



Campbell County Board of Supervisors

AGENDA - April 4, 2023

Haberer Building Boardroom (Lower-Level)

Available via [ZOOM](#)

6:00 P.M. – Call to Order and Pledge of Allegiance by Chairman Cline

Moment of Silence

1. APPROVAL OF MINUTES

Documents:

REGULAR MEETING - JANUARY 3 2023.PDF
REGULAR MEETING - FEBRUARY 7 2023.PDF
WORK SESSION - FEBRUARY 21 2023.PDF
BUDGET WORK SESSION - FEBRUARY 28 2023.PDF

2. APPEARANCES

2.I. SUE BURCHAM & KRYSTAL MAYS

Ms. Burcham and Ms. Mays would like to address the Board regarding the approval of Rezoning #PL-20-217 (4430 Waterlick Road) on January 5, 2021.

3. ADMINISTRATOR'S ITEMS

3.I. REQUEST FOR REFUND OF MACHINERY AND TOOLS TAX – ABBOTT LABORATORIES

Calvin C. Massie, Commissioner of the Revenue

Abbott Laboratories is subject to Campbell County's annual machinery and tools tax and has submitted amended personal property tax returns to the Commissioner's office for the years 2019, 2020, 2021, and 2022, requesting that adjustments of the machinery & tools tax levies be made for the respective years. Abbott Laboratories filed their amended tax returns in a timely manner. The Commissioner developed the

machinery and tools tax assessment for year 2022 prior to the knowledge that Abbott Laboratories would submit amended tax returns. Accordingly, the Abbott Laboratories machinery and tools tax assessment for year 2022 is eligible for adjustment.

Abbott Laboratories has advised that when filing the tax returns, certain machinery and tools owned by the company were erroneously reported as being subject to machinery and tools tax when, in fact, the equipment is exempt from taxation in accordance with § 58.1-3507 of the Code of Virginia. Abbott Laboratories seeks to correct their tax returns and requests a refund of overpaid machinery and tools tax.

The Commissioner has reviewed the amended tax returns and concurs that the original assessed values used for assessment purposes exceed the correct assessed values after removal of the erroneously reported machinery and tools. The Commissioner concurs with Abbott's request for a refund of overpaid machinery and tools tax.

RECOMMENDATION: Staff recommends the Board of Supervisors authorize a refund of the machinery and tools tax in the amount of \$686,558.45 to Abbott Laboratories.

Documents:

[ABBOTT LABORATORIES REQUEST FOR MACHINERY AND TOOL TAX REFUND.PDF](#)

3.II. 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](#)

4. CONSENT AGENDA

4.I. APPROPRIATIONS

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

Documents:

[APPROPRIATIONS.PDF](#)

4.II. COUNTY ATTORNEY INVOICE

Attached is an invoice for \$21,926.82 from the County Attorney for services provided from February 15, 2023 through March 20, 2023.

Services

General Representation:	\$9,700.00
Real Estate Tax Collection:	\$5,800.00
Personal Property Tax Collection:	\$3,575.00
Miscellaneous Matters:	\$1,571.09

Expenses Paid

General Representation	\$233.84
Real Estate Tax Collection:	\$937.80
Personal Property Tax Collection:	\$58.00
Miscellaneous Matters:	\$51.09

Documents:

[COUNTY ATTORNEY INVOICE.PDF](#)

4.III. EXCEPTION FROM NOISE ORDINANCE

Vincent Yuille, 1278 Pigeon Run Road, Gladys, Virginia, has submitted a request for an exception from the Noise Ordinance for a Mother's Day event at 58 Yuille Lane, Gladys on May 12, 2023. The request is to extend the time from 10:00 p.m. to 1:00 a.m. They are expecting 120 people to attend. Attached is a copy of the Request for Exception from the Noise Ordinance.

Documents:

[EXCEPTION TO NOISE ORDINANCE - YUILLE.PDF](#)
[EXCEPTION TO NOISE ORDINANCE APPLICATION.PDF](#)

4.IV. ST. JUDE DREAM HOME

At the November 7, 2019 and March 2, 2021 regular meetings, the Board of Supervisors authorized the donation of the building permit fee for the St. Jude Dream Home Giveaway project in Campbell County.

A third Dream Home is going to be constructed in the Trent's Landing development in Campbell County. The developers have asked that the Land Disturbance and Building

Permit fees be waived as a donation to the project. Because the County's permit fee schedule is codified in the County Code, Board authorization is required to waive the permit fee.

Documents:

[ST JUDE MEMO.PDF](#)
[LETTER FROM CUSTOM STRUCTURES.PDF](#)

4.V. MEMORANDUM OF UNDERSTANDING BETWEEN U.S. MARINE FORCES, SPECIAL OPERATIONS COMMAND AND THE CAMPBELL COUNTY SHERIFF'S OFFIE

Documents:

[MARSOC MOU W CAMPBELL COUNTY SHERIFFS OFFICE.PDF](#)

4.VI. RECOMMENDATIONS: Staff Recommends The Board:

- a. **Approve the appropriations as presented;**
- b. **Approve the County Attorney invoice of \$21,926.82;**
- c. **Review the request from Mr. Yuille and advise staff if the time extension and exception from the Noise Ordinance will be granted;**
- d. **Authorize the donation of the land disturbance and building permit fees for the St. Jude Dream Home Giveaway project in Campbell County;**
- e. **Authorize the County Administrator to execute the Memorandum of Understanding between the U.S. Marine Forces, Special Operations Command and the Campbell County Sheriff's Office.**

5. APPOINTMENTS

Attached for your review is a list of appointments.

Documents:

[APPOINTMENTS.PDF](#)

6. MATTERS FROM THE BOARD

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

Documents:

[MATTERS FROM THE BOARD.PDF](#)

7. CLOSED MEETING

- a. Staff is requesting the Campbell County Board of Supervisors enter into Closed Session in accordance with Section 2.2-3711 (A)(7) of the Code of Virginia to discuss legal matters related to a public nuisance.

b. Staff is requesting the Campbell County 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.

8. 7:00 P.M. PUBLIC HEARINGS

The following Public Hearings were advertised (ad attached) for:

Paul E. Harvey, Director of Community Development

Documents:

[BOARD AD.PDF](#)

8.I. PL-23-019 REZONING REQUEST – 73 LIBERTY VILLAGE BLVD

This request is to rezone 1.22 +/- acres from Residential – Multi Family, Conditional to Business – Limited Commercial to allow for use as a professional office. The property is located at 73 Liberty Village Boulevard, Lynchburg, VA, and in the Spring Hill Election District. As per the Comprehensive plan the property is located in an area designated as urban development area residential. Staff report is attached.

The applicant is seeking to rezone the property to Business – Limited Commercial to allow for use as a professional office. The building is proposed to be used as a behavioral health services office. The building was originally used as a sales center for the residential development. Due to the previous use and construction of the building, a future residential use is not feasible.

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

Documents:

[PL-23-019 BOARD PACKET.PDF](#)

8.II. PL-23-020 SPECIAL USE PERMIT REQUEST – 595 MEADOWBROOK LANE

This request is from Stacie Swan for a special use permit to allow one additional dwelling unit within the single family dwelling for use by immediate family on property zoned Agricultural. The property is located at 595 Meadowbrook Lane, 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 residential. Staff report is attached.

The applicant would like to allow the additional dwelling unit in the basement of the single family dwelling to be used by immediate family. The additional dwelling unit would be for the applicant's daughters. The basement would include two bedrooms, a storage area, laundry, and a kitchen. The basement will have its own driveway and entrance for the daughters to use.

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 submitted with the request by vote of 6-0 citing good zoning practice.

Documents:

[PL-23-020 BOARD PACKET.PDF](#)

8.III. PL-20-023 SPECIAL USE PERMIT REQUEST – 227 LEEWARD WAY

This request is from Meden Jaikaran for a special use permit to allow one additional dwelling unit within the single family dwelling for use by immediate family on property zoned Residential – Single Family. The property is located at 227 Leeward Way, Lynchburg, 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 residential. Staff report is attached.

The applicant would like to allow the additional dwelling unit in the basement of the single family dwelling to be used by immediate family. The additional dwelling unit would be for the applicant's mother, who is also an owner of the property. The basement would include a living space with a full kitchen.

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 submitted with this request, by vote of 6-0 citing good zoning practice.

Documents:

[PL-23-023 BOARD PACKET.PDF](#)

8.IV. PL-23-028 REZONING REQUEST – 436 MIDGETT FARM ROAD

This request is to rezone 0.793 +/- acres from Business – General Commercial to Residential – Single Family to allow for use as a single-family dwelling. The property is located at 436 Midgett Farm Road, Concord, VA, and in the Concord 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.

The applicant is seeking to rezone the parcel to Residential – Single Family to allow for use as a single-family dwelling. The parcel was zoned Business – General Commercial as of August 15, 2005. The existing single-family dwelling on the property was converted to an antique store in 2008. The property has now been purchased by the applicant and is no longer used as a business. The applicant has received interest from several families in using the property as a primary residence.

The rezoning to Residential – Single Family would allow for the property to be used as a single-family dwelling.

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

Documents:

[PL-23-028 BOARD PACKET.PDF](#)

8.V. PUBLIC HEARING – CODE UPDATE FOR ELDERLY AND DISABLED TAX RELIEF
F.E. “Tripp” Isehour, III, County Attorney

At the February 28, 2023 Budget work session, the Board directed staff to present options to increase the thresholds for elderly and disabled tax relief. The sense of the Board was that given the increase in the real estate assessment values and the general inflationary environment, that the income limits for relief should be raised, together with the maximum relief allowed.

The Commissioner of the Revenue is responsible for reviewing and processing all applications for elderly and disabled tax relief pursuant to County Code. The Commissioner of the Revenue has reviewed the elderly and disabled tax relief application database to aid in providing recommendations to the Board concerning tax relief. He has recommended that the Board consider raising the maximum total qualifying income from \$45,000.00 to \$50,000.00; that the Board consider raising each income band limit for partial relief by \$5,000.00 per income band; and that the Board consider raising the maximum total tax relief from \$750.00 to \$1,000.00.

Based upon last year’s applications, the proposed change would be expected to reduce County revenue by \$19,753.00. The number of additional individuals that may become eligible under the new income levels is unknown, so there will likely be some additional revenue impact from that category of potential applicants, though the exact extent of that impact is unknown.

RECOMMENDATION: Staff recommends the Board conduct the necessary public hearing and take action on the proposed changes to the County Code concerning the changes to elderly and disabled tax relief.

Documents:

[CODE UPDATE FINANCE AND TAXATION MEMO.PDF](#)
[CHAPTER 9 AMENDMENTS.DOCX](#)
[ADVERTISEMENT.PDF](#)

8.VI. PUBLIC HEARING – FISCAL YEAR 2024 TAX RATES
Frank J. Rogers, County Administrator

The Board conducted a public hearing on March 28, 2023 concerning the proposed FY 2024 budget. In reassessment years, State Code requires a separate public hearing on tax rates if that rate results in a year-over-year increase of the tax levy by more than 101%.

RECOMMENDATION: Staff recommends the Board conduct the necessary public hearing and following the public hearing, adoption the Fiscal Year 2024 tax rates and budget.

Documents:

[FISCAL YEAR 2024 TAX RATES.PDF](#)

9. AGENCY MINUTES AND REPORTS

Documents:

PLANNING COMMISSION - FEBRUARY 2023.PDF
ROBERT E LEE SOIL AND WATER CONSERVATION DISTRICT - FEBRUARY
2023.PDF
SOCIAL SERVICES BOARD - FEBRUARY 2023.PDF

10. INFORMATIONAL ITEMS

Documents:

EXPENDITURE REVENUE SUMMARY - FEBRUARY 2023.PDF
NEW EMPLOYEE REPORT - MARCH 2023.PDF
SCHOOL APPROPRIATION REQUESTS - APRIL 2023.PDF

11. BOARD OF SUPERVISORS MEETING SCHEDULE

Revised 3/28/2023

Tuesday, April 4th

6:00 PM – Regular Administrative Business Meeting (Budget Adoption)

7:00 PM – Public Hearings

Tuesday, April 18th

6:00 PM – Broadband Authority & Board Work Session (if needed)

Tuesday, May 2nd

6:00 PM – Regular Administrative Business Meeting

7:00 PM – Public Hearings

Tuesday, May 9th

5:30 PM – EMSAC/FAC – Citizen Services Building Conference Room

Tuesday, May 16th

6:00 PM – Board Work Session – Joint Meeting with Planning Commission

Tuesday, June 6th

6:00 PM – Regular Administrative Business Meeting

7:00 PM – Public Hearings

Tuesday, June 20th

6:00 PM – Board Work Session – Joint with IDA

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Residents having any questions or comments regarding any of the above agenda items may click [here](#) to provide the Board of Supervisors your feedback.