 2020 Chairman. Supervisor Cline nominated Supervisor Charlie A. Watts, II of the Brookneal Election District for 2020 Chairman.

On motion of Supervisor Cline, it was resolved the Board of Supervisors closes the nominations for Chairman and affirms the election of Supervisor Charlie A. Watts, II as 2020 Chairman.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

Supervisor Watts assumed the seat of Chair and opened the floor for nominations for Vice-Chairman. Supervisor Hogg nominated Supervisor Jon R. Hardie of the Rustburg Election District for 2020 Vice-Chairman.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors closes the nominations for Vice-Chairman and affirms the election of Supervisor Jon R. Hardie as 2020 Vice-Chairman.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

// TIME AND PLACE OF MEETINGS

On motion of Supervisor Hardie, it was resolved the Board of Supervisors establishes the regular meeting schedule for 2020 as follows:

The first and third Tuesday of each month (except for second Tuesday in May for budget adoption) beginning at 6:00 p.m. in the Board Meeting Room, Walter J. Haberer Building, Rustburg, Virginia. The second meeting 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 6:00 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 Board confirms the policy adopted on June 12, 2018 that establishes a written policy for participation in Board meetings through electronic communication as set forth in Virginia Code §2.2-3708.1.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
 Nay: None
 Absent: None

// COMMITTEE ASSIGNMENTS

At this time the members chose committee assignments for 2020 and 2021.

SUPERVISOR	COMMITTEE (need 2 Board members per Committee)	BOARD	OTHER
Hardie		Local Govt/ Social Services	
Hogg	Joint School	Horizon	
Watts			Fray Trust/ Airport Authority
Moore	EMSAC/FAC		TLAC
Brown		Library/ Workforce Dev.	
Cline	EMSAC/FAC	CCUSA	
Shockley	Joint School	Planning Comm.	

// APPROVAL OF MINUTES

On motion of Supervisor Hogg, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the November 7, 2019 regular meeting and the November 19, 2019 meeting with the Towns of Altavista and Brookneal as presented.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
 Nay: None
 Absent: None

// FY 2019 AUDITED FINANCIAL REPORT

Matt McLearn of Robinson, Farmer, Cox Associates presented the Comprehensive Annual Financial Report for the year ended June 30, 2019. He indicated they encountered no difficulties in working with staff and all records were made available to them. There were no disagreements with management in applying accounting principles and no significant audit

findings for the fiscal year 2019. The County's audit was deemed a clean opinion on all financial statements with no material weaknesses found.

Mr. McLearen indicated the General Fund year-end balance on June 30, 2019 was approximately \$28.9 million. The County was well within the targeted range of the total General Fund Unassigned Fund Balance to the total General Fund expenditures. This would translate to the County's ability to pay for future obligations. The County's ratio was 34 percent, well within the ratio recommended by policy makers of 15 to 25 percent. Mr. McLearen brought the Board's attention to a table that showed the increase and decrease of fund balances.

The County had 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 submitted its FY 2019 Audit again for consideration.

On motion of Supervisor Hardie, it was resolved the Board of Supervisors accepts the FY 2019 Audited Financial Report.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

// REQUEST TO ADVERTISE PUBLIC HEARING – SURPLUS PROPERTIES FROM TAX AUCTIONS

Tripp Isenhour, County Attorney, stated that on June 5, 2018 the Board considered selling 23 parcels of real property purchased by the County at prior tax auctions. The Board conducted a public hearing on the matter, declared the properties as surplus and authorized him to advertise the same for absolute auction at future tax auctions. Since then Mr. Isenhour had accumulated eight additional properties at recent tax auctions and was requesting the Board authorize a public hearing to declare these parcels surplus. Following the public hearing, the Board may direct staff on how to dispose of the surplus properties.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors authorizes staff to advertise and conduct a public hearing for the February 4, 2020 Board of Supervisors meeting to declare surplus several parcels not sold at recent tax auctions.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

// HIGHWAY MATTERS

Clif Tweedy, Deputy County Administrator, indicated Robert Brown, VDOT Residency Engineer, was present to answer questions from Board members.

Items noted under highway matters included:

- Mr. Brown indicated cracks in the pavement at the intersection of Russell Woods Drive and Hopkins Road would be fixed in the spring.
- Mr. Brown indicated the downed sign in the median on Route 29 at the turn lane for Calohan Road had been repaired.

From the Board:

- Supervisor Hardie commented on the bad ruts on Wisecarver Road near the intersection with Route 24, as well as ruts that were forming on Route 24 across from Apple Market.
- Supervisor Hardie stated the need for trash clean up on Route 29, Route 24 between Rustburg and the intersection with Route 29, Calohan Road, Lynbrook Road, and the first Altavista exit ramp off of Route 29.

// CONSENT AGENDA

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

a) Appropriations –

1. General Fund, Public Assistance, appropriating \$5,000 to Adoption Incentive; and raises estimated revenue, Public Assistance/Admin by \$5,000, Social Services received funding to recognize adoptive families;
2. General Fund, Circuit Court Clerk, appropriating \$9,997 to Technology Software/Hardware Upgrade; and raises estimated revenue, Technology Trust Fees by \$9,997, money to maintain Records Indexing Systems that is provided by the Supreme Court of Virginia;
3. General Fund, Public Safety, appropriating \$4,354.37 to Maintenance/Repair – Vehicles; and raises estimated revenue, Insurance Recoveries by \$4,354.37, insurance funds for Medic 8 accident repairs;
4. General Fund, Debt Service, appropriating \$132,630.76 to LOC Issue Costs; and decreases (assigned for debt service) General Fund balance by \$132,630.76, to pay legal fees for review of Line of Credit contract;
5. General Fund, Debt Service, appropriating \$132,630.76 to LOC Issue Costs; and raises estimated revenue, LOC Proceeds by \$132,630.76, to account for Line of Credit drawdown;
6. School Operating Fund, Title I – ARRA, appropriating \$109,362.91 to Comp Title I Teachers, \$1,000 to Comp Title I Sub Teachers, \$4,000 to Stipends, \$7,194.79 to Employer Cost FICA, \$11,039.59 to Employer Cost VRS, \$10,708 to Employer Cost VRS Hybrid, \$4,943.28 to Employer Cost Health Ins, \$1,321.80 to Employer Cost Gr Life Ins, \$1,763.83 to Parental Involvement, and \$19,842.16 to Parent Inv Supplies; and deleting \$12, 546.42 from Comp Title I Supervisor, \$203.94 from Employer Cost Disability Ins, \$4,750 from Purchased Services, \$4,589.48 from Travel, and \$69,427.86 from Instructional Supplies; and raises estimated revenue, Title I-NCLB by \$79,658.66, to reconcile financial system with OMEGA system;
7. School Operating Fund, School Food Service, appropriating \$3,705 to Purchase Service - VANCO; and raises estimated revenue, VANCO-Conv Funds by \$3,705, for convenience fees collected from VANCO for funds placed on student breakfast/lunch accounts during October 2019;
8. School Operating Fund, Improvement of Instruction, appropriating \$4,700 to Inservice Cost - SPED; and raises estimated revenue, Expenditure Refunds by \$4,700, for refund of registrations from Bedford County Public Schools;
9. School Operating Fund, Tech Admin, de-appropriating \$12,862.82 from Telecommunications; and decreases estimated revenue, Sale of Other Equipment by \$12,862.82, for revenue from telecommunications recycling items to reconcile balance;
10. School Operating Fund, Classroom Instruction, appropriating \$12,058.59 to VOC Equipment; and raises estimated revenue, VOC Equipment by \$6,797.75 and CTE Equip High Demand Sch Divisions by \$5,260.84, to match Supt memos #165-19 and #166-19;
11. School Operating Fund, Title III-A, appropriating \$5,135 to Purchased Services – Elem and \$546.20 to Travel – Elem; and deleting \$2,022.79 from Materials & Supplies - Elem; and raises estimated revenue, Title III Part A - ESL by \$3,658.41, to match OMEGA system budget;
12. School Operating Fund, Title IV Part B, appropriating \$39,892.76 to Comp Psychologist, \$13,728.70 to Employer Cost VRS, \$14,527.69 to Employer Cost Health Ins, and \$24,991.01 to Purchased Services; and deleting \$5,527 from Comp Stipends, \$2,628.90 from Employer FICA, \$17,300 from Employer Cost VRS Hybrid, \$345.73 from

Employer Cost Grp Life Ins, \$1,320.34 from Travel/Other, and \$810 from Materials & Supplies; and raises estimated revenue, Title IV, A SSAE Grant by \$65,208.19, to match Omega system budget;

13. School Operating Fund, Operation & Maintenance, appropriating \$550 to Building Materials; and raises estimated revenue, Misc Refunds R52 by \$550, for funds to repair/replace gate at Brookville Middle School lower field, damaged by VDOT and repaired by R.R. Mann Fencing;
14. School Operating Fund, Pupil Transportation, appropriating \$660 to Maint/Repair Vehicles; and raises estimated revenue, Miscellaneous Refunds R52 by \$660, for funds received to repair Bus #21;
15. School Operating Fund, Voc Ed C B Perkins Grant, de-appropriating \$1,850 to Purchased Services and \$574 to Other Cost – Miscellaneous; and deleting \$3,836.29 from Capital Outlay Replacement; and decreases estimated revenue, CB Perkins Voc Ed Grant by \$1,412.29, due to Supt Memo #077-19;
16. School Operating Fund, Adult Regional Ed Program, appropriating \$11,338 to Supplemental Wages GED – ABE, \$153 to Employer Cost FICA GED – ABE, \$596.70 to Employer Cost FICA C & I GED – ABE, and \$400.50 to Instructional Supplies GED – ABE; and deleting \$9,338 from Comp Tea GED – ABE and \$996.70 from Travel GED – ABE; and increases estimated revenue, Basic Adult Education by \$2,153.50, per 2019 award allocation to match OMEGA system budget;
17. School Operating Fund, Technology, appropriating \$180,667 to VPSA Technology; and deleting \$51,334 from Tech Instruct-Support, VPSA Technology and \$94,188 from Tech Instruct-Support, VPSA Technology; and raises estimated revenue, Technology VPSA by \$35,145, per Supt Memo #121-19;
18. School Operating Fund, Adult Regional Ed Program, appropriating \$9,808 to Supplemental Wages GED – ABE; and raises estimated revenue, G A E by \$9,808, per 2019 award allocation.

b) County Attorney Invoice –

Approves payment to the County Attorney in the amount of \$11,460.81 for services provided from November 20, 2019 through December 18, 2019;

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.

Member, Senate of Virginia, District 015

Frank M. Ruff, Jr. – Republican	2392
Virginia M. Smith – Democratic	903

Member, Senate of Virginia, District 023

Stephen D. “Steve” Newman – Republican	11069
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Member, House of Delegates, District 022

Kathy J. Byron – Republican	3546
Jennifer K. Woofter – Democratic	1108

Member, House of Delegates, District 059

C. Matt Fariss – Republican	6904
Tim J. Hickey – Democratic	2438

Member, House of Delegates, District 060

James E. Edmunds, II – Republican	1406
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Janie S. Zimmerman – Democratic	657
<u>Commonwealth’s Attorney</u>	
Paul A. McAndrews	13482
<u>Sheriff</u>	
Whit W. Clark, III	7158
Terry A. Cook	4881
Dwayne T. Wade	4062
<u>Commissioner of the Revenue</u>	
Calvin C. Massie, Jr.	13986
<u>Treasurer</u>	
Sheila M. Smith	6013
Jane Eagle Bailey	5368
Manda R. Witkowski	3531
<u>Member, Board of Supervisors, Altavista District</u>	
A. Dale Moore	1138
John E. Tucker	1026
<u>Member, Board of Supervisors, Concord District</u>	
Matt W. Cline	1268
Eddie Gunter, Jr.	942
<u>Member, Board of Supervisors, Spring Hill District</u>	
Kenny R. Brown	1098
Preteasta B. Barksdale	602
M. Charlie Millner, Jr.	270
<u>Member, Board of Supervisors, Sunburst District</u>	
Steve W. Shockley	1849
<u>Member, School Board, Altavista District</u>	
Gary R. Mattox	1906
<u>Member, School Board, Concord District</u>	
Barry A. Jones	1871
<u>Member, School Board, Spring Hill District</u>	
Mark A. Epperson	1704
<u>Member, School Board, Sunburst District</u>	
R. Leon Brandt	1731
Dean P. Cumbo	256
<u>Soil and Water Conservation Director Robert E. Lee District</u>	
Doug D. Perrow	9745
Brandon T. Schmitt	7933

d) RFP for Auditing Services –

The current contract with Robinson, Farmer, Cox Associates expired on July 1, 2019. A new Request for Proposal (RFP) has been prepared and would be issued in the next few days for the provision of Auditing Services for Fiscal Years Ending 2020, 2021, and 2022 with the option to renew for FYE 2023 and FYE 2024.

Grants the County Administrator the authority to approve the top ranked firm, conduct negotiations, and execute a satisfactory and advantageous final contract, at a fair and reasonable price for the provision of Auditing Services;

e) Technology Consultancy Services –

Approves Broadband Telecom, CCS Global Tech, COOLSOFT, LLC, Electronic Systems, Inc., Marathon Consulting, LLC, SyCom Technologies, LLC and Virtual IT, Inc. to be the top ranked firms, and authorizes staff to negotiate and execute a final contract for technology consultancy services with each vendor per the RFP document;

f) USDA Public Safety Grant – Support Resolution –

Staff from USDA Rural Development and the Department of Public Safety worked together on an application for a \$50,000 grant. The funds would be applied toward the acquisition costs of ambulances.

Approves the following resolution:

RESOLUTION OF MEMBERS OR STOCKHOLDERS

Campbell County
P.O. Box 100
47 Courthouse Lane
Haberer Building – 2nd Floor
Rustburg, VA 24588

RESOLVED, that the Governing Board of this Association be and it hereby is authorized and empowered to take all action necessary or appropriate –

1. To obtain for and on behalf of the Association through the United States Department of Agriculture (USDA) or any other Governmental agency:
 - (a) A loan in a sum not to exceed \$ 0.00;
 - (b) A grant in a sum not to exceed \$ 50,000.00;to be advanced by the lender or grantor in one or more advances at such time or times as may be agreed upon.
2. In case of a loan or grant or both –
 - (a) For the execution of such application or applications (including exhibits, amendments and/or supplements thereto) as may be required;
 - (b) For the execution and delivery to the lender or grantor of all such written instruments as may be required in regard to or as evidence of such loan or grant; and
 - (c) In its judgment to carry out the terms of this resolution.
3. And in case of a loan –
 - (a) To obligate this Association for the repayment of the loan at such rates of interest and on such other terms and conditions as the Governing Board shall deem proper;
 - (b) To pledge, hypothecate, mortgage, convey, or assign property of this Association of any kind and in any amount now owned or hereafter acquired, as security for any or all obligations (past, present, and/or future) of this Association to such lender; and
 - (c) From time to time to pay, extend, or renew any such obligations.

g) Request to Issue RFI for Broadband –

The Board has expressed a desire to advance Broadband coverage throughout the County. Staff developed a Request for Information (RFI) to solicit preliminary, conceptual designs from private providers to expand coverage. The Solicitation of Information (Solicitation) invited conceptually engineered plans from private firms or joint ventures to provide for expansion of broadband access and capacity into all under-and-unserved areas of the Locality. The Solicitation set forth the terms and conditions whereby the Locality may enter into a comprehensive agreement with one (or more) successful Offeror(s) to provide the partnership services described herein or in a selected plan.

Authorizes the issuance of the solicitation for information for Broadband.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

// APPOINTMENTS

Two appointments were made at this meeting.

Library Board

On motion of Supervisor Cline, it was resolved the Board of Supervisors appoints Kimberly Martin, 2081 Country Road, Lynchburg, Virginia, to serve a four year term until January 1, 2024 on the Library Board for the Concord Election District.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

Tri-County Lakes Administrative Commission

On motion of Supervisor Hogg, it was resolved the Board of Supervisors reappoints Dale Moore, Supervisor for the Altavista Election District, and Frank Rogers, County Administrator, to serve a one year term until January 31, 2021 on the Tri-County Lakes Administrative Commission.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

// MATTERS FROM THE BOARD

- Supervisor Hogg noted she was excited about the new year and working with her fellow Board members to move the County forward. She acknowledged Mr. Leon Brandt and Mr. Scott Miller, both members of the Campbell County School Board, and thanked them for attending the meeting.
- Supervisor Hardie welcomed the new Board members and stated he was looking forward to working with them. He requested that staff work on language for the upcoming Code update to reflect a personal property tax exemption on one vehicle for disabled veterans residing in the County.
- Supervisor Cline thanked Coach Russell and the SCA at Rustburg High School for allowing him to meet and speak with them last month. He thanked Chairman Watts for introducing the Second Amendment Sanctuary resolution at the November 2019 Board meeting, noting that he believed in a literal interpretation of the Constitution.
- Chairman Watts welcomed the new Board members and stated he was excited about the work the Board would be doing in the future.

// CLOSED SESSION

On motion of Supervisor Hogg, it was resolved the Board of Supervisors enters into a closed meeting at 6:40 p.m. to consult with legal counsel pertaining to possible or pending litigation related to the Region 2000 Services Authority, in accordance with §2.2-3711 (A)(7) of the Code of Virginia, as amended; and to discuss the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, in accordance with §2.2-3711 (A)(3) of the Code of Virginia, as amended.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts

Nay: None
Absent: None

// The Campbell County Board of Supervisors entered into a closed meeting on this 7th day of January, 2020 at 6:40 p.m. to consult with legal counsel pertaining to possible or pending litigation related to the Region 2000 Services Authority, in accordance with §2.2-3711 (A)(7) of the Code of Virginia, as amended; and to discuss the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, in accordance with §2.2-3711 (A)(3) of the Code of Virginia, as amended.

// On motion of Supervisor Hardie, it was resolved the meeting return to open session at 7:20 p.m.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

// On motion of Supervisor Moore, the following resolution was adopted:

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 7th day of January, 2020 pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3711 of the Code of Virginia requires a certification by the Campbell County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Campbell County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Campbell County Board of Supervisors.

The roll call vote was: Aye: Brown
Aye: Cline
Aye: Hardie
Aye: Hogg
Aye: Moore
Aye: Shockley
Aye: Watts
Nay: None
Absent During Meeting: None
Absent During Vote: None

// PUBLIC HEARING – SPECIAL USE PERMIT 44 PERSHING DRIVE

The first public hearing was opened at 7:21 p.m. on:

PL-19-177 Request by Brittany Noel for a special use permit to operate a child care center on property zoned Residential – Single Family. The property is located at 44 Pershing Drive and is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Mr. Harvey reviewed the staff report explaining the applicant was requesting a special use permit to operate a child care center in the existing single family dwelling on the property. This use was considered a child care center since the applicant was not a resident at this dwelling. The child care center would operate with up to twelve children. The hours of operation would be 7:30 a.m. to 5:30 p.m.

The zoning in the vicinity was Residential – Single Family. The property was accessed by an existing entrance on Pershing Drive, and the request would have minimal impact on daily traffic flow. According to the Comprehensive Plan, the property was located in an area designated as medium to high density residential. The Planning Commission recommended approval of the request by a vote of 7-0 citing good zoning practice, with the condition that the applicant utilized the site in conformance with the use described in the narrative submitted with the request.

Brittany Noel, 402 Stonemill Drive, Lynchburg, stated that the basement of her parents' home was converted into a child care center several years ago, but in order to be licensed in the state of Virginia to care for more than four (4) children, obtaining a special use permit was necessary.

Karen Hopkins, 471 Lake Forest Drive, Lynchburg, spoke in favor of the request, noting that Ms. Noel cared for her granddaughter and she was a very responsible young lady.

Kelly Dias, 117 East Lake Drive, Lynchburg, spoke in favor of the request, stating Ms. Noel had cared for her son for over one year and she found her to be very trustworthy and caring.

No one spoke in opposition to the proposed special use permit, and the public hearing was closed at 7:28 p.m.

Supervisor Cline proposed not limiting the hours of operation from 7:30 a.m. to 5:30 p.m., allowing the child care center to be open as long as necessary each day.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **APPROVES** Request PL-19-177 by Brittany Noel for a special use permit to operate a child care center on property zoned Residential – Single Family, located at 44 Pershing Drive with the condition recommended by staff, specifically that the applicant utilizes the site in conformance with the use described in the narrative submitted with the request, and not limiting the hours of operation from 7:30 a.m. to 5:30 p.m. daily.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockely, Watts
Nay: None
Absent: None

// PUBLIC HEARING – SPECIAL USE PERMIT 5861 WARDS ROAD

The second public hearing was opened at 7:29 p.m. on:

PL-19-182 Request by Jason Keese, agent for Joseph Thomas Jr & Linda M. Keese, for a special use permit to operate an automobile repair shop on property zoned Agricultural. The property is located at 5861 Wards Road and is located in an area designated as medium to high density commercial per the current Comprehensive Plan.

Mr. Harvey reviewed the staff report explaining the applicant was requesting a special use permit to operate a small minor automobile repair shop at this location. The shop would operate from an existing garage behind the dwelling on the property. The proposed hours of operation would be Monday through Friday from 8:00 a.m. to 5:00 p.m., and work would be done by appointments only. There would be no more than eight (8) vehicles parked on a daily basis and no junk vehicles would be left on the property. The property was owned by Mr. Keese's parents, both of whom were in favor of the request.

The zoning in the vicinity was Business – General Commercial; Business – General Commercial, Conditional; and Agricultural. The property was accessed by an existing entrance on Wards Road, and the request would have minimal impact on daily traffic flow. According to the Comprehensive Plan, the property was located in an area designated as medium to high density commercial. The Planning Commission recommended approval of the request by a vote of 7-0 citing good zoning practice, with the condition that the applicant conducted business in

general conformance with the use described in the narrative and shown on the site plan submitted with the request.

Jason Keesee, 44 Pershing Drive, Lynchburg, stated that he wanted to operate a repair shop to do routine maintenance and minor repair work on vehicles.

No one spoke in favor of or in opposition to the proposed special use permit, and the public hearing was closed at 7:31 p.m.

On motion of Supervisor Brown, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **APPROVES** Request PL-19-182 by Jason Keesee, agent for Joseph Thomas Jr & Linda M. Keesee, for a special use permit to operate an automobile repair shop on property zoned Agricultural, located at 5861 Wards Road with the condition recommended by staff, specifically that the applicant conducts business in general conformance with the use described in the narrative and shown on the site plan submitted with the request.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockely, Watts
Nay: None
Absent: None

// PUBLIC HEARING – REZONING 787 GREENHOUSE ROAD

The third public hearing was opened at 7:32 p.m. on:

PL-19-185 Request by Franklin Phelps, to rezone property located at 787 Greenhouse Road from Agricultural to Residential – Multi Family in order to allow for the construction of a duplex. The property is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Paul Harvey, Director of Community Development, explained this was a request to rezone 0.397 +/- acres from Agricultural to Residential – Multi Family in order to allow for the construction of a duplex. The property is located at 787 Greenhouse Road, Rustburg, VA, in the Rustburg Election District.

The area was residential in nature, and zoning in the vicinity was Business – Limited Commercial; Business – General Commercial; Industrial – General; Residential – Single Family; Residential – Multi Family; Residential – Multi Family, Conditional; Residential – Manufactured Housing; and Agricultural. The property would be accessed from an entrance onto Greenhouse Road. The property would be served with public water and a private on-site septic system. No proffers were submitted with this rezoning request. The Planning Commission recommended approval by a vote of 7-0 citing good zoning practice.

Franklin Phelps, 117 Howards Manor Drive, Rustburg, stated his desire to build a single-story, two-unit duplex, enticing enough to attract long-term tenants.

No one spoke in favor of or in opposition to the proposed rezoning, and the public hearing was closed at 7:34 p.m.

On motion of Supervisor Hardie, it was resolved the Board of Supervisors **APPROVES** Request PL-19-185 by Franklin Phelps, to rezone property located at 787 Greenhouse Road from Agricultural to Residential – Multi Family in order to allow for the construction of a duplex.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

// PUBLIC HEARING – REZONING & SPECIAL USE PERMIT EAST OF BROOKNEAL HIGHWAY

The last public hearing was opened at 7:35 p.m. on:

PL-19-192 Request by Pigeon Run Solar, LLC to rezone property located east of Brookneal Highway from Business – General Commercial to Business – Heavy Commercial with a concurrent special use permit to construct a solar energy facility and a special use permit to construct a solar energy facility on property zoned Agricultural. The property is located in an area designated as medium to high density mixed, transitional, and rural per the current Comprehensive Plan.

Paul Harvey, Director of Community Development, explained this was a request to rezone 10.00 +/- acres from Business – General Commercial to Business – Heavy Commercial with a concurrent special use permit to construct a solar energy facility and a special use permit to construct a solar energy facility on property zoned Agricultural. The property is located east of Brookneal Highway, Gladys, VA, in the Brookneal Election District. Pigeon Run Solar, LLC, proposed to construct, operate, and maintain a 60MWac solar energy facility on approximately 500 acres of the property. The project would include eastern and western sections that would be connected by an approximately 1.3-mile underground powerline. The solar energy facility would connect to an existing Dominion Virginia Power 69kV transmission line that runs through the western section of the property. The project included a 50 foot setback on all sides, a 200 foot setback from residences for substantial equipment, and a 500 foot setback from residences for inverters. The project would be enclosed with a fence and the applicant stated the project would be adequately screened from public roads and residences. A decommissioning plan was included in the request, which included a financial guarantee of \$450,000. The decommissioning plan would be revisited every five (5) years and adjusted, as needed. A glare study was conducted by an independent agency and, according to the Federal Aviation Administration's (FAA) guidelines, the proposed facility did not pose a glare risk to aircraft in the area. Mr. Harvey noted that one of the proposed conditions of the project involved getting approval from the FAA before beginning construction. Staff did not believe that was an enforceable condition because the project was on private property that did not involve the Brookneal/Campbell County Airport property. Therefore, the FAA did not have the jurisdiction to grant construction approval.

The zoning in the vicinity was Residential – Single Family; Business – General Commercial; Industrial - General; Industrial – Heavy; Industrial – Heavy, Conditional; and Agricultural. The property would be accessed from entrances on Brookneal Highway (Route 501), Pigeon Run Road (Route 652), and Bear Creek Road (Route 651). A traffic study concluded that the roadway facilities had the available capacity to accommodate traffic both during construction and operation/maintenance activities. According to the Comprehensive Plan, the property was located in an area designated as medium to high density mixed, transitional, and rural. The Planning Commission failed to make a determination that the project was substantially in accord with the Comprehensive Plan under Section 15.2-2232 of the Code of Virginia. The Planning Commission recommended denial of this request by a vote of 3-3 with one abstention due to a conflict of interest.

In answer to a question by Supervisor Hogg, Mr. Harvey stated the Planning Commission's main concern about the project was its proximity to the Brookneal/Campbell County Airport and the unknown impact the project may have on the Airport. There were no conclusions that there would be a negative impact on the Airport, however the Commissioners did not have the benefit of seeing the results of the glare study prior to their meeting.

Charlie Falter, 16109 Winchester Road, Cumberland, Maryland, spoke on behalf of Pigeon Run Solar, LLC. He stated several changes to the project proposal had been made throughout the permitting process. 50 foot setbacks were increased to 100 foot setbacks, allowing enough distance between the panels and property boundaries to add more vegetative screening, if necessary. Also, setbacks from residences for substantial equipment was increased from 200 feet to 300 feet. He added that a glare study had been completed in accordance with FAA guidelines and it was concluded that there would be no glare impact for landing aircraft at the Brookneal/Campbell County Airport. Mr. Falter noted that the project was approximately a \$100 million investment, would generate around \$100,000 in property tax revenue the first year, and an average of \$50,000 each year thereafter for the life of the project. He added that approximately 180 people would be employed full-time during construction.

Supervisor Hardie commented he was concerned about the project's close proximity to the Airport and the glare risk. Mr. Falter noted he shared the results of the glare study with staff at Liberty University's School of Aviation but had not received any feedback.

Walter Bass, 10176 Bear Creek Road, Gladys, spoke in favor of the request. He noted that he owned part of the property and believed that constructing a solar farm was the best use of the land. He added that currently the property was in land use and the solar farm would cause the tax revenue to increase substantially, benefiting the County.

Dean Monroe, 14286 Brookneal Highway, Gladys, spoke in favor of the request. Mr. Monroe stated he was a member of the Planning Commission and prior to their meeting, he had been advised by several aviation professionals to look at the glare study before moving forward with the project. However, at the time of their meeting the glare study results were not available. He commended Mr. Falter for addressing the Commissioners' concerns and concluded by saying he would have voted differently at the Planning Commission meeting if the current information had been available at that time.

No one spoke in opposition to the proposed rezoning and special use permit, and the public hearing was closed at 7:59 p.m.

On motion of Chairman Watts, it was resolved the Board of Supervisors overrules the Planning Commission and deems that the project is substantially in accord with the Comprehensive Plan under Section 15.2-2232 of the Code of Virginia, and **APPROVES** Request PL-19-192 by Pigeon Run Solar, LLC to rezone property located east of Brookneal Highway from Business – General Commercial to Business – Heavy Commercial with a concurrent special use permit to construct a solar energy facility and a special use permit to construct a solar energy facility on property zoned Agricultural, with the following conditions:

1. The applicant utilizes the site in conformance with the use described in the narrative and shown on the site plan submitted with this request, and the applicant meet all conditions submitted as draft conditions with the request;
2. The applicant show a vegetative buffer on the final site plan to adequately screen the site from any adjoining properties and the County inspect the vegetative buffer and require further screening if the County determines additional screening is necessary;
3. The applicant follow the decommissioning plan, including providing a performance bond or other agreed-upon secured funding source, as approved by the Board of Supervisors; and
4. The applicant acknowledges the Board of Supervisors omitted the condition that would require FAA approval prior to construction.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

// ADJOURNMENT

On motion of Supervisor Brown, the meeting was adjourned at 8:04 p.m.

The vote was: Aye: Brown, Cline, Hardie, Hogg, Moore, Shockley, Watts
Nay: None
Absent: None

CHARLIE A. WATTS, CHAIRMAN

Approved: _____