

BOARD OF SUPERVISORS MEETING

December 7, 2009

The regular meeting of the Campbell County Board of Supervisors was held on the 7th day of December 2009 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Charles W. Falwell, Chairman, Presiding	Timberlake Election District
Stanley I. Goldsmith	Altavista Election District
Eddie Gunter, Jr.	Concord Election District
Hugh T. Pendleton, Jr.	Rustburg Election District
J. D. Puckett	Brookneal Election District
Hugh W. Rosser	Seneca Election District
Steven M. Shockley	Sunburst Election District

R. David Laurrell, County Administrator
Clifton M. Tweedy, Deputy County Administrator
David W. Shreve, County Attorney
Kristin B. Wright, Staff Attorney

The meeting was called to order at 7:00 p.m., and Supervisor Pendleton gave the invocation.

// APPROVAL OF MINUTES

On motion of Supervisor Pendleton, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the November 2, 2009 regular meeting, the November 8, 2009 Virginia Association of Counties Conference minutes, and the November 16, 2009 regular meeting as presented.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

// PUBLIC HEARING – 2009-2024 COMPREHENSIVE PLAN

The first public hearing was opened at 7:02 p.m. Mr. Tweedy reviewed the rules for public hearings. Speakers would be timed with individuals receiving three minutes and groups receiving five minutes.

Paul Harvey, Director of Community Development, indicated this public hearing was to consider adoption of the 2009-2024 Comprehensive Plan. The current draft of the Comprehensive Plan was essentially the same version distributed in the spring with the exception of the land use map of the Evington area which now included an expanded rural area. The current version also included minor updates to reflect the completion of the Rustburg to Concord water line, the completion of the Phase 1 and Phase 2 Sewer Master Plan and the draft VDOT Route 29 Corridor Study recommendations as well as additional transportation maps.

Although there was not unanimous agreement on the land use map, the Planning Commission thought the overall plan was sound and recommended it for adoption by the Board of Supervisors by a vote of 7-0.

No one else spoke in favor of or in opposition to the proposed Comprehensive Plan. The public hearing was closed at 7:05 p.m.

In response to a question by Supervisor Gunter, Mr. Harvey reviewed all three of the land use maps. The third version that was advertised provided for the most rural area in the Evington area. Supervisor Gunter was concerned that increasing the rural area of the County would be a signal that Campbell County was not interested in development in that area. Mr. Harvey agreed that designated rural areas were generally not consistent with public utilities or the investment in

infrastructure. Supervisor Gunter was concerned that moving in this direction could limit the potential of what the County could do to generate additional revenues in the future.

Supervisor Goldsmith understood that transitional areas were supposed to be a buffer between areas of low development and higher development. When he first came on the Board, he heard very clearly the Board's priority to recognize what the County already had. He gave the Board credit for recognizing that much of the Evington area was still very much rural and agricultural. One of the Board's priorities from the recent planning session was to encourage agriculture. He believed the adoption of the land use plan was a great step forward in recognizing and appreciating the importance of agriculture and the new land use map would not be a hindrance to any future development.

Supervisor Pendleton realized there were some properties in the Evington area that would probably remain the same for a long time, but at the same time there were citizens in that area that wanted County water and high speed internet. If the citizens did not want development in that area, he wanted them to realize the area would not support those types of amenities. While Supervisor Pendleton was not sure increasing the rural area was the right way to go, he would not vote against it if this was what the citizens wanted.

Supervisor Rosser always used the Comprehensive Plan as a guide for development in the County. While the plan was not perfect, he knew that if there was something that needed to be changed, the Board would adopt changes to develop the County in the best way possible. He believed the proposed plan was a good one.

Supervisor Puckett agreed with Supervisor Rosser that we had a good Comprehensive Plan. He had sat in on all the meetings with the Planning Commission, and this plan reflected the wants of the citizens.

Supervisor Gunter requested clarification from the County Attorney on approving rezoning requests that were not consistent with the Comprehensive Plan. Mr. Shreve reminded the Board they needed to follow the Comprehensive Plan as a general guide for land use development, but that did not mean the Board could not make an exception or grant a variance if justified and there was infrastructure to support the request.

On motion of Supervisor Rosser, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and adopts the 2009-2024 Campbell County Comprehensive Plan.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// UPDATE OF CAMPBELL COUNTY CODE

The second public hearing opened at 7:17 p.m. on mandated and discretionary changes advertised to update the Campbell County Code. The bulk of the proposed amendments were mandated changes by the State. The changes to Chapters 21 and 22 were considered by the Planning Commission and approved 7-0 in favor of the proposed amendments. Kristin Wright, Staff Attorney, corrected a typographical error to Section 22-15 and Section 22-16 that stated that "sand, gravel and extraction of rock, except for surface extraction of sand and gravel as permitted by the Department of Mines on sites of land that are less than 10 acres and located on waters of the Commonwealth for which no special use permit will be necessary."

Chairman Falwell called for comments in favor of and in opposition to the proposed amendments.

Bill Withers, 611 Clearpoint Road, Lynch Station, lives in Runaway Bay, spoke in favor of an amendment that would allow the thinning of wildlife in a residential subdivision with a homeowners association and lots of five acres or more with a Department of Game and Inland Fisheries (DGIF) permit. He spoke at length about the problems with tick borne diseases in this part of Virginia. These ticks were transported by deer. If they do nothing, the deer population

would continue to grow increasing starvation among the herds and the influx of predators. The other alternative was to thin the herd reducing the potential for disease.

Mary Jane Banyi has lived at 1042 Runaway Bay Road on Leesville Lake for six years. Mrs. Banyi relayed her story of contracting a tick born disease and her long road to recovery. She has had to relearn to walk, to cook and make the bed. Other neighbors as well as a visiting granddaughter have also suffered from lyme disease.

Carmen Perri, 217 Indigo Run, has lived in Runaway Bay for three years having moved here from New Jersey. He was speaking as Vice-President of the Runaway Bay Homeowners Association and Chairman of the Safety Committee. In light of the serious illness suffered by a property owner and others that had contracted lyme disease, the homeowners of Runaway Bay could not sit back and do nothing. After doing extensive research, they learned that the tick borne diseases were very serious in this part of Virginia and the rates of sickness in Runaway Bay were much higher than normal rates. 95% of all ticks got their sustenance from white tailed deer. The DGIF reported there were 15-20 deer per square mile in Virginia, but they confirmed the resident deer population in Runaway Bay was somewhere between 120 and 140 deer per square mile. Runaway Bay has approximately 100 acres of community land made up of 12 parcels with 58 houses. While the Sheriff had reservations about the ordinance, he wanted to assure the Board they were not asking for open season to hunt, and this type of hunt would only be used as needed.

In answer to questions by Supervisor Goldsmith, Mr. Perri elaborated on the options available for controlling the deer population in a residential area. They currently have an archery program on community owned lands taking approximately 8 to 10 deer per year. They have applied for extended kill permits from DGIF to extend the archery season, but the results were not much better. As an incentive, the homeowners association pays \$65 for every deer in order to have it processed and donated to Hunters for the Hungry. He was not sure of all the requirements of the DGIF license, but would work with them to set up the parameters of the hunting. Mr. Perri has made arrangements with Hunters for the Hungry and they will supply refrigerated trailers in order to preserve any deer killed.

The public hearing was closed at 7:35 p.m.

Supervisor Puckett directed a question to Sheriff Gaddy that if this was approved, how the Sheriff's Department would be involved. Sheriff Gaddy indicated his department would not be involved at all as they would not know the direction of the shooting and what residence would be behind those bullets.

There was concern by several Board members that Runaway Bay had not already worked out the details of the hunts for presentation at this public hearing. The Board could not legally place any restrictions on a permit issued by DGIF. Suggestions from the Board included having sufficient liability insurance, a plan to notify the residents when a hunt would take place and regulating the type of firearms used. Mr. Perri assured the Board they would follow all the rules of the DGIF permit and would contact their insurance agent and legal counsel before any hunt would take place. Mr. Perri added they did not plan to do this as an every year program, but only until the deer population became more manageable and could be controlled with its archery program. After a discussion of these restrictions, the Board reached the conclusion that DGIF was experienced in regulating these types of permits and would establish the appropriate rules and regulations. The County would not incur any liability by authorizing DGIF to issue a permit within those designated areas.

On motion of Supervisor Shockley, it was Ordained the Board of Supervisors adopts the amendments to the Campbell County Code as advertised with the correction noted by the Staff Attorney to Section 22-15 and Section 22-16, as follows:

CHAPTER 2 – Administration.

No substantive changes -- code citations were updated throughout.

CHAPTER 4 – Animals and Fowl.

Citations were updated throughout.

- §4-7.1 [Control of dangerous or vicious dogs.] Add language allowing court to order restitution for injuries caused by dangerous or vicious dogs; **mandatory:** pursuant to 2009 state code amendment.
- §4-12 [Rabies inoculation of dogs and domesticated cats.] Add language clarifying that vaccination after summons does not relieve penalties; **mandatory:** pursuant to 2009 state code amendment.
- §4-22 [Payment of license tax subsequent to summons.] Revise section for clearer meaning; **mandatory:** pursuant to 2009 state code amendment.

CHAPTER 7 – Elections.

No substantive changes -- code citations were updated throughout.

CHAPTER 10 – Public Safety

No substantive changes -- code citations were updated throughout.

CHAPTER 13 – Health and Sanitation.

No substantive changes -- code citations were updated throughout.

CHAPTER 14 – Licenses and Permits.

No substantive changes -- code citations were updated throughout.

CHAPTER 15 – Motor Vehicles

Code citations were updated throughout.

- §15-8.3:2.1 [Parking tickets, penalty.] This section, previously 15-18.1, moved without change within the chapter to be closer to the other parking sections, **discretionary:** pursuant to recommendation of Staff Attorney.
- §15-9 [Vehicles required to be licensed--Situs; student owners; exemptions.] This section, along with others in the article, was substantially reorganized with no substantive changes. Existing subsections were reordered and renumbered, new subsection (b) was imported from Sec. 15-11, and subsection (g) was deleted as redundant; **discretionary:** pursuant to recommendation by County Administrator and Staff Attorney.
- §15-10 [Assessment of license fee.] This section, along with others in the article, was substantially reorganized with no substantive changes. Former subsection (c) was moved to Sec. 15-13(h), and new subsection (c) was imported from Sec. 15-13; **discretionary:** pursuant to recommendation by County Administrator and Staff Attorney.
- §15-11 [Amount of fee.] This section, along with others in the article, was substantially reorganized with no substantive changes. The section was combined with former Sec. 15-12, renamed, all subsections were renumbered, and one former subsection was moved to Sec. 15-9; **discretionary:** pursuant to recommendation by County Administrator and Staff Attorney.
- §15-12 [Same – Other motor vehicles, trailers, semi-trailers, etc.] This section was combined into 15-11 and is now reserved; **discretionary:** pursuant to recommendation by County Administrator and Staff Attorney.
- §15-13 [Limitations on imposition of motor vehicle license taxes and fees; exemptions and reductions.] This section, along with others in the article, was substantially

reorganized with no substantive changes. It was renamed, former subsection (h) became (b) and former subsection (j) became (c), all other subsections were renumbered, language was moved to Sec. 15-10, and the second paragraph of (h) was imported from Sec. 15-10; **discretionary: pursuant to recommendation by County Administrator and Staff Attorney.**

- §15-16 [Payment of personal property taxes prerequisite.] Rewrote section for clarity to mirror the state code; **mandatory: pursuant to 2009 state code amendment.**
- §15-23 [Definitions.] Rewrote the definition of “Abandoned motor vehicle,” deleted the definition of “Inoperable abandoned motor vehicle,” and added the definitions of “Garage”, “Garage keeper,” “Scrap metal processor” and “Vehicle removal certificate”; **mandatory: pursuant to 2009 state code amendment.**
- §15-25 [Search for owner and secured party; notice.] Rewrote the section in conformance with changes to the state code, renamed it and eliminated requirement for notice of publication; **mandatory: pursuant to 2009 state code amendment.**
- §15-25.1 [Vehicle Removal Certificates.] **NEW** - Establishes process for obtaining vehicle removal certificates for abandoned vehicles such that title may be obtained; **mandatory: pursuant to 2009 state code amendment, and added for conformance with state code.**
- §15-27 [Vehicles abandoned in garages.] **REPEALED** – Revision of the definition of abandoned motor vehicle in 15-23 and related sections within this article obviated need for this separate section; **mandatory: pursuant to 2009 state code amendment, and repealed for conformance with state code.**
- §15-29 [Surrender of certificate of title, etc., where motor vehicle acquired for demolition; records to be kept by demolisher or scrap metal processor.] Rewrote the first two paragraphs to add scrap metal processors, and added language outlining standards for record-keeping by demolisher or scrap metal processor; **mandatory: pursuant to 2009 state code amendment.**
- §15-31 [Vehicles abandoned on private property other than garages; notice to owner of vehicle requiring removal.] **REPEALED** – Revision of the definition of abandoned motor vehicle in 15-23 and related sections within this article obviated need for this separate section; **mandatory: pursuant to 2009 state code amendment, and repealed for conformance with state code.**
- §15-51 [License application; due date; information required.] Changed March to May as due date for license applications for auto graveyards or junkyards to match those for other business licenses; **discretionary: pursuant to request by Commissioner of Revenue.**

CHAPTER 16 – Offenses, Miscellaneous

Code citations were updated throughout.

- §16-11.5 [Obstructing justice; penalties.] Add animal control officers to those against whom defendants can be charged for obstructing; **mandatory: pursuant to 2009 state code amendment.**
- §16-15 [Definitions.] Rewrote the definitions of “Bar or lounge area” and “Restaurant,” substituted “assisted living facility” for “adult care residence” in the definition of “Health care facility,” deleted “restaurant” from the definition of “Public place,” and corrected punctuation throughout; **mandatory: pursuant to 2009 state code amendment.**
- §16-16 [Purpose and intent; exception re Department of Corrections.] Minor syntax changes; **mandatory: pursuant to 2009 state code amendment.**

- §16-17 [“No Smoking” areas.] Added hospital emergency rooms, local or district health departments, polling rooms, public restrooms in any government building, the interior of a licensed child day center that is not also used for residential purposes, and public restrooms of health care facilities to list of no smoking areas; **mandatory: pursuant to 2009 state code amendment.**
- §16-17.1 [Smoking in restaurants prohibited; exceptions; posting of signs; penalty for violation.] **NEW** – Conforms to state law banning smoking in restaurants, outlines exceptions and requirements for proprietors; **mandatory: pursuant to 2009 state code amendment, and added for conformance with state code.**
- §16-18 [Designation of "no smoking" areas in buildings owned or leased by Campbell County.] Corrects cross-reference; **mandatory: pursuant to 2009 state code amendment.**
- §16-19 [Exceptions.] Deleted bars, lounges and restaurants, and added “private work places”; **mandatory: pursuant to 2009 state code amendment.**
- §16-20 [Responsibility of building proprietors and managers.] Added new cross-reference; **mandatory: pursuant to 2009 state code amendment.**
- §16-22 [Posting of signs.] Deleted “conspicuous to ordinary public view” from the end of the sentence; **mandatory: pursuant to 2009 state code amendment.**
- §16-23 [Enforcement; penalty.] Added language re disposition of penalty funds; **mandatory: pursuant to 2009 state code amendment.**
- §16-24 [Construction of article with respect to other applicable law.] Slight revisions for clarity; **mandatory: pursuant to 2009 state code amendment.**
- §16-26.1 [Prohibiting outdoor shooting of firearms in certain areas.] Added new cross-reference; **discretionary: pursuant to request by RBHOA.**
- §16-26.3 [Exceptions to prohibition against outdoor shooting of firearms in certain areas.] **NEW** – Allows shooting by HOAs in possession of DGIF license only, for purposes of thinning wildlife on tracts of 5 acres or larger with permission; **discretionary: pursuant to request by RBHOA.**
- §16-30 [Reimbursement of expenses incurred in responding to DUI incident and other traffic incidents.] Added language increasing ability of county to obtain reimbursement via restitution or civil litigation for law enforcement and emergency services to obtain reimbursement from drivers charged or convicted with certain driving offenses; **mandatory: pursuant to 2009 state code amendment.**

CHAPTER 17 - Personnel

No substantive changes - code citations were updated throughout.

CHAPTER 18 - Utilities

No substantive changes - code citations were updated throughout.

CHAPTER 21 – Subdivision of Land

No substantive changes - code citations were updated throughout.

CHAPTER 22 – Zoning

Code citations were updated throughout.

- §22-2 [Definitions.] Changed state department name in the definition of “Adult Day Care Center, substituted “licensure” for “certification” in the definition of “Landscape Architect;” **mandatory; pursuant to 2009 state code amendments;** added “including institutions of higher learning, colleges and universities” to the definition of “Schools”, and added the definition of “Sand, Gravel and Extraction of Rock” **discretionary; requested by the Community Development Department.**
- §22-9 [Residential – Single Family Zoning District (R-SF).] Slight revisions to the wording of 8-person group home language, change of state department name; **mandatory; pursuant to 2009 state code amendments.**
- §22-11.1 [Group homes of eight or less single-family residence.] Slight revisions to the wording of 8-person group home language, change of state department name; **mandatory; pursuant to 2009 state code amendments.**
- §22-15 [Industrial-Heavy Zoning District (I-H).] Revision of “sand, gravel and extraction of rock” special use, adds language making special use permit unnecessary for tracts permitted by Department of Mines; **discretionary; pursuant to request of the Community Development Department.**
- §22-16 [Agricultural zoning district A-1.] Revision of “sand, gravel and extraction of rock” special use, adds language making special use permit unnecessary for tracts permitted by Department of Mines, delete “colleges, public and private” as a special use as they are included in definition of “school”; **discretionary; pursuant to request of the Community Development Department.**
- §22-24 [Amendments and variations of conditions.] Correct minor misspelling; **mandatory.**

The vote was: Aye: Falwell, Goldsmith, Gunter, Rosser, Shockley
 Nay: Pendleton, Puckett
 Absent: None

// **PUBLIC HEARING – REZONING REQUEST BY ROBERT MITCHELL**

The last public hearing was opened at 8:06 p.m. on:

- 10-00468 Request by Robert Mitchell to rezone property located at 5461 Red House Road in Rustburg, from Agricultural to Residential – Single Family for use as a single-family residential subdivision. The property is in a designated rural area per the current Comprehensive Plan.

Sandra Shackelford, County Planner, reviewed the rezoning report noting the request was to rezone 11.703 ± acres from Agricultural (A-1) to Residential – Single Family (R-SF) to subdivide for use as a single-family residential subdivision. Red House Road (Route 615) and Mollies Creek Road (Route 650) serve the property, and the proposed use would not significantly impact the traffic flow. No proffers were submitted. The applicants have submitted additional restrictions on the face of the plat, but these potential deed restrictions were separate from proffers and the Zoning Office would have no enforcement authority. The property was located in an area designated for rural use. The request was generally inconsistent with the Comprehensive Plan with regard to the proposed lot sizes within the subdivision. The Planning Commission voted 5-2 in favor of the request citing compatibility with the surrounding neighborhood.

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

Robert Mitchell, 5461 Red House Road, Rustburg, Virginia, requested approval to create some smaller lots. He indicated more people seem to prefer smaller lots to have less upkeep. Each lot would be two to three acres in size.

Hearing no further comments, the public hearing was closed at 8:08 p.m.

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission citing compatibility with the surrounding neighborhood and **APPROVES** Request #10-000468 by Robert Mitchell to rezone property located at 5461 Red House Road in Rustburg, from Agricultural to Residential – Single Family for use as a single-family residential subdivision.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// UPDATE ON RE-LICENSING PROJECT AT SMITH MOUNTAIN AND LEESVILLE LAKE

Russ Johnson, Chairman of the Tri-County Re-licensing Commission (TCRC), presented an update on the re-licensing project. TCRC has been representing the four localities (Campbell, Bedford, Franklin and Pittsylvania) in conjunction with the re-licensing of the Smith Mountain Lake hydroelectric project that is owned and operated by American Electric Power and is up for license renewal in 2010.

The final Environmental Impact Statement (EIS) has been received, and the process was basically finished. In the final EIS, a lighted navigation system was granted to be installed on Leesville Lake with AEP responsible for the maintenance of that system. Lights would also be installed on the bridge and maintained. AEP would have to provide \$25,000 per year for the life of the license for water quality and monitoring. They also have to provide periodic surveying of the lake for aquatic vegetation, map the locations and treat all areas that would interfere with recreation. AEP would also have to provide a fishing pier, a boat launch and a parking area at the Leesville Lake Dam as well as study the need for a public parking area and a boat ramp at Pigg River. AEP would be required to remove all debris that affects safety and recreation on Leesville Lake and support the Leesville Lake clean up day.

TCRC's next step is to file for a settlement hearing by the Federal Energy Regulatory Commission to further address the debris and aquatic vegetation clean up of the lake bodies, not just areas where the debris impacts safety and recreation. Most of the details yet to be worked out involve how AEP plans to execute the responsibilities of the license. Mr. Johnson anticipates all issues should be resolved by Spring 2010.

// INDUSTRIAL INCENTIVE PERFORMANCE AGREEMENT EXTENSIONS

The Board of Supervisors approves industrial incentives based upon a project's capital investment and new employment. All industrial incentives require a binding performance agreement that outlines each party's responsibilities and established timelines to accomplish objectives.

The County currently has seven (7) performance agreements that would mature in terms of timeline/deadline over the next one to six months. Several of the projects/agreements were in various stages of compliance. Most of the projects had some new employment criteria. The significant downturn/slowdown in the economy over the past several years has made it difficult for those firms to meet their employment projections. Most of the projects were in compliance with their capital investment requirements. The employment component of those agreements was important due to recently announced closing and layoffs that had been announced in the last 90 days. There were recent announcements from Areva and Internet of the elimination of approximately 350 jobs.

Staff requested the Board's authority to negotiate the amendment of the employment components of the performance agreements due to the lagging economy. By doing this we would still have incentives available that hopefully would encourage expanding companies to meet their new job creation projections even in a bad economy. Funding for the employment component of the incentive grants were already budgeted and encumbered. The only financial impact to the County was that by extending the agreements we hopefully would encourage new job creation. The total amount of the incentive grants outstanding was \$18,500 which had the

potential to impact 75 new jobs. If approved, a new timeline would be negotiated on an individual basis.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors authorizes staff to amend performance agreements for industrial incentives on a case by case basis.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// HEALTH INSURANCE RENEWAL

Alan Lane, Director of Management Services, presented the health insurance renewal to the Board for approval. The Administration/Management Services Committee indicated its support of the renewal at its November 2nd meeting, and the School Board approved the renewal at its November 16th meeting. The current combined contract plan with the Schools had a renewal date of October 1, 2009.

The County's limited self-insured health insurance program administered by Anthem has been very successful as indicated by premiums payments not increasing for the last three years while the national average increase for health insurance premiums was 9% annually. However, in the year just ended as of September 30, 2009 the County and Schools experienced a significant increase in claims cost of 26 percent from the previous year. The self-insured program has some reinsurance features that provide some insurance coverage from Anthem to help protect us when claims increase significantly and the program has a specific stop loss limit that reinsures us whenever an individual claim exceeds \$125,000 paid out in a contract year. Additionally, the program has a second reinsurance protection feature that insures us whenever the total costs exceed 110% of the estimated total costs established in advance of a contract year.

The Health Insurance Fund reserves accumulated during earlier years were more than sufficient to absorb the claims cost increases for the contract year just ended. However Anthem had to absorb an additional cost of \$350,000 for the specific loss limit claims in excess of \$125,000 each plus the total or aggregate costs in excess of 110% of estimated total costs for the contract year in excess of what we were charged for these two reinsurance protection features. For this reason it was recommended by the School Health Insurance Consultant, Matt Smith, that the program be revised to increase the aggregate or total loss limit to 115% of estimated annual costs. This creates a risk potential increase in our program costs of \$283,000 if we see another large increase in actual costs for the coming year. Mr. Smith felt that would be highly unlikely, and by making this change, we would save \$130,000 per year in fixed reinsurance costs. The specific loss limit of \$125,000 per claim would remain unchanged.

On motion of Supervisor Pendleton, it was resolved the Board of Supervisors accepts the recommendation of the Administration/Management Services Committee and the School Board and approves the health insurance renewal program administered by Anthem effective October 1, 2009 increasing the aggregate cost reinsurance factor from 110 percent to 115 percent.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// EXTENSION OF ROLLING VACANCY HIRING FREEZE, CONSOLIDATION OF SERVICES AND CAPITAL IMPROVEMENT PROJECT FREEZE

Administrator Laurrell presented several strategies for the Board's approval in anticipation of continued reductions in revenue at the State level. New estimates indicate nearly \$700,000 in new reductions for the current fiscal year, \$2 to \$3 million in additional reductions for FY 2011 and upward toward \$6 million for FY 2012 before stabilizing.

The first was to implement a 90/365 day rolling vacancy hiring freeze beginning January 1, 2010. The recommendation was to continue the 90 day rolling freeze for positions directly involved in essential public safety and welfare. As part of the process, vacant positions would be monitored and employees may be temporarily moved into a more critical role on an as needed

basis. The second strategy was to look at vacancies as they occurred to see if consolidation of positions between departments or between services such as the schools, the towns or the region was possible to extend vacancy openings for an indefinite period of time. The last strategy was to implement a capital improvement project freeze on all items or expenditures not currently planned and/or underway for FY 2010.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors authorizes the County Administrator to implement the following three expenditure reduction strategies effective January 1, 2010 due to further reductions in state revenue than originally reported for FY 2010 which would be reviewed again during the regular budget process for FY 2011 pending outcome of the 2010 General Assembly session, namely,

- 1) Extend the current 90 day rolling vacancy hiring freeze to 365 days for all non-public safety and welfare personnel and all non-essential law enforcement and public safety personnel. The 90 day freeze would continue to apply to essential public safety and welfare personnel;
- 2) Look at vacancies as they occur to see if consolidation of positions between departments or between services such as the schools, the towns or the region is possible to extend vacancy openings for an indefinite period of time or consolidate revenue streams in support of existing services through economy of scale;
- 3) Implement a capital improvement project freeze on all items or expenditures not currently planned and/or underway for FY 2010.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

// CONSENT AGENDA

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

a) Recordation of Abstract of Votes

The Registrar provided an Abstract of Votes from the November 3, 2009 General Election per Section 24.2-675 of the Code of Virginia which states “each abstract of votes shall be forwarded to the clerk of the . . . board of supervisors and recorded in its record book.”

Governor

Robert F. “Bob” McDonnell – R	11,611
R. Creigh Deeds – D	3,457
Total write-in votes	26

Lieutenant Governor

William T. “Bill” Bolling – R	11,348
Jody M. Wagner – D	3,542
Total write-in votes	14

Attorney General

Ken T. Cuccinelli II – R	11,492
Stephen C. Shannon – D	3,407
Total write-in votes	4

Member, House of Delegates

Kathy J. Byron – R	11,745
Total write-in votes	127

Member, Board of Supervisors, Timberlake District

Charles W. Falwell	1,827
Total write-in votes	7

Member, School Board, Timberlake District

Susan R. Hogg	1,891
Total write-in votes	7

Member, Board of Supervisors, Rustburg District

Hugh T. Pendleton, Jr.	1,732
Total write-in votes	22

Member, School Board, Rustburg District

G. Roger Akers	1,791
Total write-in votes	8

Member, Board of Supervisors, Brookneal District

James D. "J.D." Puckett	1,150
Total write-in votes	3

Member, School Board, Brookneal District

George L. Jones	1,115
Total write-in votes	2

b) Appropriations –

- (1) General Fund, Debt Service, deleting \$294,000 from Debt Stabilization and appropriating the same to Interest Payment VML County Complex, interest expense associated with the County Courthouse/Office Complex;
- (2) Capital Improvement Plan Fund, Reserve for Future Improvements, deleting \$1,000 from Reserve for Future Improvements, and appropriating the same to Management Services, Phone System Replacement, additional costs needed for Telephone System Replacement from carryover funds;
- (3) General Fund, Real Estate Office, deleting \$8,000 from Comp – Part Time Help, and appropriating the same to Other Professional Services, for outside professional real estate assistance to visit the remaining commercial building permits and provide the information needed to value the improvements;
- (4) General Fund, Economic Development, deleting \$1,599.99 from Tobacco/Beef Initiative – Phase II and appropriating the same to Management Services, Administration Misc Expenses, compensation for administrative handling costs associated with Tobacco/Beef Initiative Phase II Grant;
- (5) General Fund, Landfill Phase II/Water Remediation, appropriating \$100,000 to Legal Fee Litigation; and lowers beginning Fund Balance, by \$100,000, to cover the cost of legal fees pertaining to the Twin Oaks litigation;
- (6) General Fund, Detention, appropriating \$19,824.71 to Refunds to State; and lowers the General Fund Undesignated Fund Balance, by \$19,824.71, proceeds from Virginia Juvenile Community Crime Control Act grant not expended;
- (7) General Fund, Commonwealth’s Attorney, appropriating \$857.40 to Furniture & Fixtures; and lowers Fund Balance, Commonwealth’s Attorney’s Forfeited Asset Fund Balance by \$857.40, monies used to purchase refrigerator and microwave for new office;
- (8) School Operating Account, Comp Special Ed, appropriating \$71,380 to Comp Spec Ed At Risk Cord, \$568,431.50 to Comp Spec Ed Teachers, \$52,820 to Comp Spec Ed Therapist, \$59,320 to Comp Spec Ed Teach Aides, \$55,000 to Employer Cost FICA, \$13,543.82 to Employer Cost VRS, \$76,000 to Employer Cost Health Ins and \$6,000 to Employer Cost Group Life; and raises estimated revenue, Spec Ed ARRA, by \$902,495.32, to appropriate allocated 2009 Spec Ed ARRA funds to match the OMEGA System budget;
- (9) School Operating Account, Classroom Instruction, appropriating \$2,500 to Natl Board Cert Teacher Bonus – Secondary; and raises estimated revenue, National Board Certified Bonuses, by \$2,500, to appropriate the National Board Certified Teacher bonus awarded by the Department of Education;
- (10) School Operating Account, Title III Immigrant & Youth Grant, deleting \$1,200 from Comp Teachers LEP, \$394 from Employer FICA, \$1,000 from Travel and \$1,000 from Materials & Supplies; and lowers estimated revenue, Title III Part A-ESL by \$3,594, no funding to be received for FY 2010;

- (11) School Operating Account, Title III A LEP Consortium Grant, appropriating \$600 to Comp Teachers and deleting \$209.85 from Employer Cost FICA and \$591.58 from Materials & Supplies; and lowers estimated revenue, Title III Part A ESL Consortium Grant, by \$201.43, to appropriate funds to match grant allocation;
- (12) School Operating Account, Title I, appropriating \$61.86 to Instructional Supplies; and raises estimated revenue, Title I Grant, by \$61.86, additional funds received;
- (13) School Operating Account, Special Ed 94/142, appropriating \$65,835.74 to Comp Teacher Aides, \$7,348.33 to Stipends, \$305,847.35 to Employer Cost VRS, \$255.46 to Employer Cost Group Life and \$25,000 to Purchased Services; and deleting \$401,788.57 from Comp Sp Ed Teachers, \$19,416.65 from Employer Cost FICA and \$149,314.18 from Employer Cost Health Ins; and lowers estimated revenue, IDEA 611 Flow Thru Special Ed Grant, by \$166,232.52, to allocate FY 2010 funds to match OMEGA System budget;
- (14) School Operating Account, Drug Education, appropriating \$9,450 to Stipends, \$760.28 to Employer Cost FICA, \$250 to Travel and \$1,959.40 to Materials & Supplies, and deleting \$408 from Other Costs; grant received;
- (15) General Fund, EMS Services, deleting \$71,069.09 from EMS Excess Revenue Expenditure; and increases the Undesignated General Fund Balance, by \$71,069.09, to lower carryover request approved earlier based on actual audited numbers;
- (c) County Attorney invoices –
Approves payment to the County Attorney in the amount of \$25,546.17 for legal services rendered.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// MATTERS FROM THE BOARD

- Supervisor Pendleton requested staff prepare a resolution congratulating the Altavista High School football team on its excellent accomplishments this year.
- Supervisor Shockley was pleased to announce on behalf of the Board members and citizens he was able to order 16 wreaths for Wreaths Across America at the Old City Cemetery to honor the veterans.
- Supervisor Goldsmith noted the owners of Caryswood have applied to be added to the National Register of Historic Places and to be included in the Virginia Landmarks Register.
- Supervisor Goldsmith has had several complaints regarding service by Jet Broadband. He requested staff have another conversation with them about its level of service.
- Chairman Falwell presented a DVD that was made of the recognition given to Supervisor Rosser for his 50 years of service at the Virginia Association of Counties Conference in November.
- Information for the Board's Organizational Meeting in January was included in the Board's packet. A request has been received from the Campbell County Utilities and Service Authority for the Board to consider allowing Charles Falwell to continue serving in this capacity. He has served four years, and the Board currently rotates service on committees after four years.
- The request for priorities and initiatives has been distributed to staff with the emphasis on staff to focus on issues that address that anticipated declining revenues.
- The Schools wanted the Board to be aware they would be requesting estimates to modify the Campbell County Technical Center to accommodate the early college program. This is a program whereby high school seniors take parallel college courses during high school for college credit.

- At the request of Rick Boyer, a former Board of Supervisors member, the Board's legislative priority concerning the holding of primary elections was forwarded to the Chairman of the 5th District Republican Committee. The current issue was whether or not to hold a caucus or a primary to determine the candidate to run for the 5th District Congressional seat to oppose Congressman Tom Perriello.
- Administrator Laurell requested the Board approve closing the County offices at noon on Wednesday, December 23rd, to recognize employees for the good work they do.

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors approves closing the Campbell County offices at noon on December 23, 2009.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

// CLOSED MEETING

On motion of Supervisor Puckett, it was resolved the Board of Supervisors enters into a closed meeting at 8:45 p.m. to discuss matters in accordance with the personnel exemption §2.2-3711 (A)(1) of the Code of Virginia of 1950, as amended; and to discuss legal matters related to ongoing litigation involving the Campbell County Landfill, in accordance with the legal exemption §2.2-3711 (A)(7) of the Code of Virginia, as amended.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

// The Campbell County Board of Supervisors entered into a closed meeting on this 7th day of December, 2009 at 8:45 p.m. to discuss matters in accordance with the personnel exemption §2.2-3711 (A)(1) of the Code of Virginia of 1950, as amended; and to discuss legal matters related to ongoing litigation involving the Campbell County Landfill, in accordance with the legal exemption §2.2-3711 (A)(7) of the Code of Virginia, as amended.

// On motion of Supervisor Gunter, it was resolved the meeting return to open session at 9:40 p.m.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 7th day of December, 2009 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: Falwell
Aye: Goldsmith
Aye: Gunter

Aye: Pendleton
 Aye: Puckett
 Aye: Rosser
 Aye: Shockley
 Nay: None
 Absent During Meeting: None
 Absent During Vote: None

// VIRGINIA WAR MEMORIAL

At the request of the Virginia War Memorial Educational Foundation, a list of Campbell County's citizens engraved on the Shrine of Memory's glass and marble walls was included as part of the Board of Supervisors minutes. For over fifty years, the War Memorial has honored Virginia's citizens who paid the ultimate sacrifice on the field of battle since World War II protecting our freedom. Those citizens were:

WORLD WAR II

Hawes N. Adams	Oscar T. Adams	Claude Johnson Angel
Houston Gettle Anthony	Lewis Morgan Arthur	Beauregard Austin
Claude Bailey	David N. Baldock	James Clarence Bigger
Melvin Paul Bondurant	Lewis Coleman Booth	Pax Booth, Jr.
Louis Harold Bradley	James Lewis Brooks	Malcolm Guy Brooks
George W. Brown	Hammett F. J. Burnette	Jesse O'Brien Burns
Samuel William Callahan	Rufus Bascom Carr	Fletcher Patrick Carr, Jr.
Dannie Wayne Coleman	Jack Lee Cox	William Newton Creasy
Elwood Allen Dalton	Frank Pendleton Dance	Royal Walthall Daniel
Elmo W. Davis	Claude Albert Dewberry	Americus Dunn Dillard
John Thurman Dowdy, Jr.	Franklin Hill Elder	James Ray Evans
William Harvey Farmer	Thomas M. Goldsby, Jr.	John Conway Guthrie
Marion Calvin Hall	Johnnie Floyd Hamlette	Leroy Harvey
William Fred Heavener	Elias Hogue	Harry Langhorne Johnson
Thomas E. Johnson, Jr.	Archie Woodrow Jones	Reginald W. Jones
Robert Emory Jones	Harold Dickerson Joy	Budd M. Kerr
Jeff Lewis	Albert Woodrow Lindsay	Kenneth Lafayette Lindsay
John Winston Maddox	Jesse Kish Mason	Thornton B. Mason
Robert Garland Milton	James Russell Morris	Grant Glenn Parsons
Turner Willis Pickerel, Jr.	George W. Pollard	James Wiley Pool
George Lewis Price	Leonard Jack Riley Jr.	Holsie E. Saunders
Harry Scott	James Oakley Scott	Russell Morton Shipp
Robert O. Shoemaker	Ralph Shriver	Warren Edward Silvery
Ellis Henry Stevens	Charles F. Taylor	Charlie B. Thurman
David Thomas Tucker	Chester H. Van Bibber	Howard Carlton Weeks
Fred O. Wickham, Jr.	Paul Turner Wilkinson	Orange F. Williams
	Reacle Williams	Fitzhugh Woody

KOREA

Leonard L. Arthur	Irvin T. Crews	James E. Floyd
James H. Jackson		Preston C. Patrick Jr.

VIETNAM

Ernest Daniel Cardwell	Withers Theodore Jackson
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// ADJOURNMENT

On motion of Supervisor Rosser, the meeting was adjourned at 9:41 p.m.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

CHARLES W. FALWELL, CHAIRMAN

Approved: _____