

BOARD OF SUPERVISORS MEETING

July 5, 2016

The regular meeting of the Campbell County Board of Supervisors was held on the 5<sup>th</sup> day of July 2016 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Eric R. Zehr, Chairman, Presiding	Rustburg 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
Mike P. Rousseau	Timberlake 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

Chairman Zehr called the meeting to order at 4:00 p.m. Supervisor Gunter led the Pledge of Allegiance and gave the invocation.

// APPROVAL OF MINUTES

On motion of Supervisor Borland, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the May 17, 2016 budget meeting as presented.

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

Supervisor Gunter noted one correction to the June 7, 2016 minutes.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the June 7, 2016 regular meeting as corrected.

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

// PURPLE HEART COMMUNITY DESIGNATION

Gary Witt, Commander of the Military Order of the Purple Heart Lynchburg #1607, presented a resolution for the Board's consideration to name Campbell County a Purple Heart Community. Other Region 2000 localities have been asked to do the same in recognition of the sacrifice of wounded combat veterans.

Commander Witt indicated the Purple Heart was the oldest military decoration in present use and was initially created as the Badge of Military Merit by General George Washington in 1782 for those wounded or killed in combat. The mission of the Military Order of the Purple Heart was to foster an environment of goodwill among veterans, especially those wounded in combat, promote patriotism, support legislative initiatives and provide service to all veterans and their families.

There were several questions addressed to Commander Witt. The organization does support real estate tax relief as prescribed by State Code and already adopted in our County Code for disabled veterans. The signage that would be placed along the roadways at entry points into the County would be funded entirely by their organization. There were 115 Purple Heart recipients from Campbell County that were members of their organization, and Commander Witt indicated that a free lifetime membership would be provided to all Purple Heart recipients. As part of the resolution, the County would recognize August 7<sup>th</sup> of each year as "Purple Heart Day."

Supervisor Gunter offered the following motion to support veterans who provided the freedom all Americans enjoy.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors adopts the following resolution:

**WHEREAS**, Campbell County has always supported its military veteran population, and

**WHEREAS**, the Purple Heart is the oldest military decoration in present use and was initially created as the Badge of Military Merit by General George Washington in 1782, and

**WHEREAS**, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to members of the United States Armed Forces who have been wounded or made the ultimate sacrifice of life in combat with a declared enemy of the United States of America, and

**WHEREAS**, the mission of the Military Order of the Purple Heart is to foster an environment of good will among the combat-wounded veteran members and their families, promote patriotism, support legislative initiatives, and - most importantly - ensure that America's citizens never forget the loyal service of our military veterans, and

**WHEREAS**, Campbell County has many highly decorated veteran population, including many Purple Heart recipients, and

**WHEREAS**, Campbell County appreciates the sacrifices that this region's Purple Heart recipients have made in defending our freedoms and believes it is important that we acknowledge those veterans for their courage and sacrifice, and show them the honor and support that they have earned;

**NOW, THEREFORE, BE IT RESOLVED**, that the Campbell County Board of Supervisors does hereby proclaim Campbell County as a Purple Heart Community in grateful recognition of the service and sacrifice of its combat-wounded veterans and in deep appreciation for their service to this community and their country, and

**BE IT FURTHER RESOLVED**, that the Campbell County Board of Supervisors calls upon other localities in Region 2000 to adopt similar resolutions so this area may be designated as a Purple Heart Region. Upon which designation the County may provide signage showing its status as a Purple Heart Community, note the occurrence of Purple Heart Day on August 7<sup>th</sup> of each year, and take other actions supportive of our combat-wounded veterans.

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

Chairman Zehr presented the resolution to Commander Witt. In turn, Commander Witt presented the Board with a plaque recognizing Campbell County as a Purple Heart Community along with a reserved parking sign for the County to place at an appropriate location for disabled veterans. A commemorative coin was given to each Board member as a token of their appreciation.

At the request of the Board, Supervisor Goldsmith shared he was the Chaplain for the American Legion Post #36. They would like to grow their organization, and invited all veterans to join.

// INDUSTRIAL INCENTIVES – ABBOTT

J. Michael Davidson, Director of Economic Development, presented to the Board for approval incentives for Abbott in the amount of \$567,000 based on the County's Industrial Incentive Policy. These were approved in closed session on December 1, 2015.

Abbott was planning a \$34 million expansion with 56 new full time employees earning an average of \$20.00 per hour to install a new line to package Similac into a Techni-pac package as well as refurbish an existing Pedialyte line. In addition to the \$567,000 under the County's policy, Abbott would receive \$708,000 from the Town of Altavista and \$240,000 from the Tobacco Region Opportunity Fund grant. A performance agreement would be required to disburse the incentives in six payments commencing after the installation of one of the production lines, and the hiring of 25 employees. The return-on-investment to the County would be 2.06 years.

Supervisor Rousseau commented his opinion on economic development had evolved since his time on the Board of Supervisors. He finally understood what was bothering him on the issues of economic development, and he concluded as a small government conservative who advocated reducing the size of government and reducing government's entanglements on the lives of people and businesses, he could no longer support incentives for economic development projects. He could no longer reconcile small government and dangling tax incentives to attract big businesses. Supervisor Rousseau added his opinion was not a slight to Abbott or to the Town of Altavista, but he believed government should get out of the business of helping big businesses.

Supervisor Goldsmith appreciated Supervisor Rousseau's insight, but pointed out that government also supported small businesses and supported all businesses to create a revenue source to keep taxes low for everyone. This was the mechanism on which local governments in the United States and around the world used to fund itself to provide services.

Supervisor Borland offered the following motion:

On motion of Supervisor Borland, it was resolved the Board of Supervisors authorizes incentives for Abbott in the amount of \$567,000, approves a request for appropriation in the General Fund, Economic Development, appropriating \$567,000 to Incentives Abbott Nutrition; and lowers the General Fund Undesignated Fund Balance by \$567,000, as incentive funding; and authorizes the County Administrator to sign all documents necessary to complete the transaction.

Before the vote was taken, Supervisor Good commented he agreed with the incentives and believed it was important to invest in the local economy to grow revenue streams that would keep taxes low. Campbell County had one of the lowest tax rates, and he would like it to be lower. It was necessary to compete for businesses, and to have a return on investment just slightly over two years was a wise and worthy investment. It would be ideal to use increased revenues to offset future expected costs in Public Safety, Law Enforcement, and education without raising taxes on the citizens.

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

// NEW BUSINESS ANNOUNCEMENT – STANDARD INSURANCE

Mr. Davidson announced Standard Insurance was opening a new satellite office in Altavista. They would invest \$1.5 million on new office equipment and would hire 200 people over the next 36 months.

// LIBERTY UNIVERSITY – SIGHT DISTANCE EASEMENT

Paul Harvey, Director of Community Development, presented a sight distance easement request. VDOT was requiring the easement on private property as a condition for approving a

commercial entrance to property owned by Liberty University on Sunnymeade Road. VDOT was requesting the easement be conveyed to Campbell County in the event the property owners did not properly maintain the easement, the County would have the work performed by VDOT or another entity. The property owner would be responsible for the costs incurred.

Mr. Harvey indicated VDOT could not force the County to accept the terms of the easement; they had the authority to approve or deny entrances. The new commercial entrance would improve access to parcel 23-A-183 and potentially other adjoining properties. There was an existing residential entrance on the property that was deemed inadequate by the University. The subject property adjoins properties where the Board of Supervisors previously approved special use permits for educational facilities and equestrian events. Those facilities already had a separate commercial entrance and were not reliant on this request. A signed maintenance agreement would be recorded in the Clerk's Office in order to make the property owner's responsibility clear. A draft of the agreement was included for the Board's consideration.

In reviewing the proposed agreement, Supervisor Good brought the Board's attention to Section 3 which required the property owner to name the agent that would perform the required maintenance of the facilities. He believed this to be an unnecessary burden on a property owner to provide this information as the agent could change, and ultimately the property owner was the responsible party. County Attorney Shreve indicated it was a way to make sure the property owner had someone qualified to perform the work, if necessary. Supervisor Rousseau agreed with eliminating the section as unnecessary and pointing out the third party would not be held responsible for the work, and therefore it was another burden on the property owner. Supervisor Borland agreed it should be eliminated from this agreement. Supervisor Good suggested the sections be eliminated from all agreements going forward to lessen the burden on property owners.

Supervisor Rousseau offered the following motion.

On motion of Supervisor Rousseau, it was resolved the Board of Supervisors authorizes staff to approve a sight distance easement plat for Liberty University for a commercial entrance on Sunnymeade Road contingent upon the property owner signing a maintenance agreement; and authorizes the County Administrator to execute a sight distance easement maintenance agreement on behalf of the Board of Supervisors eliminating Section 3 (a), (b) and (c) of said agreement.

Supervisor Gunter questioned if eliminating Section 3 would be an exception to the general form for sight distance agreements. There was a discussion to determine if the motion would constitute a policy change for all future sight distance easements. Chairman Zehr indicated the motion would be for this specific easement. Supervisor Borland and Supervisor Good would abstain from the vote as they were employees of Liberty University.

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

Administrator Rogers commented that based on the discussion and the view of the majority of the board, sight distance maintenance agreements going forward would not include Section 3.

// HIGHWAY MATTERS

Mt. Vista Revenue Sharing Application

Mr. Tweedy advised the Commonwealth Transportation Board had approved the application for revenue sharing funds for Mt. Vista Drive in the amount of \$87,557, which represented 50 percent of the costs to bring the road up to state standards. This was subject to the County paying the remaining 50 percent of the cost of \$87,556 and receiving reimbursement through a special assessment on the 19 property owners. This would equate to approximately \$4,600 per property owner. Once the Board determined how many years to apply the assessment on the property owners, it would be necessary to meet with the property owners to determine if the required participation of 75 percent would be met. A public hearing was required to adopt an ordinance for the special assessment. A special assessment could be any period up to twenty (20) years. In this case, five years would cost the property owners approximately \$920 per year, and ten years would cost approximately \$460.

In answer to a question by Chairman Zehr, approval of the Mt. Vista project would not establish policy, but it would establish a precedent. The Board could consider other requests on their own merit. It was noted the assessment would run with the property should it be sold. The funds fronted by the County would be paid at the beginning of the project, and those funds would be taken from the Undesignated Fund Balance. Mt. Vista was in the Holiday Forest subdivision, and other property owners in that subdivision were also interested in bringing their roads into the state system. There may be additional requests for special assessments in the future.

Supervisor Borland would not be in favor of any term longer than five years. Chairman Zehr was concerned about setting a precedent where the County effectively operated like a bank to fund road improvement projects. Supervisor Gunter agreed that was what the County would be doing as there were others within Holiday Forest that wanted their roads improved.

Administrator Rogers interjected that it was true there would be other projects forthcoming because it was basically the only way to get a road improved. The special assessment was a mechanism to assist property owners from a cash flow perspective. The Board should give the residents of Mt. Vista some consideration and develop a policy for projects going forward.

Supervisor Gunter asked if the special assessment could be done for less than five years pointing out the return on economic incentives was two to three years. Administrator Rogers said it could be done for less than five, but needed to be more than one in order for the special assessment to be a useful tool. Supervisor Goldsmith and Supervisor Puckett indicated they would consider a five-year period for the special assessment. Supervisor Rousseau was not in favor of the County acting like a lending institution; there were other ways the homeowners could raise the matching funds such as home equity loans.

Administrator Rogers concluded staff would meet with the residents on Mt. Vista to pass along the costs of the project now that it was known, discuss a special assessment period of five years and determine if there was adequate participation to move forward.

HB2 Funding for Road Projects

Mr. Tweedy indicated the County received funding for most of its projects. It was hopeful Route 501 and Lynbrook Road would receive funding during the second round.

Lewis Ford Road (Route 643)

Because of changes made to Route 643 (Lewis Ford Road), VDOT required a resolution to be adopted.

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

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch depicting the adjustments required in the secondary system of state highways as a result of VDOT Project 0643-015-745, C501 reconstructing a portion of Route 643, Lewis Ford Road, which sketch is hereby incorporated herein by reference, and

BE IT RESOLVED, this Board hereby abandons as part of the secondary system of highways, of Route 643, Segment B-E, as shown in blue on the aforementioned sketch having a total length of 0.25 miles pursuant to §33.2-912 of the Code of Virginia, and

BE IT FURTHER RESOLVED, that the portion of Route 643, Section B-C as shown in red on the aforementioned sketch having a total length of 0.08 miles be hereby added to the secondary system of highways pursuant to §33.2-705 of the Code of Virginia,

BE IT FURTHER RESOLVED, that the portion of Route 626, Section C-D as shown in red on the aforementioned sketch having a total length of 0.05 miles be hereby added to the secondary system of highways pursuant to §33.2-705 of the Code of Virginia ,

BE IT FURTHER RESOLVED, that the portion of Route 626, Section D-E as shown in red on the aforementioned sketch having a total length of 0.10 miles be hereby added to the secondary system of highways pursuant to §33.2-705 of the Code of Virginia ,

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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

### Highway Matters from the Board

- Supervisor Puckett indicated a sign was obstructing the view on Route 40 as you enter Mt. Calvary Road.
- Chairman Zehr indicated a citizen recently recommended at a Route 29 Overlay meeting the need for a right turn lane from Calohan Road onto Route 29 North.
- Supervisor Borland complimented VDOT on recent mowing. He asked Mr. Tweedy to pass along to Liberty University that Liberty View Lane was not passable (private road).

### // 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, Volunteer AMB/Rescue Squads, deleting \$5,000 from Gas, Oil, Grease and appropriating the same to Volunteer Fire Companies, Gas, Oil, Grease;
2. General Fund, Non-Departmental Expenses, deleting \$1,359 from Budget Set Aside, and appropriating to Registrar, \$544 to Travel – Subsistence & Lodging and \$815 to Travel – Board Members, for annual training;
3. General Fund, Treasurer, deleting \$2,400 from Postage and appropriating the same to Office Supplies, to replenish line item;
4. General Fund, Library Administration, deleting \$10,220 from Professional Librarians and appropriating the same to Comp – P/T Help, to replenish the line item;
5. Solid Waste Fund, In House Construction, LF Phase II Gas/Water Remediation, deleting \$3,000 from Maint/Repair-Other Equipment and appropriating the same to Consulting/Weekly System Monitor, to cover expenses for unforeseen groundwater issues that require additional monitoring and field work;
6. General Fund, Maintenance of Building & Grounds, deleting \$1,400 from Electrical Consulting Fees, and appropriating \$700 to Tires, Tubes, Parts and \$700 to Tools, to replenish the line items;
7. General Fund, Legal Services, deleting \$743.42 from Books/Subscriptions and appropriating \$347.50 to Dues & Memberships and \$395.92 to Personal Vehicle Mileage, to replenish line items due to unanticipated increases in dues and use of personal vehicles as county vehicles were not available;
8. General Fund, Social Services Administration, deleting \$5,500 from Office Supplies, \$2,000 from Gas, Oil, Grease, \$150 from Machinery & Equipment, \$3,000 from Lease/Rent Equipment, \$600 from Advertisement and \$1,200 from Telephone, and

appropriating the total sum of \$12,450 as follows: \$5,500 to Furniture & Fixtures, \$2,000 to Other Professional Services, \$150 to Maintenance/Repair Buildings, \$3,000 to Electrical Service, \$600 to Background Checks and \$1,200 to Maintenance/Repair Vehicles, to replenish various lines from savings in other lines;

9. Solid Waste Fund, Recycling/Litter Commission, deleting \$2,000 from Recycling Costs, \$1.00 from Postage, \$13.39 from Travel-Personal Vehicle Mileage, \$324.14 from Travel – Subsistence & Lodging, \$50 from Convention & Education, \$500 from E-Waste Recycling, \$885.02 from Awards, \$217.13 from Office Supplies and \$1,000 from Educational Supplies, and appropriating the total amount of \$4,990.68 to Litter Control, Contracted Services, to help defray cost association with County's portion of salary for Recycling Program Manager;
10. General Fund, Sheriff's Department, deleting \$6,000 from Tires, Tubes & Parts, and \$9,000 from Gas, Oil, Grease and appropriating the total sum of \$15,000 to M/R Buildings, to purchase two Conex Buildings, gravel and shelving to hold evidence and tires for fleet vehicles;
11. General Fund, Public Safety Department, appropriating \$887.60 to Comp – Deputy Director EMS Services, \$11,130 to Comp – EMTs EMS Services, \$879.84 to Comp – Deputy Director E-911, \$1,540 to Comp – Communications Officers, \$1,365 to Comp – Sheriff's Communications Officers, \$1,531.98 to Comp – Director of Public Safety, \$741.51 to Comp – Deputy Director of Public Safety and \$700 to Comp – Office Manager, and raises revenue line, Lynchburg Regional Airshow by \$18,775.93, reimbursement from Lynchburg Regional Airshow in May for staff compensation;
12. General Fund, Sheriff's Off-Duty Deputies, appropriating \$71,259 to Comp – Off-Duty Deputies, \$5,451 to Employer Cost – FICA, and \$1,290 to Workers Comp; and raises estimated revenue for Charges for Law Enforcement Off-Duty Deputies by \$78,000 for off-duty deputies paid for security services provided to outside organizations;
13. General Fund, Treasurer, appropriating \$16,000 to Miscellaneous Fees & Charges; and raises estimated revenue, DMV Stop by \$16,000, additional budget needed for DMV Stop fees;
14. General Fund, Legal Services, appropriating \$17,421.50 to Delinquent Tax Collection Fees, and \$3,350 to Purchase of Delinquent Properties, and raises estimated revenue, Fees and Delinquent Collection by \$20,771.50, additional funding needed to pursue delinquent real estate taxes to be recovered when properties were sold or judgments collected;
15. General Fund, Maintenance of Buildings & Grounds, appropriating \$15,000 to Maint Contract Ball Field Mowing; and lowers Unassigned General Fund Balance by \$15,000, to cover cost of contractual mowing for FY 2016;

16. General Fund, Legal Services, appropriating \$20,000 to Legal Services – Other; and lowers Unassigned General Fund Balance by \$20,000, to properly allocate funding into expenditure line to cover higher than expected county attorney fees for legal work;
17. General Fund, Comprehensive/Children’s Services Act, appropriating \$400,000 to CSA/CAR Pool Payments for Services to Children at Risk, and deleting \$10,000 from Detention, Group Homes; and increases Children at Risk (CAR) Pool by \$276,000 representing 69% of additional funding needed and reduces Unassigned General Fund Balance by \$114,000 for the remaining 31% needed, for services to impacted youth;
18. General Fund, Sheriff’s Office, appropriating \$8,822.87 to Maintenance/Repair Vehicles, and raises estimated revenue, Insurance Recovery by \$8,822.87, to pay for auto repair that was incurred due to a vehicle accident;
19. General Fund, Special Sheriff Grant, Byrne Form, appropriating \$1,955 to Law Enforcement Equipment; and raises estimated revenue, Law Enforcement Equipment Grant by \$1,955, grant awarded;
20. General Fund, Sheriff’s Office, appropriating \$953.22 to Special Investigation Fees; and raises estimated revenue, Special Investigation Restitution by \$953.22, court ordered reimbursements for use of narcotics;
21. General Fund, Volunteer Program, appropriating \$1,100 to Travel – Subsistence & Lodging; and raises estimated revenue, RSVP Grant, by \$1,100, to attend meeting in Detroit, Michigan to be reimbursed by grant funds;
22. School Operating Account, Classroom Instruction, appropriating \$8,136.62 to VOC Equipment; and raises estimated revenue, VOC Equipment, by \$8,136.62, to match allocation;

b) County Attorney invoice –

Approves payment to the County Attorney in the amount of \$2,610 for legal services rendered in June 2016;

c) CPMT Appointments –

The Campbell County Community Policy and Management Team (CPMT) has vacancies for representatives from the Health Department, local government and School Division due to staffing changes and retirements.

Appoints Erik Denton Sisk as the representative for Campbell County Public Schools to replace John Erb who was retiring at the end of June 2016;

Appoints Kathy Waller as the representative for the Central Virginia Health District of the Department of Health to replace Ruby Jones whose job requirements no longer require her to work at the Campbell County site; and

Appoints Summer Tetterton as the local government representative to replace Mike Daly who retired at the end of January 2016;

d) Determination for RFP for Banking Services –

Determines that competitive sealed bidding was not practicable or fiscally advantageous for the procurement of banking services and authorizes Central Purchase to use the competitive negotiation process for such services which include checking account services, direct deposit for Schools payrolls and other related banking services for the Treasurer and the Schools' Cafeteria Fund; and

e) Appointment of a FOIA Officer

Beginning July 1, 2016 VA House Bill 818 required local public bodies with a population greater than 250 to post a FOIA rights and responsibilities document on its public government website and designate at least one FOIA officer whose responsibility was to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of FOIA.

Accepts Campbell County's online list of FOIA rights and responsibilities and appoints Sherry F. Harding, Public Information Officer, as the official FOIA officer for the organization.

The vote was: Aye: Borland, Goldsmith, Good, Gunter, Puckett, Rousseau, Zehr

Nay: None

Absent: None

// MATTERS FROM THE BOARD

Supervisor Rousseau requested an update on the Frankenbach matter that was discussed at the May 3, 2016 meeting. David Glenn Frankenbach owned property in the County, became delinquent in the payment of taxes, and the property was sold in May of 2013. The funds were paid over to the County in September 2015. After the payment of the taxes and fees, there were excess funds in the amount of \$77,583.48. An attorney for the Estate of Mr. Frankenbach requested the excess funds be returned to his heir, a daughter named Katie Lynn Frankenbach.

According to the attorney for the Estate of Mr. Frankenbach, he was diagnosed with colonal-rectal cancer in March of 2013 and after undergoing treatment was placed on hospice care in July 2015. In August 2015 he moved to his mother's home in Missouri until his death on December 5, 2015. The attorney contends that due to his illness, he was unable to pursue the remedies to claim the surplus funds held after the tax sale of his real estate.

David Shreve, County Attorney, explained the delinquent tax process. The property owner was notified at his last known address, a suit was filed, a hearing was held, the property was ordered to be sold, and following advertisement, was sold at a public auction. The excess funds were held by the Clerk for over two years before being turned over to the County. In order to turn over the excess funds at this point, the Board would be required to hold a public hearing to adopt an ordinance.

Supervisor Rousseau encouraged the Board to hold a public hearing to return the excess funds to the estate. He believed it was immaterial to speculate on why Mr. Frankenbach or his family did not make a timely claim to the property. He contended the property rightfully belonged to the Estate of Mr. Frankenbach.

Following a lengthy discussion, there was a consensus by the Board members not to hold a public hearing to return the excess funds unless there was a compelling reason that had not yet come to light. This case was unusual in the amount of excess funds; however the proper procedures were followed, and there was ample opportunity for Mr. Frankenbach or a member of his family to claim the funds.

Chairman Zehr called for a five (5) minute recess.

// PUBLIC HEARING – REQUEST BY LIBERTY UNIVERSITY – 1618 SUNNYMEADE ROAD

The first public hearing was opened at 5:40 p.m. on:

PL-16-47 Request by Tracey Norvelle, agent for Liberty University, for a special use permit to expand the operations of the existing university farm on property zoned Residential – Single Family and Agricultural. The property is located at 1618 Sunnymead Road and is in an area designated as medium to high density residential per the current Comprehensive Plan.

Sandra Shackelford, County Planner, explained this was a request for a special use permit to use property for agricultural and horticultural purposes (school use) on property zoned Residential–Single Family (R-SF) and Agricultural (A-1) and located at 1618 Sunnymead Road in the Concord and Spring Hill Election Districts. The property contained 69.94 acres.

In 2013 Liberty University requested and was approved for a special use permit to utilize this property for agricultural and horticultural purposes as a school use. At that time, they stated they were planning to add an additional greenhouse, barn and storage buildings to the property. Since this request was approved, they had expanded their intended use of the property to include additional educational and agricultural operations. If approved, the revised special use permit would allow additional structures for classrooms, farm offices, additional storage buildings and barns, and other buildings/structures to support the expanded mission. Liberty would be expanding its teaching facilities at the site, and the primary purpose of the farm would continue to be educational.

Sunnymeade Road served the property, and the request would have a small impact on daily traffic counts, but not to the extent that a traffic study was required. The property was served by a private well; no septic was planned at this time. The Planning Commission recommended approval of the request citing good zoning practice by a vote of 6-0 with the conditions the applicant utilize the site in general conformance with the narrative and no buildings would be allowed to be built within fifty (50) feet of the northern boundary line of the property.

**Alisha Cripe**, Farm Manager, was present to request a revision of the special use permit. It was in 2013 when Liberty University requested a special use request. Because the farm had grown faster than she expected, the revised special use permit was requested to allow the growth of the site over the next ten (10) years by building an office building, small classroom spaces and other future uses.

Chairman Zehr called for comments in favor of or in opposition to the request.

**Todd Hall**, 31 Kitty Hawk Square, stated he was not opposed to the request but would like to see a condition added for a 50 foot buffer between the property and his family's adjoining property. In several photos he showed the buffer between his property and the site of the new construction. Right now there was only about 25 feet of trees and natural growth, and he would like to have more natural growth to serve as a barrier. In addition, the buildings being constructed were not in keeping with a residential area.

**Chris Marvel**, 104 Hilda Drive, Lynchburg, was a staff manager at the farm and indicated they strived to be good neighbors, good stewards of the land and wanted to continue educational pursuits with the buildings. They were there to educate and contribute to the community.

**Boone Hall**, 2636 Mayflower Drive, owned land adjoining the property. He stated he was not opposed to the request, but would like to see a natural 50 foot buffer between his property line and the cleared area so he would not see the new buildings and help stormwater.

**Jessie Mixon**, 78 Dunivan Drive, was not against the request, but had concerns about what Liberty was trying to do. His property joined Liberty, and there was a 30 foot easement along the back of his property and along Dunivan Drive. He was not clear about Liberty's intentions on using that access. Since Liberty started construction on the site, he had noticed additional water runoff across his property.

Hearing no further comments, the public hearing was closed at 5:57 p.m.

Responding to the concerns stated, Ms. Cripe indicated the 50 foot buffer was brought up at the Planning Commission meeting and Liberty was agreeable to maintaining that buffer and would plant additional trees as necessary. She indicated a doublewide was being put in to be used as office space and believed this building was in keeping with the surrounding neighborhood. She could not speak to the runoff, but indicated there were no plans for the back

part of the property near Dunivan Drive. Ms. Cripe added any runoff should not be polluted as they were using organic practices.

Supervisor Gunter offered a motion to approve the request with the conditions discussed.

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-16-47 by Tracey Norvelle, agent for Liberty University, for a special use permit to expand the operations of the existing university farm on property zoned Residential – Single Family and Agricultural on property located at 1618 Sunnymeade Road with the following conditions:

- (1) The applicant utilizes the site in general conformance with the use described in the narrative dated April 28, 2016, and
- (2) A building setback of 50 feet is applied to the northern boundary of the property, and the natural buffer of approximately 30 feet that is currently in place be maintained and improved where necessary.

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

// PUBLIC HEARING – SPECIAL USE PERMIT BY CAMPBELL COUNTY – USE OF TIMBROOK LIBRARY PROPERTY FOR EMERGENCY SERVICES

The next public hearing was opened at 6:04 p.m. on:

PL-16-46 Request by Clif Tweedy, agent for Campbell County, for a special use permit to allow additional government uses/buildings including but not limited to emergency services and recreation facilities on property zoned Residential – Single Family. The property is located at 18891 Leesville Road and is in an area designated as medium to high-density residential per the current Comprehensive Plan.

Ms. Shackelford indicated this was a request for a special use permit to use property located at 18891 Leesville Road in the Sunburst Election District for emergency services, government buildings and libraries and public park and/or recreation areas. Ms. Shackelford clarified the request would not change the residential zoning of the property and was limited to the northernmost portion of the property as shown on the site plan. The entire site contained 43.81 acres.

In 2000 Campbell County applied and was approved for a special use permit to use the referenced property for park and library facilities. At this time, the County was asking for a special use permit to allow the property to also house emergency services staff and equipment, as

well as potentially utilize the property for other general government buildings. This permit would be in addition to the original permit approved in 2000.

The area was residential in nature, and the zoning in the vicinity was Residential – Single Family and Residential – Multi Family. Leesville Road (Route 682) serves the property, and the request would have a negligible impact on traffic. VDOT has stated the entrance was suitable for the initial use, but any additional uses that could impact traffic would need to be reviewed. The property was served by public water and sewer. The Planning Commission recommended approval to use the lower portion of the basement of the current building (Timbrook Library) for temporarily housing emergency services until a permanent solution could be found by a vote of 6-0 citing public welfare.

**Clif Tweedy**, agent for Campbell County, indicated a lot of effort from the County and the community had gone into developing the site for the Timbrook Library and the park. The request was to allow the County to house a temporary EMS crew until a more permanent solution was found. Based on the concern expressed at the Planning Commission meeting about the inclusion of “other general government buildings”, the County was fine with eliminating that portion of the request. During the development of the FY 2017 budget, the Board approved the addition of a full-time EMS crew to serve the Timberlake and Sunburst Districts, and this site was named as a possible location. The facility was owned by the County, and the basement was currently vacant and earmarked for future use by the community. If the space was finished for temporary use by the EMS crew, it would be available for community use when the EMS crew was relocated. Should the Board approve the site for this use, it would cost approximately \$70,000 to finish the space.

Administrator Rogers added the Library Board and the Planning Commission had both recommended the temporary use of the site to house an EMS crew.

Supervisor Gunter questioned why the existing Campbell County Rescue Squad building on Waterlick Road could not be used for this purpose. Several EMS crews were currently utilizing other volunteer squad buildings. Administrator Rogers indicated this had been attempted in the past, but it was not a successful cohabitation. Supervisor Gunter was concerned this property was specifically developed for a park and a library, and he was not sure what “temporary” would mean.

In answer to a question by Supervisor Puckett regarding a donation by Liberty University for an EMS facility, Mr. Tweedy indicated that property was located on Mt. View Drive, but Liberty had withdrawn its offer to complete master planning of that area. Once that was completed, the possibility was still there that Liberty would identify a site for an EMS facility. This was one of the reasons staff suggested a temporary location. Supervisor Puckett was concerned that temporary would last a long time pointing out the current Board did not support tax increases to support future buildings. He did not support using the Timbrook Library facility that the citizens had worked so hard to build.

Supervisor Rousseau commented the vote by the Library Board was unanimous possibly because 1300 square feet of the basement space would be completed without library budgeted funds.

Supervisor Zehr questioned if other alternative sites were investigated. Administrator Rogers indicated a number of sites were considered including a church property that was for sale, and a commercial property that would require some capital investment. There were other properties that could be considered, but there would be associated costs with purchase or lease and additional capital expenditures to renovate the property. This was the reason staff suggested investing funds in a property the County already owned. Using the library space would allow time to fully investigate other alternatives.

Supervisor Goldsmith commented the word “temporary” seemed to be a concern, but the citizens’ complaints about noise from sirens may be a problem for any proposed location. The current proposal was an attempt to save money and improve emergency response in the Timberlake area. He pointed out that many fire and rescue companies were located in more populous areas in an effort to serve citizens more responsively. Supervisor Goldsmith has had to utilize emergency services twice in recent months, and was thankful for their quick response. He was not concerned about the noise of the sirens to his neighbors.

Supervisor Good requested staff speak to the emergency needs in that area. Michelle Turner, Deputy Director of Public Safety, indicated the area was currently served by Campbell County Rescue Squad (CCRS). However, due to the growth of the Timberlake area, the need is more than CCRS was able to provide. The station in Rustburg responds frequently to calls in the Timberlake area which could take up to twenty (20) minutes or longer. Administrator Rogers added the additional unit in the Timberlake area would free up other resources and would help response County-wide. Additionally, the Brookville-Timberlake Fire Department has indicated they may not be able to provide first responder coverage to the area due to a lack of volunteers. Their license has been suspended for six more months to allow time for recruitment and training of more volunteers.

In answer to a question from Chairman Zehr, Mrs. Turner advised that CCRS responds to approximately 360 to 380 calls per month in their territory representing 40 percent of the calls in Campbell County. In answer to additional questions by Supervisor Rousseau, Mrs. Turner indicated the Timberlake area was the most densely populated area of the County, generates the highest percentage of EMS calls, and if CCRS was unable to respond to the call and the call was answered by the Rustburg unit, the response time could be 18 to 20 minutes or more depending upon traffic and other factors. It was noted the CCRS also covers a portion of Bedford County which impacts the calls answered in Campbell County. Campbell County supports CCRS with an annual stipend, pays for fuel and insurance and they participate in the cycle for capital improvement funds. Supervisor Rousseau commented he has called for emergency services and believed there was no greater sound than an approaching siren when you have an emergency situation.

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

**Bill Hammond**, 216 White Pine Drive, Lynchburg, lives adjacent to the park. He was a strong supporter of the park and recognized the need for a rescue squad in the Timberlake area to improve response times. He just did not think it should be located at the library. Mr. Hammond did not understand why an ambulance was brought from Rustburg when there were eleven (11) ambulances sitting at Campbell County Rescue Squad (CCRS). Six of those units belonged to CCRS and five belonged to Virginia Ambulance Service. Mr. Hammond understood the issues with recruiting and training volunteers and saluted volunteers. He did not believe a rescue squad and a library were a good fit and the noise would be disruptive to the library setting.

**Richard McGann**, 758 Sunburst Road, Lynchburg, lives three tenths of a mile from the park. The community was proud of the park and the library and they were valuable assets of the County. He was opposed to the special use permit because many had worked so hard to achieve the new library and park and they did not want parts of it taken over by others. The community recognized the valuable services of a rescue squad, but believed they should have a building of their own that was more suitable. Mr. McGann was concerned about how temporary the use would really be. Lastly, he was concerned about the permit request to “utilize the property for other general government buildings.” Any new buildings would take away from the park space. [Supervisor Borland noted that portion of the request was going to be removed from the special use permit.]

**Ed Organ**, 348 White Pine Drive, Lynchburg, was opposed to the special use permit. EMS coverage was needed to provide coverage when the CCRS was not available, but the Timbrook Library was not the best place to house a 24/7 crew or to construct a building for that use. Due to the wetlands, there was a limited area for any additional buildings. The library and park were for children, families, adults and seniors, not for a temporary EMS crew. There was no reason that Campbell County and the CCRS could not work together to place an ambulance at their facility. In addition, the basement of the Timbrook Park was unfinished and the ambulance would have to be kept outside. Mr. Organ was also concerned there would only be one entrance for the library, park and EMS unit, and the sirens would impact library and park activities.

**Stephen Son**, 331 White Pine Drive, Lynchburg, lives in close proximity to the park. He understood the need for the ambulance, but opposed locating it at the library. He recommended the investment would be better suited to the CCRS building. Placing it at the library would be too disruptive to the park and library as participation there has increased. Traffic was also be a concern.

**Larry Vicks**, 241 Deborah Drive, Lynchburg, indicated his wife had been on the Park Committee from the beginning, but was unable to attend the meeting due to health reasons. The Timbrook Park was one of the smallest parks in the County and adding the EMS use would reduce it any further. Mr. Vicks believed using the library building for the EMS unit would not be a compatible use, and the basement was reserved for community use. There were a number of available buildings in the area that could be used. He was also concerned about how long “temporary” would be. Lastly, many businesses had contributed to the library and he knew, as a business owner, he would not continue to contribute if the nature of the building was changed.

**Jessie A. Mixon**, 78 Dunivan Drive, Rustburg, questioned why one of the volunteer rescue buildings could not be used temporarily until a more permanent solution was found.

**Sandra Holt**, 768 Dawnridge Drive, Lynchburg, lives in Rainbow Forest and has had to call the CCRS twice due to her husband's health. The first time it took them 30 minutes to respond from Rustburg, and the second time after 30 minutes, she took her husband to the emergency room. She just could not understand why CCRS and the County could not get along and utilize the building that was already there. Mrs. Holt was not concerned about the sirens, but was concerned about response times. As to the library, they worked hard to get the library and she would not like to see the money used to temporarily house the EMS unit.

[Supervisor Rousseau clarified that the County did not own the Campbell County Rescue Squad building and the County was not welcome there. At this time, it was not an option that was on the table.]

**Cheryl Carter**, 56 Bonneville Place, Lynchburg, was on the original Park Committee, and several hundred attended a large meeting to discuss the rezoning of the property. At that time it was the intent to use the basement for community rooms and possibly office space for Parks and Recreation. No one disagreed on the need for additional ambulance service, but believed the library was an inappropriate location. The lights, sirens and fumes could impact the library space, and she was concerned about how long temporary would be.

**Sharon Wendt**, 51 Gentry Drive, Lynchburg, also agreed that putting an EMS crew at the library location was not appropriate. Sharing an entrance with a rescue squad could be dangerous for small children and senior citizens.

**Bobby Tuggle**, 144 Charldon Road, Lynchburg, **Beverly Minix**, 114 Woodbourne Drive, Lynchburg, and **Penny Garber**, 58 Callaway Court, Lynchburg, all declined to speak but agreed with the other speakers.

**Ralph Shepherd**, 553 Charldon Road, Lynchburg, lives adjacent to the park. He understood the basement of the library was to be used for community events. He questioned if additional parking would be built because already people had to park along Leesville Road during games at the park. He was opposed to the special use permit.

**Mary Price**, 1689 Timberlake Drive, Lynchburg, declined to speak but agreed with the other speakers.

**Sylvia Johnson**, 185 Charldon Road, Lynchburg, witnessed how people really enjoy the park and she was a patron of the library. She too was concerned for the safety of children and senior citizens. She did not think it was the place for an ambulance service.

**Mary Logwood**, 105 Barbour Drive, Forest, lives less than a mile from the Campbell County Rescue Squad (CCRS). She asked the Board to place the ambulance in the basement of the library until a more permanent location was found. She has called for service in the past for her husband. One time the unit came from Rustburg and took 25 minutes to arrive, and a second

time it came from Gladys and took 40 minutes. The CCRS came one time, but had to stop to meet a Lynchburg squad because they did not have the proper qualifications to help her husband. Mrs. Logwood pointed out the Rustburg Rescue Squad was across from an elementary school.

**Barry Tyree**, 286 Leesville Hills Road, Evington, lives approximately 1.5 miles from the park. He hears sirens and ambulances at all times day and night, and his first thought was to pray for those people who were in distress. He remembered a time when his younger brother had a life-threatening medical emergency, and the relief his family felt when they heard the ambulance sirens. He recalled other instances when he and his neighbors have called for emergency assistance, and how grateful they were to hear the sirens. He asked the Board to consider putting the rescue squad at the library; he did not believe it would be any more disruptive than ambulances passing the library now.

Chairman Zehr requested staff respond to the concerns raised by the citizens. Administrator Rogers appreciated all the comments, and noted many recognized the need for an additional rescue squad in the area. There were comments about using the Campbell County Rescue Squad building, but in the past that was not successful. Staff suggested the library location as a temporary solution in order to explore other alternatives. He confirmed the language in the special use permit related to other governmental buildings would be removed from the request.

Speaking to the concern about what temporary would mean, Administrator Rogers indicated how the EMS unit would use the basement of the library for as long as the Board of Supervisors determined. The plans to date indicate a three to five year timeline, but it was not set in stone. The Board's adopted Capital Improvement Plan included funds to construct additional Public Safety space in FY 2019, but to do so would require debt. The basement was currently unfinished and unheated. Part of the renovations would be to include heat to the basement which would be a long-term benefit to the building, and once the EMS unit was removed from the building, the space would be available for community use. However, Administrator Rogers pointed out that EMS service was indeed a public service. There was a comment that future donations may be at risk; he assured everyone that any private donations was applied directly to the construction of the library. Lastly, the EMS crews were trained professionals and would be operating the emergency vehicles in a safe and professional manner.

There were a number of comments and questions from the Board. To answer a question by Supervisor Puckett, staff had not recently met with the leadership of the Campbell County Rescue Squad (CCRS) to discuss co-location of the EMS unit. Supervisor Gunter had concerns the ambulance would be left outside. Administrator Rogers confirmed it would be left outside, but considering how busy the ambulance would be, it was doubtful the unit would sit idle long and another reason the library site was not ideal for the long term. Staff confirmed they had also received a list of available buildings and properties from Mr. Hammond, and had investigated the first one which would require \$1,200 a month rent, and the same improvements to make it habitable for a 24/7 crew. Administrator Rogers indicated it would be a decision of the Board as to the cost effectiveness of available space, and whether or not it would be better to invest in one of the County's own buildings for the short term to have the opportunity to work on a long-term

solution. Supervisor Gunter encouraged staff to go back to CCRS and see if they were willing to work with the County.

Supervisor Rousseau commented the Timberlake area had the highest need for rescue squad service than any other area of the County. As a former member of the Public Safety Committee and the Library Board, he believed using the library site was a win-win solution for everyone. The Timberlake-Sunburst areas would have faster emergency response, other areas of the County would not have their rescue squads responding to other areas all the time, and the library would have furnished space without using library funds. He noted no one had spoken from the Library Board; the Library Board voted unanimously to approve the use. The current response times were jeopardizing the safety of the citizens.

Hearing no further comments, the public hearing was closed at 7:18 p.m.

Supervisor Good commented the number one role of government was public safety and law enforcement. No one would suggest the library as the ideal place for the rescue squad, but he believed getting a solution in place as quickly as possible was the overriding necessity and the library would provide that solution. Most of the concerns addressed could apply to any potential location being considered.

Supervisor Puckett suggested the Board allow staff some time to review the locations presented by Mr. Hammond and at the same time work with Campbell County Rescue Squad on a possible solution instead of using the library. While he understood the need for additional emergency services, he also understood the efforts the citizens made to establish the Timbrook Library and park facilities. Supervisor Gunter concurred believing the County could work with CCRS as the quickest solution. Supervisor Goldsmith suggested a work session may be needed to discuss all the options available to best address the needs of the citizens as well as the County's.

Supervisor Borland added the Board wants to establish a real rescue squad in the area as soon as they could. The funds were not available right now, but the Board was able to trim the budget enough to provide for a crew of six (6) that would be full-time trained professionals to answer the calls. As a member of the Public Safety Committee, they had explored many options, and he was not willing to wait months and months to begin service. The goal was to have a crew in place by January 2017. He agreed completing a portion of the library basement would be a benefit to the library because otherwise the space might sit unfinished for several years.

Chairman Zehr addressed a question to Mrs. Turner. She indicated the library location would be a good temporary solution, but not a long-term solution. As to using space at the Campbell County Rescue Squad, there would be a number of logistics to be worked out. Administrator Rogers indicated there was no reason staff could not continue to look into other options, but approving the SUP would at least afford the Board a known place to house the crew in January.

Supervisor Good offered the following motion to approve the special use permit for additional government uses, but not additional government buildings:

On motion of Supervisor Good, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing public welfare **APPROVES** Request #PL-16-46 by Clif Tweedy, agent for Campbell County, for a special use permit to allow additional government uses including but not limited to emergency services and recreation facilities on property zoned Residential – Single Family located at 18891 Leesville Road, with the condition the use of the lower portion of the basement for housing emergency services would be temporary until a permanent solution could be found.

Supervisor Puckett offered a substitute motion:

On substitute motion of Supervisor Puckett, it was resolved the Board of Supervisors allows one month for staff to investigate other properties suitable to house an EMS crew in the Timberlake/Sunburst Districts including the Campbell County Rescue Squad.

The vote on the substitute motion was:

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

The substitute motion failed; the vote on the original motion was:

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

// PUBLIC HEARING – RIGHT OF WAY VACATION – BREEZY WOOD SUBD

The next public hearing was opened at 7:30 p.m.

Ms. Shackelford, County Planner, explained this vacation was submitted by John and Carrie Foster to vacate three segments of an unopened public right-of-way. The first segment was 30 foot wide between parcels 68/137 and 9/70 of the Breezy Wood Subdivision. The second segment was also 30 foot wide between parcels 32-A-64, lots 134-137 of the subdivision and the parcel referenced as Lot 91 on the preliminary plat prepared by Southeast Survey Group. The third segment was 20 foot wide between parcels 69 through 89 of the subdivision and the parcels referenced as Lot 90 and Lot 91 on the preliminary plat prepared by Southeast Survey Group.

If vacated, the property owners on each side of the right-of-way would receive the vacated area up to the centerline of the right-of-way closest to their property. A public hearing was required to consider the ordinance of vacation; the applicant paid the required fee. The right-of-way could have provided a connection from Wards Road through the property to Dennis Riddle Drive, but the portion that would connect to Dennis Riddle Drive was previously vacated on August 15, 1963 (see Deed Book 351, page 238). The right-of-way is no longer expected to serve any public purpose. Campbell County Utilities and Service Authority (CCUSA) was

notified of the request and had no objection to vacating the right-of-way. The Planning Commission recommended approval by a vote of 6-0 on June 27, 2016.

**Carrie Foster**, the applicant, requested approval of the request.

No one spoke in favor of or in opposition to the proposed request. The public hearing was closed at 7:35 p.m.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors adopts the following ordinance of vacation:

### **Ordinance of Vacation**

[Unopened Road intersecting Wards Road/US 29 Northbound approximately 450' south of  
Dennis Riddle Drive and Unopened Road intersecting perpendicular thereto]

**WHEREAS**, an approved plat entitled "Plat of Breezy Wood, Property of B.B. Sweeney, Campbell County, Va.," dated November 1, 1946, revised April 14, 1948, by Adrian Overstreet, S.C.S., was recorded July 9, 1948 as part of deed from Dallas R. Allcock and wife to Leo McClifton McDonald and wife in Plat Book 9, page 143, in the Clerk's Office of the Circuit Court of Campbell County, Virginia;

**WHEREAS**, said plat showed certain portions of the premises set apart for streets, alleys, parking areas or other public uses which, by recordation of the approved plat and approval of it by signature of C. W. Woodson, Clerk of Court, were transferred in fee simple to the County of Campbell in accordance with Virginia Code Ann. Sec. 15.2-2265 or its predecessor statute;

**WHEREAS**, among such certain portions of the platted premises so transferred in fee simple to the County of Campbell was that certain property shown upon said plat as first, a 30 foot-wide unopened road intersecting the northbound lane of Wards Road 450 feet south of Dennis Riddle Drive bounded on the north by Lots 68 and 137 of the subdivision and on the south by Lots 69 and 70, second, a 30 foot-wide unopened access road parallel to Ward's Road bounded on the west by Lots 134-137 of the subdivision and on the east by Lot 91 of the subdivision and connected at its southern end to, third, a 20 foot-wide unopened access road bounded on the west by Lots 70-89 of the subdivision and on the east by Lot 91 and Lot 90 owned by John E. Foster, Jr. and Carrie L. Foster with tax map numbers 43-2-11A and 43-2-12;

**WHEREAS**, no portion of said access roads has ever been opened, and both the subdivision in question and the property owned by John E. Foster, Jr. and Carrie L. Foster are fully developed such that there is no further need for the unopened road;

**WHEREAS**, for additional clarification, a plat entitled "Plat Showing Proposed Vacation of 20' & 30' Road and Lot Line Vacation, Breezy Wood, Flat Creek District, Campbell County, VA, for John & Carrie Foster," by Southeast Survey Group, LTD, was submitted to this Board and shall be recorded in the Clerk's Office of the Circuit Court of Campbell County, Virginia;

**WHEREAS**, it is the desire of the County of Campbell, acting by and through its Board of Supervisors, to vacate that portion of the aforementioned plat showing said unopened access roads by Ordinance of Vacation in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2272 and Sec. 21-43 of the Campbell County Code of 1988;

**WHEREAS**, the effect of such vacation shall be to vest fee simple title to the centerline of such unopened access roads so vacated equally in the owners of abutting Lots 32-A-64, 134 through 137, 68 through 70, 70 through 89, 90 and 91, as shown on the proposed "Plat Showing Proposed Vacation of 20' & 30' Road and Lot Line Vacation, Breezy Wood, Flat Creek District, Campbell County, VA, for John & Carrie Foster," by Southeast Survey Group, LTD, free and clear of any rights of the public or other owners of lots shown on the aforesaid plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein, in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2274 and Sec. 21-45 of the Campbell County Code of 1988, and;

**NOW, THEREFORE, BE IT ORDAINED**, that in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2272 and Sec. 21-43 of the Campbell County Code of 1988, that portion of the plat entitled "Plat of Breezy Wood, Property of B.B. Sweeney, Campbell County, Va.," dated November 1, 1946, revised April 14, 1948, by Adrian Overstreet, S.C.S., was recorded July 9, 1948 as part of deed from Dallas R. Allcock and wife to Leo McClifton McDonald and wife , in Plat Book 9, page 143, in the Clerk's Office of the Circuit Court of Campbell County, Virginia, shown upon said plat as first, a 30 foot-wide unopened road intersecting the northbound lane of Wards Road 450 feet south of Dennis Riddle Drive bounded on the north by Lots 68 and 137 of the subdivision and on the south by Lots 69 and 70, second, a 30 foot-wide unopened access road parallel to Ward's Road bounded on the west by Lots 134-137 of the subdivision and on the east by Lot 91 of the subdivision and connected at its southern end to, third, a 20 foot-wide unopened access road bounded on the west by Lots 70-89 of the subdivision and on the east by Lot 91 and Lot 90 owned by John E. Foster, Jr. and Carrie L. Foster with tax map numbers 43-2-11A and 43-2-12, **shall be, and the same hereby is, vacated**, a public hearing thereon having been duly advertised in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2204;

**BE IT FURTHER ORDAINED**, that a certified copy of this Ordinance of Vacation shall be recorded after the expiration of thirty (30) days from the date hereof, unless appealed to the Circuit Court for the County of Campbell, Virginia, and thereafter if this Ordinance of Vacation is affirmed by said Court, in the Clerk's Office of the Circuit Court of Campbell County, Virginia;

**BE IT FURTHER ORDAINED**, that in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2274 and Sec. 21-45 of the Campbell County Code of 1988, the recordation of this Ordinance of Vacation as required in the preceding paragraph shall operate to destroy the force and effect of *that portion* of the plat so described above and so vacated and to vest fee simple title to the centerline of such unopened access road so vacated equally in the owners of abutting Lots 32-A-64, 134 through 137, 68 through 70, 70 through 89, 90 and 91, as shown on the proposed "Plat Showing Proposed Vacation of 20' & 30' Road and Lot Line Vacation,

Breezy Wood, Flat Creek District, Campbell County, VA, for John & Carrie Foster,” by Southeast Survey Group, LTD, free and clear of any rights of the public or other owners of lots shown on the aforesaid plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

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

// PUBLIC HEARING – COUNTY CODE UPDATE

The last public hearing opened at 7:38 p.m. to receive comments on proposed new ordinances and amendments to the Campbell County Code of 1988. The proposed changes were reviewed by the Board at its meeting on June 7<sup>th</sup>. Chapter 22 included changes to the sign ordinance which now complied with the Supreme Court and Fourth Circuit rulings limiting ability to regulate signs based on their message. Additionally, based on the recommendation of the Board, language allowing additional animals on lots as small as three (3) acres in residential single family was included, and the front setback in the agricultural district was reduced from 100 feet to 50 feet.

Changes were included in Chapter 23 (Fees) for building and zoning permits pursuant to Board action at the budget work sessions

Chairman Zehr called for comments in favor of or in opposition to the proposed changes to the code.

**Hattie P. Saunders**, 2899 Clarks Road, Rustburg, spoke in favor of the code change to reduce the front setback in the agricultural district from 100 feet to 50 feet. This would give them the ability to better situate a house for her daughter on the adjacent lot.

Hearing no further comments, the public hearing was closed at 7:44 p.m.

On motion of Supervisor Puckett, it was **ORDAINED** the Board of Supervisors adopts the new ordinances and amendments to the Campbell County Code of 1988 as advertised.

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

// CLOSED MEETING

On motion of Supervisor Gunter, it was resolved the Board of Supervisors enters into a closed meeting at 7:50 p.m. to discuss legal matters related to personnel, in accordance with the personnel exemption §2.2-3711 (A)(1) of the Code of Virginia of 1950, as amended; and to discuss probable litigation, in accordance with the legal exemption §2.2-3711 (A)(7) of the Code of Virginia, as amended.

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

// The Campbell County Board of Supervisors entered into a closed meeting on this 5<sup>th</sup> day of July, 2016 at 7:50 p.m. to discuss legal matters related to personnel, in accordance with the personnel exemption §2.2-3711 (A)(1) of the Code of Virginia of 1950, as amended; and to discuss probable litigation, in accordance with the legal exemption §2.2-3711 (A)(7) of the Code of Virginia, as amended.

// On motion of Supervisor Gunter, it was resolved the meeting return to open session at 8:47 p.m.

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

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

#### CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 5<sup>th</sup> day of July, 2016 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: Borland  
Aye: Goldsmith  
Aye: Good  
Aye: Gunter  
Aye: Puckett  
Aye: Rousseau  
Aye: Zehr  
Nay: None  
Absent During Meeting: None  
Absent During Vote: None

// ADJOURNMENT

On motion of Supervisor Gunter, the meeting was adjourned at 8:48 p.m.

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

---

ERIC R. ZEHR, CHAIRMAN

Approved: \_\_\_\_\_