

Campbell County Board of Supervisors
AGENDA - January 5, 2021
Haberer Building Lower-Level Boardroom
Available via [ZOOM](#)

5:00 PM Broadband Authority Meeting

6:00 PM Call to Order and Pledge of Allegiance by Administrator Rogers
Moment of Silence

1. ORGANIZATIONAL MEETING

Documents:

[AGENDA.PDF](#)

1.I. SELECT CHAIRMAN

- i. Administrator Rogers calls for nominations for Chairman
- ii. Supervisors may offer nominations
- iii. Motion to close nominations and affirm Chairman

1.II. NEW CHAIRMAN ASSUMES CHAIR

- i. Chairman calls for nominations for Vice-Chairman
- ii. Supervisors may offer nominations
- iii. Motion to close nominations and affirm Vice-Chairman

1.III. ESTABLISH TIME AND PLACE FOR MEETINGS

1.IV. ADJUST COMMITTEE ASSIGNMENTS AS NECESSARY

RECOMMENDATION: Staff recommends the Board conduct its organizational meeting at the January 5, 2021 meeting to select the Chairman, Vice-Chairman, the time and place of meetings for 2021 along with the weather and electronic participation policies, and committee assignments.

Staff recommends the Board of Supervisors establish their regular meeting schedule on the first and third Tuesday of each month (except for the first Tuesday in November which shall be moved to Thursday due to Election Day) beginning at 6:00 PM in the Board Meeting Room, Walter J. Haberer Building, Rustburg, Virginia. The second meeting of the month is reserved for special meetings as needed.

If the Chairman acts, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting, the meeting shall be continued to the following Thursday of that week at 6:00 p.m. and all hearings and other

matters previously advertised shall be conducted at the continued meeting and no further advertisement is required. (Per authority of Section 15.2-1416 of the Code of Virginia)

The Board confirms the policy adopted on June 12, 2018 that establishes a written policy for participation in Board meetings through electronic communication as set forth in Virginia Code §2.2-3708.1.

2. APPROVAL OF MINUTES

Documents:

[WORK SESSION OCTOBER 20 2020.PDF](#)
[BOARD RETREAT NOVEMBER 7 2020.PDF](#)

3. APPEARANCES

3.I. None

4. ADMINISTRATOR'S ITEMS

Frank J. Rogers, County Administrator

4.I. AUDITED FINANCIAL REPORT FY2020

The completed annual audited Financial Report for FY2020 for Campbell County has been distributed in printed form to the Board, in order for the Board to be prepared to receive the formal presentation today by Mr. Matt McLearen. The Board is asked to bring their printed copies to the January 5 Board meeting for the presentation. Mr. McLearen will also answer questions from the Board.

RECOMMENDATION: Receive the presentation from Mr. Matt McLearen of Robinson, Farmer, Cox Associates and ask any questions or request any additional information relating to the FY2020 Audited Financial Reports.

Documents:

[AUDITED FINANCIAL REPORT FY2020.DOCX](#)

4.II. PUMP AND HAUL REQUEST – NATIONAL CENTER FOR HEALTHY VETERANS

At the September 1, 2020 meeting of the Board of Supervisors, the Board approved requested zoning changes for the National Center for Healthy Veterans (NCHV) at 745 RBF Lane. As proposed, the project calls for five villages with tiny homes surrounding a community center with each village housing 30 temporary residents. The entire facility would house 200 persons including 50 full time staff and day visitors. The rezoning also provided for an outdoor market to sell products grown and produced on the site as well as the construction of a welcome center and lodge.

In mid-October, the County received the attached correspondence from Mr. Russ Nixon on behalf of the National Center for Healthy Veterans. Upon receipt of the request for a temporary pump and haul, staff conferred with representatives from the National Center for Healthy Veterans and the matter was deferred until the Board's January 5th Board meeting.

General Horne has most recently advised that the NCHV is presently working on a full septic and wastewater plan for the entire property. That plan will be submitted to the State no later than December 30th. County staff has requested an email copy of that plan and it will be forwarded to the Board for your information as soon as it is received.

At this time, staff understands that the NCHV is still requesting authorization to operate a temporary pump off system for the effluent coming from the initial development phase of the project. The Board must consider if this request is in keeping with the Board's intent upon approval of the project and if it is in the best interest of the public's health, welfare and safety to authorize it.

RECOMMENDATION: Staff recommends the Board consider the requested temporary pump and haul for the NCHV and provide direction as to how to proceed.

Documents:

[PUMP AND HAUL REQUEST . NATIONAL CENTER FOR HEALTHY VETERANS.PDF](#)
[RUSS NIXON LETTER TO BOARD.PDF](#)

4.III. PHI HEALTH LLC – REFUND OF ERRONEOUS BUSINESS LICENSE TAX

Calvin Massie, Commissioner of the Revenue

On May 26, 2020, PHI Health LLC was contacted by the Commissioner of the Revenue's office for the purpose of licensing the company in accordance with provisions of Campbell County's business license ordinance. On June 30, 2020, PHI Health LLC was assessed with total business license tax in the amount of \$32,666.75 for the years 2017, 2018, 2019, and 2020. PHI Health LLC subsequently submitted payment for the taxes in a timely manner. Recently, PHI Health LLC brought to Mr. Massie's attention the existence of The Airport Development Acceleration Act that limits the ability of states and localities to impose taxes on both passengers and sales of air transportation services. The provisions of the Act are currently codified in the Federal statute 49 U.S.C. § 40116 subsection (b). Essentially, the statute preempts the assessment of a local business license tax on the sale of air transportation services when gross receipts are the basis to which the tax rate is applied. Additionally, PHI Health LLC points to an April 2005 ruling of Virginia's Tax Commissioner that cites the preemptive import of 49 U.S.C. § 40116. At the time the license taxes were assessed, Mr. Massie was unaware of the Federal statute and the 2005 Ruling of Virginia's Tax Commissioner. Mr. Massie and the County Attorney concur that the Federal statute preempts the imposition of a business license

requirement on PHI Health LLC's air transportation service when the tax base is gross receipts.

RECOMMENDATION: Staff recommends the Board authorize a refund to PHI Health LLC of the erroneously assessed business license tax in the amount of \$32,666.75.

Documents:

[PHI HEALTH LLC - REFUND OF ERRONEOUS BUSINESS LICENSE TAX.PDF](#)

4.IV. HIGHWAY MATTERS

Clifton M. Tweedy, Deputy County Administrator

- i. Status of Outstanding Highway Matters: See memorandum
- ii. Highway Matters Action Items: None
- iii. A few minutes is scheduled each month for Supervisors to voice any questions or concerns regarding highway matters.

RECOMMENDATION: Please provide staff with any highway matters the Board has or that need to be passed along to VDOT.

Documents:

[HIGHWAY MATTERS.PDF](#)

5. CONSENT AGENDA

5.I. APPROPRIATIONS

Attached is an appropriation listing for the Board's consideration.

Documents:

[APPROPRIATIONS.PDF](#)

5.II. COUNTY ATTORNEY INVOICE

Attached is an invoice for \$6,760.50 from the county attorney for services provided from November 18, 2020 through December 14, 2020.

Services

General Representation:	\$4,504.50
Real Estate Tax Collection:	\$1,638.00
Personal Property Tax Collection:	\$331.50

Miscellaneous Matters: \$136.50

Expenses Paid

Real Estate Tax Collection: \$150.00

Documents:

[COUNTY ATTORNEY INVOICE.PDF](#)

5.III. FISCAL BUDGET CALENDAR

Staff has submitted to the Board of Supervisors a budget timetable of events related to building the next fiscal year budget. The timetable presents information to the Board of Supervisors regarding key dates in the process and when certain items of the budget are expected to be completed. The timetable attached is the proposed outline of events related to building the FY 2022 budget.

RECOMMENDATIONS: Staff recommends the Board:

- a. **Approve the appropriations as presented;**
- b. **Approve the County Attorney invoice of \$6,760.50;**
- c. **Accept the presented fiscal budget calendar.**

Documents:

[FISCAL BUDGET CALENDAR MEMO.PDF](#)
[PRESENTED FISCAL BUDGET CALENDAR.PDF](#)

6. APPOINTMENTS

6.I. APPOINTMENTS

Attached for your review is a list of appointments.

- Building Code/Fire Prevention Code of Appeals Appointment Information

Documents:

[APPOINTMENTS.PDF](#)
[2021 BUILDING AND FIRE CODE APPEALS.PDF](#)

7. MATTERS FROM THE BOARD

7.I. MATTERS FROM THE BOARD

A few minutes is scheduled at each meeting to discuss from the Board.

Documents:

MATTERS FROM THE BOARD.PDF

8. CLOSED MEETING

a. Staff is requesting the Campbell County Board of Supervisors enter into Closed Session in accordance with Section 2.2-3711 (A)(5) of the Code of Virginia to discuss a prospective existing business or industry expansion.

b. Staff is requesting the Board of Supervisors enter into Closed Session in accordance with Section 2.2-3711 (A)(3) of the Code of Virginia to discuss the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Documents:

[CLOSED SESSION COVERSHEET.DOCX](#)

9. 7:00 PM - PUBLIC HEARINGS

9.I. The Following Public Hearings Were Advertised (Ad Attached) For:
Paul Harvey, Director of Community Development

9.II. REZONING REQUEST – 4430 WATERLICK ROAD

#PL-20-217

This request is to rezone 0.45 +/- acres from Residential – Single Family to Business – General Commercial in order to construct storage units. The property is located at 4430 Waterlick Road, Forest, VA, and in the Timberlake Election District. As per the Comprehensive plan the property is located in an area designated as medium to high density residential. Staff report is attached.

The applicant is seeking to rezone the parcel to Business – General Commercial in order to construct storage units. There is currently a single-family dwelling on the property that would be demolished. There would be 38 storage units for rent totaling 6,650 square feet. Additional screening would be required along the border with the adjoining property zoned Residential – Single Family if the existing fence is not adequate. The PEC met on November 17, 2020 to discuss the plan. Comments from that meeting are included in this packet.

RECOMMENDATION: The Planning Commission recommended approval of this request by vote of 5-1 citing good zoning practice.

Documents:

[PL-20-217 BOARD PACKET.PDF](#)

9.III. REZONING AND SPECIAL USE PERMIT REQUEST – 555 VILLAGE HIGHWAY

#PL-20-218

This request is from Campbell County to rezone 2.13 +/- acres from Agricultural to Business – General Commercial with a concurrent special use permit to construct a new school on all parcels totaling 21.490 +/- acres. The property is located at 555 Village Highway, Rustburg, VA, and in the Rustburg Election District. As per the Comprehensive plan the property is located in an area designated as medium to high density mixed. Staff report is attached.

Campbell County is seeking to construct a new Rustburg Middle School. The current school will be demolished upon completion of the new school. The new school will be designed for 750 students and site and core facilities will accommodate an expansion for 900 students in the future. Additional parcels owned by the County will be added to the current school site to accommodate the new facilities. Several of these parcels along Rocky Road that are currently zoned Agricultural are proposed to be rezoned Business – General Commercial. A new road will be constructed between Rocky Road and Carden Lane to facilitate improved access for the new school.

RECOMMENDATION: The Planning Commission recommended approval of this request with the condition that the applicant utilizes the site in conformance with the use described in the narrative and shown on the site plan submitted with this request by vote of 6-0 citing good zoning practice.

Documents:

[PL-20-218 BOARD PACKET.PDF](#)

9.IV. SPECIAL USE PERMIT REQUEST – 56 TRESTLE ROAD

#PL-20-221

This request is from Albert Neighbors Jr., agent for Jose Ramos, for a special use permit to operate an automobile repair shop, body shop, and towing and storage business on property zoned Agricultural. The property is located at 56 Trestle Road, Rustburg, VA, and in the Rustburg Election District. As per the Comprehensive plan the property is located in an area designated as medium to high density residential. Staff report is attached.

The applicant is representing Rustburg Auto Works and Collision, who is seeking to construct and operate an automobile repair shop, body shop, and towing and storage business on the property. The special use permit would cover the following uses: automobile repair and associated storage; towing, storage and recovery of automobiles; and automobile, truck and equipment sales, assembling, painting, upholstery, rebuilding, reconditioning and body and fender work. A new 4,800 square foot repair shop would be constructed and an additional area would be leased to the towing and recovery business.

RECOMMENDATION: The Planning Commission recommended approval of this request with the condition that the applicant conducts business in general conformance with the use described in the narrative and shown on the site plan submitted with the request, and further conditions for a maximum of 40

vehicles on the lot at any time and sight barriers from all roads, by vote of 5-1 citing good zoning practice.

Documents:

[PL-20-221 BOARD PACKET.PDF](#)

9.V. REZONING REQUEST – 12013 WARDS ROAD

#PL-20-222

This request is to rezone 4.78 +/- acres from Business – General Commercial to Business – Heavy Commercial to allow for operation as a rebuilder. The property is located at 12013 Wards Road, Rustburg, VA, and in the Spring Hill Election District. As per the Comprehensive plan the property is located in an area designated as medium to high density commercial. Staff report is attached.

The applicant is seeking to rezone 4.78 +/- acres of the parcel to Business – Heavy Commercial in order to allow for operation as a rebuilder. Ride Max Auto Sales is an existing permitted used car dealership on this portion of property. The dealership would like to sell salvage vehicles to the general public. The vehicles would be purchased and rebuilt at an off-site body shop. The rebuilt vehicles would be brought back to this property and once inspected by DMV be available for sale. DMV requires that the dealership obtain a rebuilder license for this location. Rebuilding is a permitted use in the Business – Heavy Commercial zoning district. The remainder of the property will remain zoned Business – General Commercial.

RECOMMENDATION: The Planning Commission recommended approval of this request by vote of 6-0 citing good zoning practice.

Documents:

[PL-20-222 BOARD PACKET.PDF](#)

9.VI. PUBLIC HEARING – COMBINED ANNUAL SECONDARY ROAD HEARING

Clifton M. Tweedy, Deputy County Administrator

Attached is the public notice for a joint public hearing with VDOT on the proposed Six Year Plan for secondary road improvements. The current plan includes improvements scheduled for Fiscal Years 2021 through 2026. Attached are the proposed Six Year Plan and proposed resolution for adoption following the public hearing.

Robert Brown, Resident Administrator, will represent VDOT at the public hearing. During the public hearing, citizens will be invited to provide comment on the Six Year Plan and to request road improvements or road additions to the Secondary Road system.

RECOMMENDATION: Staff recommends the Board conduct the required public hearing and adopt the attached resolution to approve the Six Year Plan for the years 2021-2026.

Documents:

[VDOT SIX YEAR PLAN MEMO.PDF](#)
[PUBLIC NOTICE AD.PDF](#)
[PROPOSED VDOT SIX YEAR PLAN.PDF](#)
[PROPOSED VDOT SIX YEAR PLAN RESOLUTION.PDF](#)

10. AGENCY MINUTES AND REPORTS

Documents:

[LIBRARY BOARD MINUTES OCTOBER 19 2020.PDF](#)
[PLANNING COMMISSION MINUTES OCTOBER 26 2020.PDF](#)
[ROBERT E LEE SOIL AND WATER CONSERVATION DISTRICT MINUTES OCTOBER 22 2020.PDF](#)
[SOCIAL SERVICES BOARD MINUTES OCTOBER 21 2020.PDF](#)
[SOCIAL SERVICES BOARD MINUTES NOVEMBER 18 2020.PDF](#)

11. INFORMATIONAL ITEMS

Documents:

[RMS UPDATE.PDF](#)
[CENSUS THANK YOU CERTIFICATE.PDF](#)
[REVENUE SHARING ALLOCATIONS LETTER.PDF](#)
[ECONOMIC DEVELOPMENT ANNUAL REPORT.PDF](#)
[BOARD OF SUPERVISORS MEETING SCHEDULE REVISED 11.18.20.PDF](#)