

BOARD OF SUPERVISORS MEETING

January 5, 2016

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

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| 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

Administrator Rogers called the meeting to order at 4:00 p.m. and welcomed everyone to the organizational meeting of the Board of Supervisors with a special welcome to Supervisor Bob Good of the Sunburst District. Following the Pledge of Allegiance, Supervisor Gunter gave the invocation.

// ELECTION OF CHAIR AND VICE-CHAIR

Nominations were called for 2016 Chairman. Supervisor Puckett nominated Supervisor Stanley I. Goldsmith for 2016 Chairman in accordance with the Board's usual rotation.

On motion of Supervisor Puckett, it was resolved the Board of Supervisors affirms the election of Supervisor Stanley I. Goldsmith as 2016 Chairman.

Supervisor Borland offered a substitute motion to nominate Supervisor Eric R. Zehr for 2016 Chairman indicating the Rustburg District had not served as Chairman since 2008.

On substitute motion of Supervisor Borland, it was resolved the Board of Supervisors affirms the election of Supervisor Eric R. Zehr as 2016 Chairman.

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

The substitute motion passed; no vote was taken on the original motion. Supervisor Zehr assumed the seat of Chair and promised to run meetings as efficiently, orderly and fairly as possible.

The floor was opened for nominations for Vice-Chairman. Supervisor Borland nominated Mike P. Rousseau of the Timberlake Election District for 2016 Vice-Chairman.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors closes the nominations for Vice-Chairman and affirms the election of Supervisor Mike P. Rousseau as 2016 Vice-Chairman.

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

// TIME AND PLACE OF MEETINGS

Supervisor Borland offered the following motion to establish the time and place of the meetings for 2016 and establish a meeting default date in case of inclement weather.

On motion of Supervisor Borland, it was resolved the Board of Supervisors establishes the regular meeting schedule for 2016 as follows:

*First and Third Tuesday of each month beginning at 4:00 p.m.
Board of Supervisors Meeting Room, Walter J. Haberer Building, Rustburg, Virginia.
The third Tuesday of the month is reserved for special meetings as needed.*

If the Chairman acts, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting, the meeting shall be continued to the following Thursday of that week at 4:00 p.m. and all hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required per authority of Section 15.2-1416 of the Code of Virginia.

Supervisor Good suggested the meetings begin at 5:30 p.m. with public hearings held at 7:00 p.m. to accommodate working people interested in attending the meetings. Supervisor Rousseau indicated he had received a letter from a constituent that had expressed a similar sentiment although she recognized accommodating one group of people may inconvenience others. The constituent also suggested publishing draft minutes and/or audio recordings of the meetings on the County's website. Supervisor Puckett believed the current time schedule was working well. He had not had any constituents request a change in the schedule.

Supervisor Good believed a change in the schedule would allow more citizen participation and offered the following substitute motion:

On motion of Supervisor Good, it was resolved the Board of Supervisors establishes the regular meeting schedule for 2016 as follows:

*First and Third Tuesday of each month beginning at 5:30 p.m. (Public hearings at 7 pm)
Board of Supervisors Meeting Room, Walter J. Haberer Building, Rustburg, Virginia.
The third Tuesday of the month is reserved for special meetings as needed.*

If the Chairman acts, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting, the meeting shall be continued to the following Thursday of that week at 5:30 p.m. and all hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required per authority of Section 15.2-1416 of the Code of Virginia.

Supervisor Goldsmith commented Supervisor Good offered a valid proposal, but added that many times when citizens presented a matter, the Board was not able to act on it until after staff had researched the matter and provided the background for the Board to evaluate. He too wanted to provide access to the meetings, but noted that when the Board adopted the current time schedule, attendance at the meetings did not change.

Supervisor Borland indicated the current meeting schedule had been working well for him and his constituents; he had received no complaints from constituents. Supervisor Gunter concurred having received no comments from his constituents. In fact, he had heard from several people that they liked the public hearings at 5:30 p.m. because it allowed them to come by the meeting before going home without having to come back out for a 7:00 p.m. meeting. Chairman Zehr added he was comfortable with the current schedule, but he had received comment from a few constituents about changing the time. He would support Supervisor Good's motion.

The vote on the substitute motion was:

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

The vote on the original motion was:

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

Administrator Rogers indicated he would meet with staff to discuss publishing draft minutes and/or audio recordings on the County's website.

// COMMITTEE ASSIGNMENTS

At this time the members chose committee assignments for 2016 and 2017.

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| | COMMITTEE | COMMITTEE | | |
|--|------------------|------------------|--|--|

| SUPERVISOR | (need 2 Board members per Committee) | | BOARD | OTHER |
|-------------------|---|--------------|---------------------|----------------------------|
| Gunter | Public Works/CED | Joint School | Planning Commission | |
| Puckett | Public Works/CED | | CCUSA | Airport Authority |
| Goldsmith | Public Safety | | Library | TLAC |
| Borland | Public Safety | | Horizon | |
| Rousseau | Admin/Human Services | | Local Govt/MPO | Litter |
| Zehr | Admin/Human Services | | Social Services | Fray Family Trust |
| Good | Joint School | | | Workforce Investment Board |

There was a brief discussion to consider suspending the the Board’s practice to limit the years served on a Committee to two (2) year terms. No action was taken; several members supported the practice to allow the Board members to gain knowledge and understanding of the different areas of County government.

// FY 2015 AUDITED FINANCIAL REPORT

Matt McLearen of Robinson, Farmer, Cox Associates presented the Comprehensive Annual Financial Report for the year ended June 30, 2015. He indicated they encountered no difficulties in working with staff and all records were made available to them. There were no disagreements with management of the County or the School Board. There were no significant audit findings, deficiencies in internal controls or material weaknesses, and therefore a “clean” opinion was given.

Mr. McLearen indicated the General Fund year-end balance on June 30, 2015 was approximately \$24.1 million and the Unassigned General Fund portion of that was approximately \$16.1 million. The County was well within the targeted range of the total General Fund Unassigned Fund Balance to the total General Fund expenditures. Mr. McLearen also spoke to a new reporting standard, GASB 68 that required all town, city and county governments

in the United States to report its pension liability costs. The pension liability was determined by an actuary, and Campbell County's unfunded pension liability as of June 30, 2014 was \$6.58 million. While the number seemed large, it was consistent with other entities participating in the Virginia Retirement System (VRS). The pension plan was approximately 89 percent funded, and the County had always paid the contribution rate as determined by VRS.

The County has received a Certificate of Achievement for the past year as it has for the last several years. The County should be proud to have received this distinguished award.

In answer to a question by Supervisor Gunter, Mr. McLearen indicated the County was in sound financial standing with good policies in place. One policy in place was to keep the General Fund Balance ratio to non-duplicated expenditures at no less than 10 percent. The 10 percent target has been exceeded and was currently at 12.6 percent.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors accepts the FY 2015 Audited Financial Report.

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

// PRESENTATION OF SCHOOLS CAPITAL IMPROVEMENT PLAN

Dr. Robert Johnson presented the School Board's adopted Capital Improvement Plan (CIP) for repairs and renovations to the existing secondary facilities and a proposed timeline for the next twenty (20) years. This was the first time the Schools has had a separate CIP. He believed it was important to have a plan for capital projects in order for both Boards to work together to manage debt service.

Dr. Johnson indicated the entire CIP process began in 2010 when they hired DeJong-Richter to study the secondary facilities. This followed the completion of a 20-year extensive elementary school build/renovation project in 2009. The facilities study process included an assessment of the secondary schools' mechanical systems and educational programs provided in the County. Over 400 community members participated in the planning and development of the long-term options. On March 25, 2013, the Campbell County School Board adopted Option F to consolidate the secondary schools to a two new high school/middle school concept.

In January 2015 the Board of Supervisors decided community schools were important and voted to maintain the current structural model for secondary schools instead of the consolidated model. Since the decision was made not to consolidate, the facilities study had to be brought up to date. The current CIP was adopted by the School Board at its meeting on September 14, 2015. Dr. Johnson added the CIP did not address any of the educational inefficiencies or inequities in the school system.

During the discussion that followed, Board members commented on the large cost of renovating the secondary schools. It was suggested the Board could appoint a separate

Committee or allow the Joint Committee to study the plan in detail with the engineering firm, review the projects for each school and develop a schedule of priorities. It may also be well to turn the priorities over to the County's financial advisors for an in-depth review on costs, options for funding and impact to debt service.

Dr. Johnson indicated Rustburg Middle School was the first priority in the plan and replacement of the school was recommended. The elementary schools were included in the CIP to be able to provide a complete document pointing out the "new" elementary schools were nearly 20 years old and 20 years out the elementary schools would be 40 years old. The Schools budget only includes funding for operation and maintenance, and the CIP costs could not be funded in the operating budget. Dr. Johnson noted that some roof recoating, a capital expense, was included in the operating budget.

Supervisor Gunter asked Dr. Johnson about enrollment projections. Dr. Johnson indicated since 2006, enrollment had decreased by almost 1,000 students. The State pays around \$5,000 per student which equates to nearly \$5 million in state revenue losses. But he pointed out the fixed costs have not gone down. Dr. Johnson did not predict a 1,000 student increase over the next five to eight years, but he did predict a leveling off of enrollment.

It was the consensus of the Board to allow time for each Board member to fully review the document. The CIP would be placed on a future Board agenda to discuss next steps in the review process.

// HISTORIC COURT HOUSE UPDATE BY HISTORICAL SOCIETY

Nina Thomas, member of the Campbell County Historical Society, presented an update on the Historic Courthouse. The 1848 Courthouse was a significant historical structure and the center of the County seal. The Historical Society entered into a lease with the County in February 2013 with the agreement the County would maintain the outside of the structure, and the Historical Society would maintain the interior.

Mrs. Thomas indicated the Historical Society was formed in 1988 with a purpose to preserve the heritage of the County. Since 2013 the Historical Society had established a gift shop, visitor's center, genealogy center, display rooms in addition to raising funds to install a heating and air conditioning system (HVAC) in several areas of the Courthouse. They were currently raising funds to complete the HVAC system and install an elevator. They have also created a community room for everyone to use. Mrs. Thomas indicated they have had about 350 visitors since the visitor's center opened in May 2015.

In several photos of the exterior of the Courthouse, Mrs. Thomas pointed out the disrepair of the front columns and the portico, the handrail and the brick column holding the handrail. She was concerned these structural problems could become safety hazards. The front doors needed repainting, and the windows needed reglazing. Ideally the windows should be replaced for energy efficiency. A local contractor, Tom Gerdy, has estimated the costs to repair the columns and portico would be \$30,000 to \$50,000. To repair the entire facade of the building could cost between \$170,000 and \$200,000.

In conclusion, Mrs. Thomas urged the Board to include funding in the FY 2017 budget for repairs to the columns and portico of the Historic Courthouse and to include funding in the Capital Improvement Plan for the remainder of the repairs needed.

// CONSIDERATION OF RESOLUTION IN DEFENSE OF MARRIAGE

At the December 1, 2015 meeting Mr. Kevin Novak presented the Board with a Resolution in Defense of Marriage for consideration at this meeting.

Supervisor Rousseau indicated he supported the resolution but took the liberty to make several amendments to approach the resolution from a federalism or civil law viewpoint rather than from a biblical law viewpoint. He provided the Board with a copy of the amended resolution earlier that day. He added that he substituted "traditional marriage" in place of "biblical marriage. Mr. Novak has indicated he would prefer "natural marriage."

Supervisor Rousseau offered a motion to adopt the resolution as amended. David Shreve, County Attorney, cautioned the Board that if the resolution were passed, it would have no effect. The Supreme Court in *Obergefell v. Hodges* held that States could not discriminate against people on the basis of their sexual orientation, and that opened the door to same-sex marriage from a legal standpoint. Justice Jackson of the Supreme Court said in 1952 - "We are not final because we are infallible, but we are infallible only because we are final." The Supreme Court has the final word on what is and is not constitutional. If the Board passed the resolution, they could not instruct any County employee not to issue a marriage license, accept a divorce from a same-sex couple or discriminate employees related to employee benefits. Mr. Shreve added adoption of the resolution would not be malfeasance or criminal.

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

RESOLUTION IN DEFENSE OF MARRIAGE

Whereas, Traditional Marriage has been recognized by the People of Virginia, in the Constitution and Laws of the Commonwealth of Virginia, consistent with the written U.S. Constitution; and

Whereas, Article I, Sec. 8 of the U.S. Constitution defines the powers of the federal civil government, and the federal civil government has no power to redefine marriage; and

Whereas, the ratification of the Fourteenth Amendment never withdrew from the various states the authority to maintain marriage as an exclusively monogamous heterosexual institution; and

Whereas, to the contrary, as recently as 2013, the U.S. Supreme Court confirmed that the "Federal (Civil] Government, through our history, has deferred to state-law policy decisions

with respect to domestic relations.” *United States v. Windsor*, 133 S. Ct. 2675, 2691 (2013); and

Whereas, *United States v. Windsor* stated "The states, at the time of the adoption of the Constitution, possessed full power over the subject of marriage and divorce ... and the **Constitution delegated no authority to the (Federal Civil] Government of the United States on the subject of marriage and divorce;**" and that "The whole subject of the domestic relations of husband and wife, parent and child, **belongs to the laws of the States** and not to the laws of the United States;" *Windsor* at 2691, internal citations omitted; and

Whereas, federal court decisions, including *Loving v. Virginia*, "Removing racial barriers to marriage therefore did not change what a marriage was any more than integrating schools changed what a school was, because "the institution of ‘marriage’ discussed in every one of these cases presumed a relationship involving opposite-sex partners.” *Obergefell v. Hodges*, 135 S. Ct. 2584, 2619 (2015), (Roberts, C. J. dissenting); and

Whereas, nevertheless, federal judges, including those on the Fourth Circuit Court of Appeals, have purported to strike down Virginia's recognition of Traditional Marriage in a series of cases culminating in the 2014 case of *Bostic v. Schaeffer*, which the U.S. Supreme Court refused to hear; and

Whereas, on June 26, 2015, in *Obergefell v. Hodges*, five justices of the U.S. Supreme Court completed a federal “ judicial putsch” by issuing an opinion with no basis in the Constitution or the Fourteenth Amendment purporting to overturn Traditional Marriage and inventing a false "right" to same-sex "marriage;" and

Whereas, two justices essential to the majority, Elena Kagan and Ruth Bader-Ginsburg, failed to recuse themselves from *Obergefell* after publicly showing personal bias, in violation of federal law mandating that "Any justice ...shall disqualify h[er]self....[where her] impartiality might reasonably be questioned.” (28 U.S.C.A. § 455); and

Whereas, the *Obergefell* opinion is "an opinion lacking even a thin veneer of law," and "is a naked judicial claim" to...super-legislative power; "**a claim fundamentally at odds with our system of [civil] government;**" *Id.* at *43 (Scalia, J., dissenting); and

Whereas, the VIRGINIA RESOLUTION OF 1798 and KENTUCKY RESOLUTION OF 1798, authored by Thomas Jefferson and James Madison, held that when the federal civil government "assumes undelegated powers, its acts are **unauthoritative, void, and of no force;**" and that the States "have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them; "and

Whereas, in the spirit of Jefferson and Madison, lawless decisions of the U.S. Supreme court have been successfully resisted by the States, in *Dred Scott v. Sandford*, and in the series of cases *In Re: Booth*, 3 Wis. I (1854); and

Whereas, the Wisconsin Supreme Court rejected the U.S. Supreme Court opinion in *Booth* which claimed the federal Fugitive Slave Act was "constitutional;" as did the legislature of Wisconsin, which called the opinion "**an arbitrary act of power ...without authority, void and of no force,**" and urged "positive defiance" by the states as the "rightful remedy," and likewise, Wisconsin state officials refused to obey the U.S. Supreme Court; and

Whereas, after the U.S. Supreme Court issued its opinion, the Wisconsin Supreme Court refused to file the U.S. Supreme Court's mandate upholding the fugitive slave law; and after more than 155 years, that mandate has never been filed, and no Wisconsin officials ever obeyed the mandate; and

Whereas, in addition to Wisconsin, the legislatures of Maine, Massachusetts, Connecticut, Rhode Island, and Michigan actively nullified the Fugitive Slave Act and the repugnant *Dred Scott* decision of the U.S. Supreme Court, by passing "personal liberty" laws, making it nearly impossible to enforce the Fugitive Slave Act in those states; and

Whereas, the Governor, Attorney General, Legislators and County Clerks of Virginia have sworn an oath to uphold the Constitution of Virginia and the U.S. Constitution; and

Whereas, not all orders claiming authority under color of law are lawful; and

Whereas, unlawful orders, no matter their source – whether from a military commander, a federal judge, or the U.S. Supreme Court - are and remain unlawful, and should be resisted; and

Whereas, the American system of federalism envisions a political stance of resistance by States and their office holders against lawless federal court orders; and

Whereas, modernly, federal judges have once again usurped powers undelegated to them, and have violated the Rule of Law by purporting to strike down State laws and acts of the People recognizing and protecting Traditional Marriage; and

Whereas, the U.S. Supreme Court is not the sole and final arbiter of the powers of the States under the Ninth and Tenth Amendments, when it acts in an area outside of its jurisdiction; and

Whereas, the federal judiciary was created by the Founders to have "neither Force nor Will, but merely judgment; and must ultimately depend upon the aid of the executive arm" and the States, for the carrying out of its judgments, and it is high time that the federal judiciary and the U.S. Supreme Court be so reminded; and

Whereas, across the Nation, county clerks such as Kim Davis of Rowan County, Kentucky and Molly Criner, of Irion County, Texas have stood firm against federal judicial lawlessness, and the Campbell County, Virginia Board of Supervisors supports them, as well as our own county clerk.

Therefore, the undersigned resolve as follows:

1. As lesser magistrates the Campbell County, Virginia Board of Supervisors rejects the decision of five judges in *Obergefell v. Hodges* as unconstitutional, "unauthoritative, void, and of no force."

2. As lesser magistrates the Campbell County, Virginia Board of Supervisors fully supports all Campbell County employees and urges them to stand firm in obedience to the Constitution and laws of the Commonwealth of Virginia and the written U.S. Constitution, on the grounds set forth above, recognizing Traditional Marriage as law, regardless of any federal court decision to the contrary.

3. As lesser magistrates the Campbell County, Virginia Board of Supervisors urges all elected officials to utilize all legal and political means at their disposal to stand in obedience to the Rule of Law, and the rejection of lawless court opinions whatever the source.

Supervisor Gunter supported the resolution, but questioned what the Board would do with it if it was adopted. Supervisor Rousseau suggested the resolution be sent to the Virginia Association of Counties (VACo) so the other counties in Virginia would know about the resolution. Supervisor Borland commented the resolution points out the Supreme Court has made errors in the past and has had to correct them. This resolution showed the Campbell County Board of Supervisors disagreed with the decision they made with regards to same-sex marriage.

Kevin Novak added he hoped all the counties in Virginia would adopt this resolution, and he was comfortable with the amended resolution as proposed by Supervisor Rousseau. He asserted the Supreme Court was not the supreme law of the land. Looking at the supremacy clause, there were two steps that were required. Was the federal civil government exercising a valid constitutional power? And if so, their power would overrule the states. Mr. Novak stated that was the very thing at issue here – Did the Federal civil government have the authority to espouse a ruling concerning marriage? Mr. Novak believed they did not have that authority.

Supervisor Goldsmith supported the resolution and requested it be forwarded to the Governor and the County's legislators as well as VACo. The resolution may not gain any support, but at least other localities would know that Campbell County was opposed to the Supreme Court ruling, wanted it stopped, and there was at least one County out there that was willing to say that.

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

Staff would forward the resolution to the Governor, the County's legislators, and VACo as directed by the Board.

// REGISTRAR – FOLLOWUP ON NOVEMBER 2015 GENERAL ELECTION

Karen Danos, Registrar, thanked the Board for its approval last fall to implement the new Hart voting system. She believed the election went fairly well, but acknowledged there were a few problems such as omitting the Board of Supervisors and School race from the Yellow Branch precinct ballot. This error was discovered by her and Supervisor Borland the day before the election. She immediately contacted the State Board of Elections on how to proceed and ballots were made available at the precinct for the voters to use. Mrs. Danos indicated her office staff and the State Board of Elections had reviewed the ballots, and that error was overlooked by all of them.

Supervisor Gunter commented on the problems incurred at the Concord precinct when they ran out of ballots for the Senatorial District. More ballots were copied, and then it was discovered the new voting system would not accept that particular type of paper. Voters were left waiting for at least an hour, and several of them left. Some came back, but not all of them.

Mrs. Danos acknowledged that problem occurred at the Concord precinct as well as the Gladys precinct. She indicated this was her mistake as she had transposed the numbers of voters at those precincts, and she was not told by the vendor that they could not make copies on regular paper. This problem was also reported to the State Board of Elections. Mrs. Danos indicated they would resolve future issues by making sure everyone was accountable, the ballot order would be reviewed by both the Electoral Board and the Registrar, and the received ballots would be reviewed by both the Electoral Board and the Registrar prior to Election Day. There would be

a checklist to be signed off on. This review would be in addition to the State Board of Elections and the vendor. She also planned to invite all candidates to review the ballot order prior to printing. Mrs. Danos apologized for the problems encountered on Election Day and vowed not to let that happen again.

Supervisor Gunter indicated he felt concern for the poll workers at the Concord precinct. Some of them worked a straight 24 hours.

Supervisor Borland questioned the terms of the Electoral Board who were also present at the meeting. Mrs. Danos indicated the Electoral Board served three-year terms. Gene Smith's term would expire February 29, 2016; Christopher Millson-Martula's term would expire February 28, 2017, and Karen Merryman's term would expire February 28, 2018.

Continuing, Supervisor Borland confirmed he did come by the Registrar's office the day before the election, and Mr. Martula demonstrated the new voting machine. He asked Mr. Martula a question concerning the vetting process for the Hart voting system. Did the Electoral Board or staff ask how the integrity of the voting process could be compromised? Mr. Martula indicated no. Supervisor Borland contended there had been well known cases of voter fraud, and voting integrity should be the most important aspect of the voting process. How could someone's intent to vote for a particular candidate actually be nullified? He thought the simplest way would be to remove an entire race from the ballot.

Supervisor Borland commented he then looked at the ballot and discovered the Board of Supervisors race and the School Board race were not on the ballot. He stated he had worked hard for eight months getting signatures and going door to door, qualifying to be on the ballot, and his name and the name of the other candidate were not there. He was concerned the citizens who had voted absentee had not had the opportunity to vote for those races. On Election Day a citizen told him his wife had to vote absentee the day before because she was working at one of the precincts, and Supervisor Borland's name was not on the ballot. If he had not come by the Registrar's office the day before, he assumed there would have been a number of voters who would not have been able to vote for all the candidates. Supervisor Borland commented the Registrar was required by law to register voters and if they were registered, to allow them the opportunity to vote – not deny them the vote which is what happened in this case with the absentee ballots. This was an egregious error, inexcusable and showed incompetence and Mrs. Danos alone was responsible for the error.

In addition, Supervisor Borland stated the Electoral Board was supposed to represent the voters and were charged with the conduct of fair, free, open and transparent elections and yet these errors slipped by them. When the ballot error was discovered, Mrs. Danos commented that a special election may be necessary. Supervisor Borland commented that he was adamantly opposed to a special election.

Supervisor Borland commented on a letter written to The News & Advance published on October 24, 2015 by Christopher Millson-Martula on the upcoming election. In the letter Mr. Martula stated, "Republican candidates in Virginia generally show little, if any, interest in applying government to enhance the quality of life by improving the lives of its citizens...." Mr. Martula encouraged voters to give serious consideration to how their supervisors govern and asked the question, "Are they their own agents who act independently of any outside control? To the typical observer who attends Board of Supervisors meetings, at least two or three current supervisors appear to take cues before they vote from a former supervisor, Rick Boyer, who is often in attendance at the meetings." Supervisor Borland indicated this was an outright lie. Quoting from Mr. Martula's letter, Supervisor Borland read, "Therefore, voters should choose those Campbell First candidates who will hopefully represent citizen's interests rather than the narrow self-interest of an individual who is not even a resident of the county." Supervisor Borland contended a member of the Electoral Board should appear to be unbiased in order to conduct an open, honest and fair election. He asked that Mr. Martula resign from the Electoral Board and allow the Democratic Committee to recommend someone to replace him. Apart from a State Police or Attorney General investigation, there would be no way of knowing if the omission of the Board of Supervisors race from the ballot was intentional or not.

Referring to Mrs. Danos solutions to the issues that arose during this election, Supervisor Rousseau asked Mrs. Danos who was accountable now? Mrs. Danos indicated ultimately it was

her and her office. He pointed out this was not a particularly hard election having only six or seven races in the Spring Hill District, and she managed to miss two of them. In another question, Supervisor Rousseau asked Mrs. Danos how she planned to remedy the disenfranchised voters. Through her incompetence, voters were disenfranchised in this election. Mrs. Danos admitted there was no remedy, and she did not want to disenfranchise anyone. Supervisor Rousseau pointed to a pattern of Mrs. Danos not knowing what was going on starting with her staff not thoroughly investigating the selection of the voting equipment, the misinformation provided to the Board regarding the lease and/or purchase of the equipment and finally the errors made during the election. In his mind, the election was strike three.

Supervisor Goldsmith requested the Board pause on this issue indicating it may be well to discuss this in another venue. Supervisor Good had one final question and comment. How long had Mrs. Danos been the Registrar of Campbell County. She indicated 12 years. Supervisor Good pointed out the most important part of the Registrar's job was to prepare the ballots for election, and he found it hard to believe that a Registrar with 12 years of experience would just now be offering the solution of checking the ballots more closely.

Chairman Zehr called for a five minute recess before conducting the public hearings.

// PUBLIC HEARING – REQUEST TO REZONE PROPERTY AT 1196 WATERLICK ROAD

The first public hearing was opened at 6:15 p.m. on:

PL-15-37 Request by Jamey White, Agent for David and Ronald Trent, to rezone property located at 1196 Waterlick Road from Agricultural to Residential – Single Family for use as a single-family subdivision. The property 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 to rezone 74.56 acres from Agricultural to Residential – Single Family for use as a single-family subdivision at 1196 Waterlick Road in the Sunburst Election District. The applicant initially proposed a maximum of 108 parcels on this property, but after getting a better idea of the soil quality has reduced that number to 96. The Project Evaluation Committee met on October 13, 2015 to review the request, and major concerns addressed including allowing a second emergency access point into the subdivision from the adjacent property owned by the Moose Lodge, and the potential traffic impacts. The applicant has scheduled a meeting with the Moose Lodge regarding a second emergency exit. If that does not work, the applicant has an alternative plan to provide a second exit.

The area was residential and commercial in nature. Zoning in the vicinity was Industrial – Heavy (I-H), Industrial – General (I-G), and Agricultural (A-1). Waterlick Road served the property and has an average daily traffic count of 11,000 vehicles. A traffic impact analysis was completed for the project and estimated the development would generate 1,127 new vehicle trips per day based on 108 parcels. At this time, VDOT was not requesting a left turn lane to be built, but was requiring property to be dedicated for a left turn lane when it was warranted. A right taper would be required at this time.

The development would be served by public water and sewer. No proffers were submitted with the request. The Planning Commission recommended approval of the request by a vote of 7-0 citing good zoning practice.

Supervisor Borland expressed concern that a left turn lane was not being required with a projected additional 1,100 trips on Waterlick Road. The sight lines were not good in the vicinity of the development and could cause traffic to back up all the way to Lawyers Road. Ms. Shackelford reiterated that VDOT was requesting that the developer dedicate property for a future left turn lane. Supervisor Borland indicated his support for the proposed development, but hesitated to vote in favor of the project without the left turn lane.

Supervisor Rousseau indicated he was sensitive to traffic concerns in that corridor, but realized the location of this development was a good distance from the congestion at Timberlake Road. But he agreed with Supervisor Borland that without proper foresight, the same traffic

issues could develop on Waterlick Road. Supervisor Good commented that while 1,100 cars sounded like a lot, it actually was about one car per minute during the course of the day. He travelled frequently in that corridor and had not noticed significant traffic congestion.

Jamey White, White Engineering & Design, Lynchburg, was representing the applicant. Speaking to the traffic concerns, Mr. White indicated he had met with VDOT again that day. The traffic analysis was completed by Engineering & Planning Resources in Charlottesville, and their recommendation was the left turn lane was not needed. VDOT has indicated they would require the left turn lane because of the knoll in the vicinity of the property when warranted. Mr. White added his company performed the sight distance tests at the property, and they exceeded the minimum requirements. The agreement with VDOT is they would not require the left turn lane for the first phase of the development which would be approximately 40 lots. When they were ready to move to the second phase, another traffic analysis would be performed to determine if the left turn lane was then warranted. The design for the left turn lane was required to be included in the plans and adequate property had to be dedicated. The developer would be responsible for all costs of constructing the left turn lane when it was needed.

Supervisor Rousseau requested clarification on the threshold when the left turn lane would be needed. Mr. White explained the traffic analysis was based on assumptions that 60% of the traffic would be approaching the development from Leesville Road and 40% would be approaching from Lawyers Road. When they move to Phase Two of the project, they would do another traffic analysis to determine where the cars were actually coming from. He would rely on VDOT's standards as to when the left turn lane should be built. He predicted that if more than 40% were approaching from Lawyers Road, VDOT would require the left turn lane.

In answer to questions by Supervisor Gunter, Mr. White indicated the number of proposed lots was reduced due to the location of the creek at the back of the property and the location of the cul-de-sac. Mr. White described the proposed development as having homes ranging in value from \$250,000 to \$350,000 with sidewalks and high speed internet. There would be a gravity pump station within the property, and the line would tie into the Leesville Estates sewer line which had plenty of capacity. Their project would also open up sewer availability to several existing businesses in the area. They were also working with the Moose Lodge for shared amenities. The developers have proposed to do select tree removal to try to keep as many trees as possible.

The discussion turned to a church that was proposed to be built right across the road from the subject property. Supervisor Good commented more developments in this price range were needed in Campbell County; he did not believe the Sunday traffic from the church would be a concern.

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

Randall Trent, 279 Tradewind Drive, had concerns about the traffic. He owned 31 acres to the rear of the proposed development, and he has been asked to provide an easement for the sewer line. He travelled the road daily and was concerned about the additional 1,100 cars per day. He believed the traffic would add to the the early morning and evening traffic congestion. Mr. Trent added it could impact the already dangerous intersection at Sunburst Road and Leesville Road. Having the Moose Lodge and a future church also added to his traffic concerns.

Tanya Price (Hall), 4447 Marysville Road, supported the development indicating it solved two issues, namely, providing places for people to live and creating revenue for the County. She did not want to see teachers losing their jobs.

Mr. White, responding to the traffic concerns, understood the traffic issues as he also travels in the same corridor. This neighborhood at 96 lots would generate around 900 trips per day. This would equate to a couple of cars per minute.

Hearing no further comments, the public hearing was closed at 6:44 p.m.

Supervisor Good estimated the revenue from the development would generate approximately \$150,000 annually. This could go to some of the expenses talked about at this

meeting or could be returned to the citizens. He offered the following motion to approve the rezoning request.

*On motion of Supervisor Good, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice **APPROVES** Request #PL-15-37 by Jamey White, Agent for David and Ronald Trent, to rezone property located at 1196 Waterlick Road from Agricultural to Residential – Single Family for use as a single-family subdivision in an area designated as medium to high density residential per the current Comprehensive Plan.*

Supervisor Borland indicated many of his concerns about traffic were alleviated, and he hoped to see the left turn lane as they moved into the phases of development.

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

// PUBLIC HEARING – REQUEST FOR SPECIAL USE PERMIT FOR DOLLAR GENERAL ON MARYSVILLE ROAD

PL-15-41 Request by Aaron Dickerson, agent for Tanya Price, for a special use permit to construct and operate a Dollar General store on property zoned Business – Limited Commercial. The property is on the northeast intersection of Wards Road and Marysville Road and is located in an area designated as medium to high density commercial per the current Comprehensive Plan.

Ms. Shackelford reviewed the staff report indicated this request for a special use permit was to construct and operate a Dollar General on property zoned Business – Limited Commercial (use not permitted by right). The 1.61 acre tract was located on the northeast corner of intersection between Marysville Road and Wards Road in the Spring Hill Election District. The applicant would like to construct a 9,100 square foot Dollar General store on the property. The Project Evaluation Committee met on October 13, 2015, and the major concern was that in order to meet the site distance requirements, the entrance onto the property would need to be moved to the rear of the property. The applicants revised their original layout to accommodate that requirement. Initially, the request had the entrance much closer to Wards Road, and that entrance was denied by VDOT.

The area was commercial in nature, and the zoning in the vicinity was Residential – Single Family, Residential – Multi Family and Business – Limited Commercial. Marysville Road would serve the property, and the new store was estimated to attract 75 vehicles per day. The request did not require a traffic study. The property would be served by public water, and a private septic system.

The Planning Commission approved the request by a vote of 7-0 citing good zoning practice and recommended the applicant develop the property in substantial conformance to the site plan presented with the request and that a privacy fence and a vegetative buffer would be installed along the north and east property lines.

Norm Walton of Perkins & Orrison, 27 Green Hill Drive, Forest, was representing the applicant, Aaron Dickenson, who could not attend the meeting due to his sick wife. A General Dollar store was planned for the site that would be open from 8 a.m. to 8 p.m. The lighting on the site would be turned on one-half hour before opening and turned off one-half hour after closing. The security lighting would be left on after hours. There was some concern from the neighbors across the road about headlights directed at their homes. He was willing to meet with any of the neighbors.

The entrance was a concern at the Planning Commission meeting, and they have worked with VDOT to locate the entrance. The stream buffering was being worked into the site design now, and he has talked with Mr. Winston about the concern he had about some work that was going on at the site. His survey party has been on site to prepare the topographical and geotechnical designs as well as utility location. Mr. Winston believed they had encroached onto

his property, and they would work with him to resolve that issue. The site would be served by public water, and a private septic system.

Chairman Zehr opened the public hearing at 6:50 p.m. and called for comments in favor of or in opposition to the proposed special use permit.

Michael Pedrow, 73 Marysville Road, lives directly across the street and was concerned about headlights onto his property and if there was enough room for tractor trailers to bring merchandise in and out of Marysville Road without encroaching upon his property. He was also concerned about the safety of driving on Marysville Road indicating drivers currently speed on that road.

Lewis Winston, 80 Marysville Road, was completely opposed to the project until he spoke with Mr. Walton. His property joined this property, and a privacy fence would be appreciated. Another neighbor, Chris Yeatts, was also concerned about a privacy fence. Mr. Winston indicated the workers were already using his driveway because the property did not have one.

Tanya Price, 4447 Marysville Road, was the property owner. She purchased the property two to three years ago with the intent to locate her thrift store there, but then she received the offer from Dollar General. She supported the placement of a Dollar General on the property as it created jobs and increased revenue in the County. She did not believe their hours would interfere with anyone, and agreed in the winter months there would be a few hours when customers would have their headlights on. Privacy fences were already included in the plans for the adjacent neighbors. Ms. Hall hoped the Board would look favorably on the request.

Tammy Keese, 3737 Moons Road, works for Team Nurse and has a number of clients in the Marysville Road area that would enjoy access to the new Dollar General for staples or medical supplies in case of an emergency. She thought it would be good for the community and the elderly. She supported the special use permit.

Wanda Hall, 4475 Marysville Road, agreed with Tanya and Tammy and believed the Dollar General would benefit her and the elderly in the community. Her husband is disabled and she had to run the errands so it would definitely benefit her.

John Ervin, 28 Tranquil Road, Rustburg, was friends with the owner and pointed out that from this location Altavista was a 30 minute drive and Lynchburg was a 30 minute drive. This would be the only dollar store within 10 to 15 miles of their location so it was a prime location for the local community. Because the store would be closing by 8 p.m., he did not believe the headlights would be a problem. The developer was working with all the neighbors to solve any issues.

Dean Dalton, 265 Marysville Road, was concerned about children in the area because Marysville Road was a high traffic area with a lot of people speeding. The speed limit was 45 mph, but drivers were going 55 or 60 mph. They had had a quiet neighborhood for over 50 years. He used to drive a tractor trailer, and he knew coming in and off Route 29 would not be easy. Mr. Dalton asked the Board to consider the children and traffic including the school buses.

Dorothy Kerr, 107 Marysville Road, lives by herself and after every weekend, she has to pick up trash and beer cans from her yard. She agreed with other comments that it would be difficult for tractor trailers to come in off Route 29. She thought a turn lane would be necessary. Mrs. Kerr was also concerned about the traffic and safety issues with school buses and tractor trailers.

Vicky Pedro, 73 Marysville Road, indicated they were told at the Planning Commission meeting that the outside lights would be turned off leaving just the security lighting at 30%. At 10:30 p.m. one night someone was drilling on the property and the lights were shining right into their windows.

Chairman Zehr offered the applicant an opportunity to respond.

Norm Walton indicated they have done a computer model of the property to determine how the tractor trailers would enter and exit the property. There was adequate room for loading and unloading without damaging any adjacent properties. This would attract traffic, and they were as close to Route 29 as they could get which made it an attractive location for the developer. He apologized for the drilling late at night and would address this with the developer. He also promised to meet Mr. Winston at the site the following morning and was willing to meet with any of the other neighbors to address any concerns.

Hearing no further comments, the public hearing was closed at 7:19 p.m.

Supervisor Borland believed this was a good location for the Dollar General that would not cause a lot of traffic issues because of its close proximity to Route 29. He offered a motion to approve the special use permit.

*On motion of Supervisor Borland, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice **APPROVES** Request #PL-15-14 by Aaron Dickerson, agent for Tanya Price, for a special use permit to construct and operate a Dollar General store on property zoned Business – Limited Commercial on the northeast intersection of Wards Road and Marysville Road in an area designated as medium to high density commercial per the current Comprehensive Plan.*

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

// PUBLIC HEARING – REQUEST FOR SPECIAL USE PERMIT ON SWINGING BRIDGE ROAD

PL-15-43 Request by Hope Wright for a special use permit to operate a wedding and special events business on property located at 2681 Swinging Bridge Road. The property is zoned Agricultural and is located in an area designated as rural per the current Comprehensive Plan.

Ms. Shackelford indicated this request for a special use permit was from Hope Wright to host special events including weddings and receptions on her property at 2681 Swinging Bridge Road in the Brookneal Election District. The property contained 31 acres and was zoned agricultural. The applicant was planning on providing the venue for events and coordinating with other vendors to provide the other needed services for the events.

The area was rural in nature; the zoning in the vicinity was Agricultural. Swinging Bridge Road served the property, and the request would not have an impact on daily traffic counts unless an event was taking place on the property. No traffic study was required. The property would be served with private water and private septic systems. The applicant planned to rent portable restroom facilities during events. The Planning Commission recommended approval of the request by a vote of 7-0 citing good zoning practice.

Hope Wright, 2681 Swinging Bridge Road, indicated she has had an opportunity over the last couple of years to host several weddings for friends and family. She recently built a barn for coverage during rain. She was requesting a special use permit to continue offering the service. She has seven local vendors to provide services for the events.

Chairman Zehr opened the public hearing at 7:24 p.m. No one spoke in favor of or in opposition to the request for a special use permit. The public hearing was closed at 7:24 p.m.

Supervisor Puckett commented the property was beautiful, and Mrs. Wright did an excellent job on the events. There was plenty of grass for parking. As a side note, his parents used to live in the home on that property when he was born. He offered the following motion to approve the special use permit.

*On motion of Supervisor Puckett, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **APPROVES** Request #PL-15-43 by Hope Wright for a special use permit to operate a wedding and special events business*

on property located at 2681 Swinging Bridge Road on property zoned agricultural and located in an area designated as rural per the current Comprehensive Plan.

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

// PUBLIC HEARING – SHENTEL FRANCHISE EXTENSION

Kristin Wright, Staff Attorney, indicated Shentel has been the County's cable television provider since 2010 when they purchased Jet Broadband. The franchise agreement, incorporating the cable television ordinance found in Chapter 20 of the Campbell County Code, expired on December 31, 2015. Shentel has proposed to renew the franchise for fifteen years or December 31, 2031. The proposed agreement would extend the agreement under the same terms as currently exist which incorporate all provisions of the ordinance. Staff was not aware of any other provider desiring to enter into a franchise at this time.

Earlier this year, when the extension was first proposed, the Board indicated there were items outstanding under the terms of the existing franchise agreement. The County and Shentel agreed to wait until they were addressed to extend the franchise. Specifically those matters and the response from Shentel were outlined as follows:

1. Residence on Lawyers Road seeking service – **Shentel was unable to provide/not cost effective;**
2. Residences in Hickory Hill subdivision – **Shentel unable to provide/not cost effective. Due to underground utilities Shentel indicates it is highly unlikely that they would ever extend service to this area;**
3. County Citizen Services Building – **Shentel would build an underground line to provide cable television services to the building.**
4. Residences on Browns Mill Road – **Shentel will fund up to \$50,000 to extend services, and residents would have to fund the remaining \$60,000 to complete the work per Shentel estimate;**
5. Residence on Oxford Furnace – **Shentel estimates at \$21,000 to build.**

State Code requires the franchise agreement be fifteen years. A public hearing was recommended because minor provisions of the County's cable ordinance at Chapter 20 would need to be updated to reflect the new dates and because it was a matter of potential public interest.

Chris Kyle of Shentel indicated they have built out new cable service to 780 homes and 34 businesses over the last two years. This would include internet and phone service. However, there were locations on Lawyers Road, Hickory Hill subdivision, Browns Mill Road and Oxford Furnace that did not meet their density requirements for a return on investment. Mr. Kyle added that if the property owners contributed to the build or found other ways to fund the construction, Shentel would consider those avenues.

Mr. Kyle further advised Shentel would build the line to the Citizen Services Building to provide cable television service as part of the franchise renewal. When the County bids out internet services, they hoped to bid on those services. In answer to suggestions by the Board, Mr. Kyle expressed interest in working with the developers on new subdivisions or developments to put in the cable lines at the beginning of the project. When they had to go back and add it underground after the fact, it was too cost prohibitive. Administrator Rogers added that staff through the Project Evaluation Committee would reach out to Shentel during the planning process. Supervisor Goldsmith pointed out that if Shentel builds a line in an area, such as Leesville Lake, it may encourage development. Mr. Kyle responded he was sending an engineer down to Leesville Lake to make an assessment for cable services.

While Shentel was primarily a wired cable and internet provider, Mr. Kyle confirmed Shentel was moving into wireless services by purchasing Ntelos. They were going to rebuild the 4G component, and it would be rebranded as Sprint. Mr. Kyle concluded by saying Shentel wants to grow and intends to continue growing its business in Campbell County.

Supervisor Good commented he was a Shentel customer and was recently in the Shentel office where he received excellent customer service on a personal matter. However, he could not vote in favor of the contract renewal without a definitive answer regarding the establishment of service in the neighborhoods of Hickory Hill, Spring Meadow and Summerdale. Supervisor Good would like to advise the constituents in those areas when they might expect service. Mr. Kyle indicated there was no hope to bring service to those areas because the cost of the infrastructure was prohibitive. The only hope would be if funding was made available through a grant program such as Century Link Connect America to dig up those areas to install the underground cabling. While he was disappointed by Mr. Kyle's answer, Supervisor Good indicated he would vote in favor of the contract renewal in order to permit cable service in the County as Shentel was the only interested service provider.

Chairman Zehr opened the public hearing at 7:46 p.m.

Michael Rynard, 582 Village Highway, Rustburg, Virginia complained that Shentel has raised rates every year since taking over Jet Broadband and now charges rent for equipment that was previously provided. In addition, Shentel has also required him to purchase more broadband than he wanted. He thought it was a bad idea to approve another 15-year franchise.

Travis Bullock, 115 Browns Mill Road, Rustburg, indicated he lived in the black hole for internet services. He was only one mile from Route 29, and there were at least 20 homes along Browns Mill. Mr. Bullock predicted at least half of them would subscribe to cable if it was offered. When he asked Shentel about providing service, he was told it would cost \$110,000 to run the line, and he would have to pay \$50,000 of the cost. He and his wife, a school teacher, could not afford to pay this amount for service. He believed Shentel was making a lot of profit and should be offering the citizens more.

In response to the public comment, Mr. Kyle indicated his dismay that the television networks have raised rates forcing them to pass the increases to the consumers. He could foresee a day when Shentel was out of the cable television business and just provided internet. In addition, the networks also dictate where the channels were placed. Mr. Kyle commented they did not make any money on the cable side of the business. He personally wished they were out of the cable business which was where they received the most complaints. In conclusion, Mr. Kyle indicated the build on Browns Mill Road would require 9,000 feet and the replacement of nine (9) telephone poles. It was expensive.

The public hearing was closed at 7:58 p.m.

Supervisor Rousseau expressed frustration the County only had one provider to choose from; therefore, the Board had very little choice for cable providers. In addition, the State authorizes the County very little latitude in the contract negotiations. He was considering abstaining from the vote. Administrator Rogers reiterated Shentel had complied with all regulations outlined in the ordinance. Supervisor Borland offered the following motion:

On motion of Supervisor Borland, it was resolved the Board of Supervisors adopts new amendments to Chapter 20 of the Campbell County Code of 1988 as advertised, and adopts the following resolution to renew the cable television franchise with Shenandoah Cable Television, LLC (Shentel):

**RESOLUTION OF THE COUNTY OF CAMPBELL, VA APPROVING THE RENEWAL
OF THE CABLE TELEVISION FRANCHISE WITH
SHENANDOAH CABLE TELEVISION, LLC (“SHENTEL”)**

WHEREAS, Shenandoah Cable Television, LLC (“Franchisee”) owns, operates, and maintains a cable television system (“System”) serving the County of Campbell, VA pursuant to a franchise agreement which expires on December 31, 2015 (the “Franchise”) issued by the County of Campbell, VA (the “Franchise Authority”), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee has filed such notification that its cable franchise will be renewed by an ordinance cable franchise not more than one year in advance of the expiration date of its existing franchise; and

WHEREAS, Franchisee has represented that it will comply with the terms and conditions of the Franchise; and

WHEREAS, the Franchise Authority, through its Board of Supervisors, has voted at its duly-noticed meeting, following a public hearing, on January 5, 2016 to authorize the renewal of the Franchise granted to franchisee.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby consents to the renewal of the Franchise for a term of fifteen years, all in accordance with the terms of the Franchise as originally executed and all applicable law, and Franchisee will comply with the terms and conditions of the Franchise.

SECTION 2. The Franchise Authority confirms that the renewal term of the Franchise shall be for a term of fifteen (15) years deemed to have commenced on January 1, 2016 and terminating on December 31, 2030.

SECTION 3. The Franchise Authority agrees that the pledge of, or grant of a security interest in, the Franchise to any lender(s) of Shenandoah Cable Television, LLC or its affiliates, for the purpose of securing indebtedness, shall not require the consent of the Franchise Authority.

SECTION 4. This Resolution shall serve for all intents and purposes as an amendment extending the original Franchise Agreement and all its terms and conditions.

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

// CPMT APPOINTMENT – HEALTH DEPARTMENT REPRESENTATIVE

The Campbell County Community Policy Management Team (CPMT) currently had a vacancy for a Health Department representative due to the retirement of Patricia Read. The CPMT nominated Ruby Jones who has worked as a nurse for the Health Department for over 35 years. She holds a Bachelor's degree in Nursing and resided at 190 Irvington Springs Road, Lynchburg, Virginia 24503. Traditionally, the Board of Supervisors appoints new members to the CPMT in accordance with State Code.

Supervisor Puckett offered a motion to appoint Ruby Jones.

On motion of Supervisor Puckett, it was resolved the Board of Supervisors appoints Ruby Jones, 190 Irvington Springs Road, Lynchburg, Virginia 24503, to the Campbell County Community Policy Management Team as the Health Department representative effective January 27, 2015.

Supervisor Rousseau believed a County resident should be representing the County on the CPMT. He offered a substitute motion:

On motion of Supervisor Rousseau, it was resolved the Board of Supervisors rejects the appointment of Ruby Jones, 190 Irvington Springs Road, Lynchburg, Virginia 24503, to the Campbell County Community Policy Management Team as the Health Department representative due to her residency.

Administrator Rogers indicated Mrs. Jones was well qualified as she had over 35 years with the Campbell County Health Department. The CPMT believed Mrs. Jones had the qualifications necessary to not only represent the Health Department but to review the difficult cases handled by the CPMT. Mike Daly, Director of Youth, Adult and Community Services, added Mrs. Jones had served on other policy management team and the recommendation was based on her experience and knowledge.

The vote on the substitute motion was:

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

Because the substitute motion failed, a vote was taken on the original motion:

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

// INDUSTRIAL INCENTIVES – CHILI’S RESTAURANT

Mike Davidson, Director of Economic Development, indicated the Board on December 2, 2014 approved by consensus in closed session local incentive funding to Chili’s (Chesapeake Restaurant Group) in the amount of \$105,300. These incentives were recommended based on the County’s Incentive Policy.

The Chili’s restaurant would consist of a \$1.7 million capital investment in the building and improvements including the parking lot. There would be a \$700,000 capital investment in furniture, fixtures & equipment. There would be employment opportunities for over 120 jobs, many of which would be part-time. Annual sales were projected at \$3 million per year.

The project qualified for \$30,000 of stimulus grant incentives based upon the capital investment and \$75,300 in infrastructure assistance based upon the net new sales tax revenue the project would generate for Campbell County from annual sales tax revenue. Chesapeake Restaurant Group would pay the availability and capacity fees to CCUSA, and the County would incrementally reimburse them for the fees over four payments. The first payment would be the \$30,000 stimulus grant which would be paid when the restaurant was open. The County would follow with two annual infrastructure grant reimbursements of \$30,000 each and then a final payment of \$15,300 to cover the \$105,300 in infrastructure fees. A performance agreement would be required and annual compliance would be verified before payments were made.

Based upon the stimulus grant incentive, the return on investment would be 2.04 years. The funds used for the infrastructure assistance grant actually pays for replacing capacity in CCUSA’s system and was considered a user fee by CCUSA. Campbell County would forgo a portion of sales tax revenue but would have the capacity in the system for future development and after year three would begin to accumulate approximately \$30,000 per year in sales tax revenue based upon \$3 million in annual sales.

On motion of Supervisor Borland, it was resolved the Board of Supervisors approves in open session the incentives for Chesapeake Restaurant Group (Chili’s), authorizes the County Administrator to sign all documents necessary to complete the transaction, and approves a supplemental appropriation in the General Fund, appropriating \$105,300 to Economic Development Incentives Chili’s; and lowers the General Fund Undesignated Fund Balance, by \$105,300, for incentives for Chili’s according to the Industrial Incentive Policy.

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

// APPOINTMENTS – PUBLIC SAFETY COMMITTEE, EMSAC AND FAC

Public Safety Committee

Recommendations were presented to the Board to appoint the Fire and Rescue Liaisons to the Public Safety Committee as required by the Public Safety Strategic Plan. As per the approved reorganization, the Public Safety Committee includes law enforcement leaders, the Director of Public Safety, a volunteer fire liaison, a volunteer rescue liaison, the County

Administrator and two Board of Supervisors members. The EMSAC and FAC make the recommendations to the Public Safety Committee.

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors accepts the recommendations and appoints Roger Vassar, former Rescue Captain for Citizens Rescue Squad, to serve as the Volunteer Rescue Liaison and Bill Bigham, former Fire Commissioner, to serve as the Volunteer Fire Liaison for the Public Safety Committee for a two year period ending December 31, 2017.

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

EMSAC and FAC

The EMS Advisory Committee (EMSAC) and Fire Advisory Committee (FAC) were created in accordance to the Public Safety Strategic Plan. The Strategic Plan and Public Safety reorganization allowed for citizen representation on the committees. City representation would provide another perspective of emergency service delivery by giving the customer view.

The criteria used to select the citizens included volunteer rescue and fire input plus diversity of geographic residence of the new members. There are two citizens representatives needed for both the EMSAC and the FAC Committees for a term of two (2) years.

On motion of Supervisor Rousseau, it was resolved the Board of Supervisors accepts the recommendations and appoints the following as members of the EMSAC and FAC for a two year term ending December 31, 2017:

EMSAC
Karen Maddox
Larry Barbour

FAC
Celia Hudnall
Don Baker

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

// APPOINTMENT OF BUILDING OFFICIAL

The County Code establishes the position of Building Official and provides that the individual shall be appointed by the County Administrator with confirmation by the Board of Supervisors. Joseph Heddings retired from the position on January 1, 2016 after 12 years of service in that role.

Gary McIver accepted the position of Building Official effective January 1, 2016. Mr. McIver had over twenty (20) years of experience in local government as an inspector and Building Official previously with Bedford County. He also had more than a decade of experience in private-sector construction. Mr. McIver assured the Board he wanted to be proactive in working with contractors to keep building projects moving along and insuring compliance with all building and code requirements. He believed in educating builders and homeowners alike to let them know the requirements because many were not familiar with the building regulations. Mr. McIver commented he would work with his staff to maintain consistency among all projects and would like to see consistency in inspections in the region.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors confirms the appointment of Gary McIver as Building Official for Campbell County effective January 1, 2016.

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

// CAMPBELL COUNTY TRAINING SCHOOL – ROSENWALD REQUEST

The board would recall that on May 5, 2015 and again on September 1, 2015 representatives of the Rosenwald Committee appeared before the Board of Supervisors to discuss their interest in the County owned properties located on Village Highway, across from Long Mountain Grocery. The property consists of 8.95 acres with five structures and a well.

The local chapter of the NAACP identified the buildings on the property as Rosenwald Schools and formed a Rosenwald Project Committee. The Committee has met regularly and has an active interest in and plan for the restoration of the facilities. The Committee has registered with the State Corporation Commission as the Campbell County Training School Complex and they were in the process of obtaining their 501(c)3 status.

At the September 1st meeting of the Board, the Committee asked the County to transfer the property in question to the Rosenwald Committee. All of the structures, which currently were used for County storage and the full 8.95 acres were requested. A public hearing would be required prior to any action to transfer the property. Staff has identified options to meet the storage needs should the property be transferred. Specifically, equipment would be housed at the County landfill facility and within structures at Timbrook Park. The park structures would require some repair/renovation but funds were available with the Timbrook Park development CIP to meet this need.

A motion was offered to advertise a public hearing to receive public comment on the transfer of some or all of the property to the Rosenwald Committee. The Board may need to retain some of the property for other County uses.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors authorizes staff to advertise a public hearing in accordance with Virginia Code Section 15.2-1800 to consider the donation of some or all of the properties known as the Campbell County Training Schools to the Rosenwald Committee.

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

// CONSENT AGENDA

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

- a. Appropriations –
 1. General Fund, Non-Departmental Expenses, deleting \$600 from Budget Set Aside, and appropriating the same to Magistrates, Furniture & Fixtures, to purchase a backup fax machine and new desk chair for the Magistrate's Office;
 2. School Operating Fund, Pupil Transportation, appropriating \$312,000 to Replacement of Buses, and deleting \$100,000 from Comp Bus Driver Reg Trips, \$122,000 from Gas, Oil, Lube and \$90,000 from Comp Bus Aides, to purchase buses by utilizing savings from lower fuel costs and vacancy savings;
 3. General Fund, Detention, appropriating \$22,964 to Refunds to State; and lowers the General Fund Undesignated Fund Balance, by \$22,964, to return grant funds not expended;
 4. General Fund, Economic Development, appropriating \$85,320.49 to Tobacco – Central VA Produce Grant; and raises revenue line, Tobacco – Central VA Produce Grant, by \$85,320.49, grant funds from Tobacco Commission for the Central Virginia Produce, Livestock & Feed Storage Systems Program;
 5. General Fund, Economic Development, appropriating \$48,813.65 to Tobacco – Central Virginia Produce Grant; and raises revenue, Tobacco – Central VA Produce Grant, by \$48,813.65, grant funds from Tobacco Commission for the Central Virginia Produce, Livestock & Feed Storage Systems Program;

6. CIP Fund, Future Improvements, appropriating \$6,168.62 to Reserve for Future Improvements; and lowers the Unassigned Capital Improvement Fund Balance, by \$6,168.62, to bring the unassigned fund balance for the CIP back to zero;
7. School Operating Fund, Special Ed 94/142, appropriating \$27,385.99 to Comp Teacher Aides, \$2,970.95 to Stipends, \$46,055.68 to Employer Cost FICA, \$63,840.65 to Employer Cost VRS, \$8,850.50 to Employer Cost Health Ins, \$7,695.76 to Employer Cost Group Life Insurance and \$122.80 to Employer Cost Disability Insurance; and deletes \$104,478.30 from Comp Spec Ed Teachers; and raises revenue, Idea 611 Flow Thru-Spec Ed 94/142, by \$52,444.03, supplemental appropriation for Federal Spec Ed grant award allocations;
8. School Operating Fund, Title II-A Improve Tea Quality, appropriating \$12,491.83 to Comp Elementary Teachers, \$3,554.47 to Comp Elementary Substitute Teachers, \$2,096.33 to Employer Cost FICA, \$13,626.49 to Employer Cost Health Ins, \$2,164.84 to Purchased Services, \$500 to Travel, \$11,086.80 to Materials & Supplies, and deleting \$15,500 from Stipends, \$453.14 from Employer Cost VRS, \$55.49 from Employer Cost Group Life Insurance and \$100 from Employer Cost Disability Insurance; and raises estimated revenue, Title II Teacher Quality (NCLB), by \$29,412.13, supplemental appropriation in accordance with the approved federal grant application;
9. School Operating Fund, Preschool Handicapped, appropriating \$672 to Comp Pre School Teachers Reg Spec Ed; and raises estimated revenue, Preschool Handicapped Special Ed, by \$672, supplemental appropriation for grant;
10. School Operating Fund, Voc Ed CB Perkins Grant, appropriating \$6,282.86 to Capital Outlay Replacement, and deleting \$5,000 from Other Cost Miscellaneous; and raises estimated revenue, C B Perkins Voc Ed Grant, by \$1,282.86, supplemental appropriation for grant;

b. County Attorney invoice –

Approves payment to the County Attorney in the amount of \$9,500.10 for legal services rendered in December 2015;

c. Engine Replacement for EMS Vehicle –

Approves replacing the engine in a 2012 Ford F-450 Osage in the amount of \$16,591.78, and approves a transfer of appropriation in the CIP Fund, deleting \$16,591.78 from Reserve for Future Improvements and appropriating the same to the CIP Fund, Public Safety, EMS Apparatus/Facility Replacement Program, for a career ambulance purchased in 2012 with 138,000 miles.

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

// APPOINTMENTS

Industrial Development Authority

On motion of Supervisor Borland, it was resolved the Board of Supervisors appoints Kenneth Brown, Brown Machine Company, 223 Liberty Lane, Evington, Virginia 24550, to a four year term beginning March 18, 2016 until March 17, 2020 on the Industrial Development Authority for the Spring Hill Election District.

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

Tri-County Lakes Administrative Commission (TLAC)

On motion of Supervisor Rousseau, it was resolved the Board of Supervisors reappoints Supervisor Stanley I. Goldsmith and Frank J. Rogers, County Administrator, for one year ending January 31, 2017 on the Tri-County Lakes Administrative Commission (TLAC).

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

// MATTERS FROM THE BOARD

Landfill Odors

Chairman Zehr initiated a discussion of the odors from the Regional Landfill indicating the residents on Calohan Road were living with smells that were intolerable. Administrator Rogers reviewed the current strategies by the landfill to mitigate the odors, but commented there was more they could do operationally. County staff was working with them on additional berms, keeping water out of the landfill and a gas extraction system. One resident, Jon Hardie, has asked to address the Board at its February 2nd meeting.

VACo Conference

Supervisor Borland thanked the Board for the opportunity to attend the Virginia Association of Counties Conference in November 2015. He was able to learn a great deal and thought the conference was profitable. William Howell, the Speaker in the House of Delegates, was a presenter and gave a number of good ideas.

// CLOSED MEETING

On motion of Supervisor Gunter, it was resolved the Board of Supervisors enters into a closed meeting at 8:34 p.m. to discuss a company considering locating or expanding in Campbell County, in accordance with the prospective business exemption §2.2-3711 (A)(5) 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 5th day of January, 2016 at 8:34 p.m. to discuss a company considering locating or expanding in Campbell County, in accordance with the prospective business exemption §2.2-3711 (A)(5) of the Code of Virginia, as amended.

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 5th day of January, 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 Puckett, the meeting was adjourned at 8:48 p.m. until Tuesday, January 19, 2016 for a joint dinner meeting with the Town Councils of Altavista and Brookneal at Colonial Restaurant, Rustburg, Virginia.

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

ERIC R. ZEHR, CHAIRMAN

Approved: _____