

BOARD OF SUPERVISORS MEETING

July 21, 2020

The regular meeting of the Campbell County Board of Supervisors was held on the 21st day of July 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

Chairman Watts called the meeting to order at 6:05 p.m. Following the Pledge of Allegiance, a moment of silence was observed.

// 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 May 19, 2020 work session, June 2, 2020 regular meeting, and June 16, 2020 work session, as presented.

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

// DISCUSSION OF CONCORD TRANSFER SITE OPERATING HOURS AND COMMUNITY IMPACTS

Administrator Rogers stated that during the first week of July new operating hours were initiated at the Concord transfer site in an attempt to better manage the site under a model of hours that would meet community needs. It quickly became evident that citizens were unhappy with the change and the new operating hours were not convenient for many citizens in the area. In light of the complaints received, staff reverted to the old model of hours until the Board could determine a solution. Administrator Rogers suggested the site could be operated seven days a week with County staffing at an additional cost of approximately \$16,000, to be taken from Solid Waste reserve funds. He added this was a short term solution and while it would provide good service, it would require on-going funding in future budgets.

Clif Tweedy, Deputy County Administrator, added that trash volume at the rural transfer sites varied depending on the weather and holidays. Supervisor Cline commented that he realized changing the operating hours had a heavy impact on citizens and wanted to make a decision that allowed everyone to easily access the transfer site. Supervisor Hardie added he would like to see the site open 13 hours a day, seven days a week. In an answer to Supervisor Moore regarding why the Concord transfer site hours were reduced, Mr. Tweedy stated that over the past few years the quality of service provided by contracted site attendants had decreased and the County was progressing to staff-manned sites. This was more expensive but provided a better service and reduced common issues like illegal dumping.

On motion of Supervisor Cline, it was resolved the Board of Supervisors authorizes staff to operate the Concord transfer site 13 hours a day, seven days a week, utilizing funds from the 515 reserve funds, for the rest of Fiscal Year 2021.

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

// TREASURER SIGNATORY APPROVAL

Administrator Rogers stated that Sheila M. Smith was elected Treasurer of Campbell County on November 5, 2019 and assumed office on January 1, 2020. She replaced Robin F. Jefferson who retired on December 31, 2019. At the request of the Treasurer and after talking with the Bank of the James, it became apparent that a formal resolution of the Board was necessary to recognize Mrs. Smith as the new signatory at the banking institutions used by the County.

On motion of Chairman Watts, it was resolved the Board of Supervisors adopts the following resolution:

RESOLUTION

WHEREAS, Sheila M. Smith, having been duly elected and has qualified as County Treasurer and having given bond according to law and assumed office as of January 1, 2020; and

BE IT THEREFORE RESOLVED, that Wells Fargo Bank, Bank of the James, First National Bank of Altavista, Raymond James/Bank of New York and the Local Government Investment Pool, present depositories of County and State funds, are hereby directed to change the accounts and deposits in their respective banks from the County of Campbell by Robin F. Jefferson, Treasurer, to the County of Campbell by Sheila M. Smith, Treasurer.

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

// HIGHWAY MATTERS

Clif Tweedy, Deputy County Administrator, answered questions from Board members.

Items noted under highway matters included:

- Mr. Tweedy indicated VDOT was routinely trying to keep grass mowed along the roadways.
- Chairman Watts indicated the uprooted tree on Theta Mill Road had been taken care of.

From the Board:

- Supervisor Shockley asked for an update from VDOT on the potential guardrail installation on Tanglewood Drive.
- Supervisor Shockley noted that the extremely tall grass along Austin Mill Road had recently been cut, and wondered if VDOT or a citizen had completed the task. He asked if VDOT could monitor this road to make sure the tall grass did not become a problem in the future.
- Supervisor Cline asked for an update from VDOT regarding the drainage issues on Ford Terrace.
- Supervisor Hogg indicated the traffic signal sign at Enterprise Drive and Laxton Road was completely covered by trees and brush.

// CONSENT AGENDA

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

- a) Appropriations –

1. General Fund, transfer of appropriation to true up compensation lines in Fund 100 for positions that have been regraded, the result of promotions, or other overages during the fiscal year, as outlined on a memorandum dated July 6, 2020;
2. Solid Waste Fund, transfer of appropriation to true up compensation lines in Fund 515 for positions that have been regraded, the result of promotions, or other overages during the fiscal year, as outlined on a memorandum dated July 6, 2020;
3. General Fund, Maintenance of Buildings & Grounds, deleting \$1,540 from Electrical Consulting Fees and appropriating the same to General Fund, Electrical Service – Courthouse Street Lights, Electrical Service, to cover the remainder of the FY20 cost of electrical power for the Campbell County street lights in the American Electric and Dominion Electric services area;
4. Solid Waste Fund, LF Phase II Gas Water Remed, deleting \$1,660 from Maint/Repair-Other Equip and appropriating \$1,253 to Solid Waste Fund, Transfer Sites, Transfer Site Improvements and \$407 to Solid Waste Fund, In-House Construction, Safety Equipment, to true up lines for FY20;
5. Capital Improvement Fund, Economic Development, deappropriating \$22,999 from Simon’s Run Special Service District; and lowers estimated revenue, 2019 Real Estate Tax Wards Crossing by \$22,999, to adjust appropriation for this CIP project based on updated reduced revenue in the Simon’s Run Special Service District due to Reassessment;
6. General Fund, Sheriff’s Office, appropriating \$7,601 to Animal Care Supplies; and raises estimated revenue, Gifts and Donations – Sheriff’s Department by \$7,601, funds received as donations from businesses and citizens for the new K9 Unit;
7. General Fund, Youth Services, appropriating \$1,250 to Career Navigator; and lowers Unassigned General Fund Balance by \$1,250, the Career Navigator position at the CVPDC began a one-year trial in June 2019 with an initial commitment from Campbell County of \$15,000 (\$1,250 per month). One month of funding was expended in FY19 and the remaining 11 months in FY20. It was decided during the FY21 budget process to continue the program, and 13 months of funding has been budgeted; however, that places one month of expenditures in the wrong fiscal year. It has been determined that two supplemental appropriations should be requested; one to increase the FY20 budget and one to decrease the FY21 budget by equal amounts. This will place all of the funding and expenditures in the appropriate fiscal year;
8. General Fund, Sheriff’s Office, appropriating \$275 to Crime Prevention; and raises estimated revenue, Gifts and Donations – Sheriff’s Department by \$275, funds received as donations for Crime Prevention fund for supplies for a community event;
9. General Fund, Public Safety, appropriating \$231.05 to Vehicle Maintenance - LDHVFD; and raises estimated revenue, Insurance Recoveries by \$231.05, insurance reimbursement to Lyn-Dan Heights for damage to fire hose during 5-7-2020 incident;
10. General Fund, Legal Services, appropriating \$10,587.05 to Delinquent Tax Collection and \$9,395 to Legal Fees; and lowers Unassigned General Fund Balance by \$19,982.05, funds requested to cover excess delinquent tax collection fees and legal fees above FY20 budgeted amount;
11. General Fund, Maintenance, appropriating \$3,249.87 to Machinery/Equipment; and raises estimated revenue, Insurance Recoveries by \$3,249.87, funds received from insurance settlement for damages to Maintenance truck. Appropriation to place funds into line to allow for payment of repairs;
12. General Fund, Registrar, appropriating \$1,000 to Lease/Rent – Equipment, \$1,675.02 to Ballots & Election Supplies, \$1,500 to Travel – Election Officials, \$300 to Travel – Board Members, and \$217 to Advertising; and lowers Unassigned General Fund Balance by \$4,692.02, to cover expenses incurred in the June 23, 2020 dual primaries;

13. General Fund, Sheriff's Office, appropriating \$280.77 to Special Investigation Fees; and raises estimated revenue, Special Investigation Restitution by \$280.77, defendants are ordered through Circuit Court to reimburse the Sheriff's Office for the narcotic funds used by the Sheriff's Office in their case;
 14. General Fund, Economic Development, appropriating \$224,735.45 to Incentives – Standard Insurance; and raises estimated revenue, Tobacco Indemnification Funds by \$224,735.45, funds represent grant funds from the Tobacco Commission for a Tobacco Region Opportunity Fund Grant awarded to Standard Insurance;
 15. General Fund, Public Assistance Services, appropriating \$120,000 to AFDC-FC; and raises estimated revenue, Public Assistance/Admin-Federal by \$67,440 and Public Assistance/Admin-State by \$52,560, increase in IV-E eligible children entering foster care;
 16. School Operating Fund, Adult Ed/Other, appropriating \$5,000 to Middle School Tea Corps Sal Stipend; and raises estimated revenue, Middle School Tea Corps Grant by \$5,000, per grant notification dated 04-08-20, Grant award 07-01-19 – 06-30-20, Project Code APE50779, award STATE207560;
 17. School Operating Fund, Adult Ed/Other, appropriating \$375 to Comp Elem Tea Reg; and raises estimated revenue, Expenditure Refunds by \$375, 19-20 cooperating teachers stipend received from Longwood University for student teaching assignments that ended on March 20, 2020;
 18. School Operating Fund, Adult Ed/Other, appropriating \$17,671.50 to Payment to Joint Operations Secondary; and raises estimated revenue, Tuition CVCC Dual Enrollment by \$17,671.50, supplemental appropriation for payment from Commonwealth of Virginia/Central Virginia Community College for Dual Enrollment, Fall 2019 & Spring 2020;
 19. School Operating Fund, Voc Ed C B Perkins Grant, appropriating \$990.11 to Capital Outlay Replacement; and raises estimated revenue, C B Perkins Voc Ed Grant by \$990.11, supplemental appropriation per Supt memo, State Reserve Allocations under the Carl Perkins Career and Technical Education Act of 2006 from school year 2018-2019, dated 04-01-20;
 20. General Fund, Social Services Admin, appropriating \$23,541 to Legal Services; and raises estimated revenue, Social Services/Admin-Federal by \$11,770.50 and Social Services/Admin-State by \$8,121.65; and lowers the General Fund Balance by \$3,648.85, increase in the number of families requiring court intervention with Child Protective Orders and increase in the number of children entering foster care;
 21. General Fund, Economic Development, appropriating \$38,554.88 to Tobacco-Pastures/Crops/Livestock Grant; and raises estimated revenue, Tobacco-Pastures/Crops/Livestock by \$38,554.88, funds represent grant funds from the Tobacco Commission for the Phase II – Central Virginia Pasture, Crops, and Livestock Grant;
 22. General Fund, Youth Services, deappropriating \$1,250 from Career Navigator; and increases General Fund Balance by \$1,250, the Career Navigator position at the CVPDC began a one-year trial in June 2019 with an initial commitment from Campbell County of \$15,000 (\$1,250 per month). One month of funding was expended in FY19 and the remaining 11 months in FY20. It was decided during the FY21 budget process to continue the program, and 13 months of funding has been budgeted; however, that places one month of expenditures in the wrong fiscal year. It has been determined that two supplemental appropriations should be requested; one to increase the FY20 budget and one to decrease the FY21 budget by equal amounts. This will place all of the funding and expenditures in the appropriate fiscal year.
- b) County Attorney Invoice –

Approves payment to the County Attorney in the amount of \$25,442.05 for services provided from May 20, 2020 through June 23, 2020;

c) Campbell County Training School – Request to Waive Permit Fee –

Waives the building permit fee for the Campbell County Training School for renovations to the Assembly Building;

d) Patrick Henry Memorial Library Furnace Replacement –

Enters into an agreement with Johnson Controls, Inc. for \$39,091.00 to remove the old oil furnaces and install new gas heat pumps at Patrick Henry Memorial Library in Brookneal, VA;

e) Detention Advisory Board Appointment –

Appoints N. Irene Williams, Program Manager for Youth, Adult, and Community Services, as the Campbell County representative on the Detention Advisory Board;

f) EAP Services –

Approves Optima Health EAP as the top ranked firm and authorizes staff to negotiate and execute a final contract for the provision of Employee Assistance Program (EAP) services.

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

Nay: None

Absent: None

// APPOINTMENTS

No appointments were made at this meeting.

// MATTERS FROM THE BOARD

- Supervisor Hogg commended Superintendent Bobby Johnson and his staff for their hard work in planning for how schools will operate in the midst of the COVID-19 pandemic.
- Supervisor Hogg asked Administrator Rogers for a COVID-19 update. He indicated since the start of the pandemic, there had been approximately 80 confirmed positive cases in Campbell County, with one (1) death and several hospitalizations. He added that several County employees had recently tested positive and staff was being encouraged to practice social distancing, wear face coverings, wash hands frequently, and diligently watch for any symptoms.
- Supervisor Hardie commended the Sheriff's Department and the local NAACP for their partnership in organizing a recent community event at Hyland Heights Baptist Church.
- Supervisor Cline noted that due to a recent update to the Code of Virginia, localities now had the right to ban firearms from public buildings, spaces, and certain events. To protect the rights of all citizens he planned to propose an ordinance in the next County Code update stating that the Board as a governing body would not exercise the authority or pass any ordinance prohibiting the lawful carrying of firearms.

// CLOSED SESSION

On motion of Supervisor Hardie, it was resolved the Board of Supervisors enters into a closed meeting at 6:31 p.m. to discuss matters related to personnel, specific to the County Administrator, in accordance with §2.2-3711 (A)(1) of the Code of Virginia, as amended; 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; and to consult with legal pertaining to possible or pending litigation regarding tax collections and the Region 2000 Services Authority, in accordance with §2.2-3711 (A)(7) 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 21st day of July, 2020 at 6:31 p.m. to discuss matters related to personnel, specific to the County Administrator, in accordance with §2.2-3711 (A)(1) of the Code of Virginia, as amended; 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; and to consult with legal pertaining to possible or pending litigation regarding tax collections and the Region 2000 Services Authority, in accordance with §2.2-3711 (A)(7) of the Code of Virginia, as amended.

// On motion of Supervisor Hardie, it was resolved the meeting return to open session at 7:21 p.m.

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

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 21st day of July, 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

// On motion of Chairman Watts, it was resolved the Board of Supervisors authorizes the execution of the County Administrator's contract, as discussed in closed session.

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

// PUBLIC HEARING – SPECIAL USE PERMIT 2183 SUNNYMEADE ROAD

The first public hearing was opened at 7:25 p.m. on:

PL-20-054 Request by Harvest Outreach Center, Inc. for a special use permit to operate a private school on property zoned Agricultural. The property is located at 2183 Sunnymeade Road and is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Paul Harvey, Director of Community Development, reviewed the staff report explaining the applicant was requesting a special use permit to operate a private school for students with special needs. Harvest Outreach Center has signed a lease agreement with Clearview Baptist Church to use an existing building on the property.

The zoning in the vicinity was Residential – Single Family, Residential – Multi Family, and Agricultural. The property was accessed by two existing entrances onto Sunnymeade Road, and a traffic impact analysis was not required. 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.

Jon Williams, 1967 Night Road, Coleman Falls, stated that he represented Harvest Outreach Center. The organization wanted to operate a K-12 private school for students with special needs. Staffing was already in place and they planned to open this fall.

No one spoke in favor of or in opposition to the proposed special use permit, and the public hearing was closed at 7:26 p.m.

On motion of Supervisor Cline, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **APPROVES** Request PL-20-054 by Harvest Outreach Center, Inc. for a special use permit to operate a private school on property zoned Agricultural, located at 2183 Sunnymeade Road 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.

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

// PUBLIC HEARING – REZONING KENT ROAD

The second public hearing was opened at 7:27 p.m. on:

PL-20-068 Request by Lisa Harris, to rezone 2.673 +/- acres from Agricultural to Residential – Manufactured Housing to allow for the placement of two manufactured homes. The property is located in an area designated as transitional per the current Comprehensive Plan.

Mr. Harvey explained this was a request to rezone 2.673 +/- acres from Agricultural to Residential – Manufactured Housing to allow for the placement of two manufactured homes. The property is located on Kent Road, Evington, VA, in the Altavista Election District. The applicant planned to put a manufactured home on the property, which was permitted under the current zoning. The applicant would also like to place a second manufactured home on the property for her son. The property was not large enough to allow for a family division for the second manufactured home as currently zoned. The rezoning to Residential – Manufactured Housing would allow for the placement of two manufactured homes on the property or allow for dividing the property into two parcels of smaller acreage than allowed in the Agricultural zoning district.

The area was residential in nature, and zoning in the vicinity was Agricultural. The property would be accessed by an entrance onto Kent Road, and the request would not significantly impact traffic flow. The property would be served by a private well 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.

Lisa Harris, 360 Kent Road, Evington, stated she was requesting the rezoning because she wanted to place a second manufactured home on her property for her son and grandson.

Todd Hall, 31 Kitty Hawk Square, Lynchburg, spoke in opposition to the proposed rezoning. He commented that Ms. Harris's intended plans were in violation of several Virginia codes and County codes. Mr. Hall produced a picture of Ms. Harris's lot which adjoined his property, commenting he was unsure how he would be able to access his lot if the rezoning was approved. He further stated that her proposed rezoning would make his lot be out of compliance with the codes because access by fire and EMS personnel would be prevented. He added that Ms. Harris had said she was going to cut off access to his property, and he expressed his frustration that the existence of the current road leading to his property had been ignored. Mr. Hall asked the Board to reject the proposal until the applicant submitted proper paperwork that addressed the deficiencies of the current submittal.

Following a lengthy discussion, Chairman Watts determined the potential code violations Mr. Hall referenced did not pertain to Ms. Harris's proposed rezoning. Chairman Watts advised Mr. Hall to seek legal advice on this matter and to have his lot surveyed, to replace the most recent plat from 1897.

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

On motion of Supervisor Moore, it was resolved the Board of Supervisors **POSTPONES** Request PL-20-068 by Lisa Harris, to rezone property located on Kent Road from Agricultural to Residential – Manufactured Housing to allow for the placement of two manufactured homes.

Chairman Watts offered the following substitute motion:

On substitute motion of Chairman Watts, it was resolved the Board of Supervisors **APPROVES** Request PL-20-068 by Lisa Harris, to rezone property located on Kent Road from Agricultural to Residential – Manufactured Housing to allow for the placement of two manufactured homes.

Supervisor Cline asked if Mr. Hall's concerns were raised at the Planning Commission meeting. Mr. Harvey stated that Mr. Hall did raise the question of access to his property and was advised it was a legal matter between the two parties if they could not agree on the legal access of his lot. Mr. Harvey added that Ms. Harris was not in violation of any zoning ordinances.

There were no further comments and a vote was taken on the substitute motion.

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

Because the substitute motion was approved, a vote on the original motion was not taken.

// PUBLIC HEARING – REZONING MT. VISTA DRIVE

The third public hearing was opened at 7:45 p.m. on:

PL-20-077 Request by Herbert Campbell, to rezone 8.595 +/- acres from Agricultural to Residential – Single Family to allow for the construction of a single family dwelling with a reduced front setback. The property is located in an area designated as transitional per the current Comprehensive Plan.

Mr. Harvey explained this was a request to rezone 8.595 +/- acres from Agricultural to Residential – Single Family to allow for the construction of a single family dwelling with a reduced front setback. The property is located on Mt. Vista Drive, Lynchburg, VA, in the Rustburg Election District. The applicant planned to construct a single family dwelling on the property, which was permitted under the current zoning. The applicant would like to construct the dwelling 25 feet from the front property line. The Agricultural zoning district requires a front setback of 50 feet. The rezoning to Residential – Single Family would reduce the front

setback to 25 feet and would therefore allow the dwelling to be constructed in the desired location.

The area was residential in nature, and zoning in the vicinity was Residential – Single Family; Residential – Multi Family; Residential – Multi Family, Conditional; Agricultural; and Agricultural, Conditional. The property would be accessed by an entrance onto Mt. Vista Drive, and the request would not significantly impact traffic flow. The property would be served by a private well 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.

Herbert Campbell, 4232 Lawnvale Drive, Gainesville, stated he planned to build a new home and move in next year. The topography was very steep and it was difficult to site the home given the current zoning.

No one spoke in favor of or in opposition to the proposed rezoning, and the public hearing was closed at 7:47 p.m.

On motion of Supervisor Hardie, it was resolved the Board of Supervisors **APPROVES** Request PL-20-077 by Herbert Campbell, to rezone property located on Mt. Vista Drive from Agricultural to Residential – Single Family to allow for the construction of a single family dwelling with a reduced front setback.

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

// PUBLIC HEARING – REZONING 614 S TIMBERLAKE DRIVE

The fourth public hearing was opened at 7:45 p.m. on:

PL-20-080 Request by Denise Gillett, to rezone 12.270 +/- acres from Residential – Single Family to Business – General Commercial to allow for the use of a sediment storage site. The property is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Mr. Harvey explained this was a request to rezone 12.270 +/- acres from Residential – Single Family to Business – General Commercial to allow for the use of a sediment storage site. The property is located at 614 S Timberlake Drive, Lynchburg, VA, in the Timberlake Election District. The applicant sought the rezoning to allow the property to be used as a sediment storage site. The site would be used to store the dry sediment from the dredging of Timberlake. The dredging project was a conservation improvement project within the Timberlake Watershed Improvement District that was certified on May 5, 2019. The Department of Environmental Quality (DEQ) required that a property be zoned commercial in order to be used as a sediment storage site.

The area was residential in nature, and zoning in the vicinity was Residential – Single Family; Business – General Commercial; Industrial - General; Industrial – General, Conditional; and Agricultural. The property would be accessed by an existing entrance onto S Timberlake Drive, and the request would not significantly impact traffic flow. The property would be served by public water. A proffer was submitted to restrict the sediment storage site to remain owned in perpetuity by Timberlake Homeowners Association, and in perpetuity be restricted from any residential use or development. The Planning Commission recommended approval by a vote of 7-0 citing good zoning practice.

Charles Falwell, 1886 Timberlake Drive, Lynchburg, spoke in his capacity as chairman of the Watershed Improvement District (WID) committee. He stated it had taken about three (3) years to establish the WID to take care of lake maintenance and dredging the lake was a major project. It was discovered the proposed sediment storage site location did not meet DEQ requirements because it was zoned Residential. Therefore, he was requesting the Board approve the rezoning to Business – General Commercial.

No one spoke in favor of or in opposition to the proposed rezoning, and the public hearing was closed at 7:51 p.m.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors **APPROVES** Request PL-20-080 by Denise Gillett, to rezone property located at 614 S Timberlake Drive from Residential – Single Family to Business – General Commercial to allow for the use of a sediment storage site.

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

// PUBLIC HEARING – SPECIAL USE PERMIT 315 DAVIDS WAY

The fifth public hearing was opened at 7:52 p.m. on:

PL-20-084 Request from Mark and Donna Bruce for a special use permit to operate a rooming house on property zoned Residential – Single Family. The property is located at 315 Davids Way 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 rooming house on the property for short-term rentals using platforms such as Airbnb. The basement of the house would be used for an occasional short-term rental. The residence was occupied by the owners who would be present when the basement was rented.

The zoning in the vicinity was Residential – Single Family, Residential – Multi Family, and Agricultural. The property was accessed by an existing entrance onto Davids Way, and the change in traffic caused by this request would be minimal. 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.

Donna Bruce, 315 Davids Way, Evington, stated that she and her husband were planning to finish their basement so visiting family members would have a place to stay. The Bruces decided they would occasionally like to offer the space as a short-term rental.

No one spoke in favor of or in opposition to the proposed special use permit, and the public hearing was closed at 7:54 p.m.

On motion of Supervisor Shockley, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **APPROVES** Request PL-20-084 by Mark and Donna Bruce for a special use permit to operate a rooming house on property zoned Residential – Single Family, located at 315 Davids Way 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.

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

// PUBLIC HEARING – UPDATES TO THE COUNTY CODE

The sixth public hearing opened at 7:55 p.m. on mandated and discretionary changes to the County Code. Kristin Wright, Staff Attorney, indicated those changes were reviewed by the Board at its June 2nd meeting.

During the staff presentation on June 2nd the Board directed staff to advertise the code as presented, and the Commissioner of the Revenue's request to change the tax rate for a single motor vehicle owned by a veteran whose disability was qualified by the Department of Veterans' Services from \$4.38 per \$100 in assessed value to a negligible rate approaching zero. On June

16th the Board additionally authorized the advertisement of one additional change to section 9-3.3 at the request of the Clerk of Court. On June 22nd the Planning Commission considered the proposed changes to Chapters 21 and 22, and voted 7-0 to approve those changes.

Chairman Watts called for comments in favor of or in opposition to the proposed amendments to the County Code. No one spoke in favor of or in opposition to the proposed amendments and the public hearing was closed at 7:56 p.m.

On motion of Supervisor Hogg, it was ordained the Board of Supervisors adopts the following new ordinances and amendments to the Campbell County Code as advertised and recommended by staff, as well as to approve to lower the current tax rate, as a separate class of property under Va. Code 58.1-3506 (A)(19), one motor vehicle owned and used by a disabled veteran as qualified by the Department of Veteran's Services. The current tax rate for such a vehicle is \$4.38 per \$100 assessed value. The new rate would be 1/100,000 of a dollar per \$100 assessed value. Any change would be effective January 1, 2020:

CHAPTER 4 – Animals and Fowl.

- §4-4 Revises definition of “adequate shelter:” outdoor tethering must protect an animal from predators, from certain storm warnings, from heat advisories or temperatures above 85 or below 32 degrees, unless animal control officer has determined animal to be safe, and revise definition of “adequate space:” tethering must be at least 15 feet in length or 4 times length of animal, except when animal is leashed or when animal control officer determines that a tether of at least 10 feet or 3 times the length of animal is better.
- §4-13 Clarifies it is a Class 1 misdemeanor for any dog or cat owner to allow the animal to stray from his premises when he knows or has been told by any person who has a duty to respond to a risk of rabies exposure that dog or cat is suspected of having rabies; and a Class 4 misdemeanor for an owner to permit a dog or cat to stray from his premises when he knows animal has any other infectious disease.
- §4-18 Re-titles penalties section and rewrote it to remove civil penalties and match language of Va. Code 3.2-6587, designating certain listed animal offenses Class 4 misdemeanors and designating presenting a false claim under 3.2-6553, impersonating a humane investigator, and allowing animal suspected of having rabies to run from his premises as Class 1 misdemeanors.

CHAPTER 9 – Finance and Taxation.

- §9-3.3 Clarifies that \$5.00 portion of county court costs directed to electronic summons system is for cases in which defendant is charged by local law enforcement agency.
- §9-10 Increased ceiling for elderly and disabled who qualify for exemption for total combined income received from all sources from \$35,000 to \$45,000, and increased ceiling for total combined net worth from \$82,000 to \$100,000, both effective January 1, 2020.
- §9-11 Effective January 1, 2020, for elderly and disabled tax relief rewrote the table of total income from all sources and percentage tax exemption applicable thereto by substituting “\$0 to \$35,000” for “\$0 to \$27,000,” “\$35,000 to \$40,000” for “\$27,000 to \$31,000,” and “40,000 to 45,000” for “\$31,000 to \$35,000”, and increasing the maximum annual exemption from \$600 to \$750.
- §9-14.01 Clarifies that personal property exemption includes equipment and machinery used by nursery for production of horticultural products; and any farm tractor regardless of whether used exclusively for agricultural purposes.
- §9-14.4 NEW – Addition of language of state code §58.1-3219.5 exempting real property up to one acre and a primary residence situated upon it of veteran with 100% disability as rated by Department of Veteran's Affairs, and certain limitations.
- §9-14.5 NEW – Addition of language of state code §58.1-3219.9 exempting from taxation that portion of value of a primary residence and 1 acre of land of the unmarried surviving spouse of member of the armed forces killed in action not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single family residential, and certain limitations.
- §9-15 In definition of exempt pollution control equipment, state certifying authority shall certify in advance that property to be constructed, reconstructed, erected, or acquired by county for operation of water, wastewater, stormwater, or solid waste management facilities qualifies.

§9-55 Adds new exemption from meals tax for sellers at local farmers' markets and roadside stands, when such sellers' annual income from all such sales does not exceed \$2,500.

CHAPTER 12 – Garbage, Refuse, and Weeds

§12-6.1 Clarifies that trash brought from personal vehicles means a standard size car/pick-up truck, clarifies that residential customers may dispose of any brush and yard waste collected from private residences and transported themselves at Livestock Road Transfer Site only. Commercial haulers of brush and yard waste must take their loads to Region 2000 Services Authority Landfill, but may bring 2 loads per year of brush and yard waste from their Campbell County residences.

CHAPTER 21 – Subdivision of Land

§21-8.1 Clarifies that a recorded plat dedicating real property to County that has been accepted by such grantee shall remain valid for indefinite period unless and until any portion is subject to a vacation.

§21-11 Changes minimum lot size from 3 acres to 2.5 before requiring streets built to VDOT standards to be shown on plat.

§21-31 Changes reference to deed books to more current "Instrument Number" in final plats.

CHAPTER 22 – Zoning

§22-6 Requires Zoning Administrator to provide copy of any decision to affected adjacent property owners if decision could impair ability of the owner to satisfy minimum storage capacity and yield requirements for residential drinking well.

§22-10 Removes "rooming and tourists' house" from use by right in zoning district R-MF and separates them into separate special uses.

§22-16 Adds "Landscape service business" as use by right to Agricultural zoning district A-1.

§22-25 Clarifies that members of Board of Zoning Appeals may be appointed to serve as officer of election.

§22-30 Clarifies that once a writ of certiorari is served, Board of Zoning Appeals shall have 21 days or as ordered by court to respond.

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

// **PUBLIC HEARING – PPEA PROPOSALS FOR RUSTBURG MIDDLE SCHOOL**

The final public hearing opened at 7:58 p.m. on the proposals received under the Public Private Education Facilities and Infrastructure Act (PPEA) to build a new, replacement Rustburg Middle School on the same site where the current school sits. Mrs. Wright stated that eleven proposals were received and the Joint Committee was scheduled to receive further information from the five proposers initially ranked highest. PPEA required, under section 56-575.17(B), the holding of a public hearing on the proposals during the proposal review process. This was an opportunity for citizens to provide their thoughts and opinions on any single proposal, the proposals as a whole, or any plans for the school.

Chairman Watts called for citizen comments regarding the proposals for the new Rustburg Middle School project.

Gary Reynolds, 3336 Perrowville Road, Forest, commented that many people were excited about the project but concerned about the process, especially the proposed demolition of the entire existing building. Mr. Reynolds read a letter he had written to Administrator Rogers and Dr. Bobby Johnson, Superintendent of Schools, pointing out that Campbell County may be able to save taxpayer dollars by using federal and state programs designed to preserve important historical community elements. He added the existing two-story middle school was eligible for the State and National Registers of Historic Properties. Mr. Reynolds went on to say that Concord Elementary School was preserved and connected to modern construction in recent years as a successful example of rehabilitation and cost reduction. He strongly urged County leadership to explore every option to reuse the 1919 brick building as a part of the new middle school complex.

Doug Barringer, 277 Holland Court, Rustburg, stated the old Rustburg Middle School building brought back fond memories to him and many others who attended there over the years. He was of the opinion that the school was allowed to deteriorate in order to justify a new school construction project in the future. He added that many graduates and community members would love to see the building restored instead of demolished, and he urged the Board to take that into consideration.

Hearing no further comments, the public hearing was closed at 8:12 p.m.

// ADJOURNMENT

On motion of Supervisor Cline, the meeting was adjourned at 8:14 p.m.

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

CHARLIE A. WATTS, CHAIRMAN

Approved: _____