

BOARD OF SUPERVISORS MEETING

April 4, 2023

The regular meeting of the Campbell County Board of Supervisors was held on the 4th day of April 2023 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Matt W. Cline, Chairman, Presiding	Concord Election District
Kenneth R. Brown	Spring Hill Election District
Justin A. Carwile	Timberlake Election District
Jon R. Hardie	Rustburg Election District
A. Dale Moore	Altavista Election District
Steve W. Shockley	Sunburst Election District
Charlie A. Watts II	Brookneal Election District

Also present were:

Clifton M. Tweedy, Deputy County Administrator
F. E. "Tripp" Isenhour, III, County Attorney
Catherine H. Moore, Clerk

Chairman Cline called the meeting to order at 6:00 p.m. Following the Pledge of Allegiance, a moment of silence was observed.

// APPROVAL OF MINUTES

On motion of Supervisor Shockley, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the January 3, 2023 regular meeting, February 7, 2023 regular meeting, February 21, 2023 work session and the February 28, 2023 budget work session as presented.

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

// APPEARANCES

Patty S. Burcham, 85 Jefferson Manor Drive, Forest, indicated she and her family had lived at this address since the mid-1970's. She presented a zoning map of the vicinity of her home. She expressed concern about a Board decision made on January 5, 2021 whereby 4430 Waterlick Road was rezoned from Residential – Single Family to Business – General Commercial for the installation of 38 storage units. The lot was on the corner of Jefferson Manor Drive and Waterlick Road. She and her husband were one of the plaintiffs in a successful 1976 lawsuit to keep the lot at 4430 Waterlick Road residential. She asked to file a complaint regarding the decision to change the zoning of the subject lot.

After speaking with Supervisor Carwile, Mrs. Burcham received an e-mail that the County had followed all legal processes for advertising the rezoning application. Mrs. Burcham contended that no one with a Jefferson Manor address was notified in writing and they did not see a posted sign announcing the rezoning. Five (5) adjacent property owners were notified, one being the Quickie store, one family on Locksley Place, one in Madison, Alabama, and one in Iowa even though the entrance and exit to the storage units was from Jefferson Manor Drive. The subject lot was only 50 feet from Krystal Mays who would also be speaking at this meeting, and 100 feet from her property. It was stated in the e-mail that the required thirty (30) days to appeal the zoning decision had expired. Mrs. Burcham commented the rezoning may have been handled legally, but based on the 1976 court decision, the decision was ethically and morally wrong. She added that no one would want the storage unit business in a residential neighborhood, and this lot was the last of the residential lots on their street. In conclusion, Mrs. Burcham explained the history of this property indicating that when the subdivision was created, there were conditions that the lots would be for residential use only, and the Virginia Supreme

Court affirmed the lot should remain residential. She believed the outcome of the court case should have bearing on the zoning for this property.

Krystal Mays, 67 Jefferson Manor Drive, Forest, lived only a few feet from 4430 Waterlick Road. She indicated that a concern was raised at the Planning Commission meeting in 2020 that Jefferson Manor Drive was inadequate for the traffic. Mrs. Mays agreed adding there had been a number of accidents at the intersection with Waterlick Road. She was concerned about the children that walked up and down Jefferson Manor Drive. She believed the change in zoning would bring additional traffic to an already heavily congested area. Another issue that was brought up in 2020 was concerns from the Fire Marshal on fire response. Mrs. Mays did not want to live near storage buildings which could bring crime, additional traffic and be an eyesore from their properties.

Following their presentation, Mrs. Burcham and Mrs. Mays asked the Board if they would be taking any action on their concerns. Mr. Isenhour responded the comments were for the Board's information. The action taken by the Board in January of 2021 had been final for some time. The landowner had not filed a petition to change the zoning of that parcel; therefore, there was no action before the Board. Supervisor Carwile realized it was a private matter as it stands. Mr. Isenhour indicated the zoning was different than private restrictions, and the court case found there was an inverse restriction on the property meaning the property would have the same conditions as the neighboring properties. A private property owner wanting to stop development could use that court case to force a private restriction against a property. At the same time, the other property owner could go back to court to amend those restrictions based on the passage of time or a change in the character of the neighborhood. Those private restrictions would not impact the Board's decision to rezone the property. The zoning of a property is not affected by the private rights of landowners. Supervisor Carwile asked if the property owner wanted to rezone the property back to residential, could the County waive the costs of the rezoning. Mr. Isenhour indicated the County could not waive those costs as they were imposed by State Code. However, it may be a cost that could be paid from the Supervisors' discretionary fund, but he would need time to research if that was permissible.

// REQUEST FOR REFUND OF MACHINERY AND TOOLS TAX – ABBOTT LABORATORIES

Calvin Massie, Commissioner of the Revenue, presented a request from Abbott Laboratories, 1518 Main Street, Altavista, for a refund of machinery and tools tax for tax years 2019, 2020, 2021 and 2022. Abbott advised that when the tax returns were filed, certain machinery and tools were erroneously reported as being subject to machinery and tools tax when the equipment was exempt from taxation in accordance with Section 58.1-3507 of the Code of Virginia. Mr. Massie toured the manufacturing operations to observe the machinery and tools in both production and non-production areas. Machinery and tools in non-production areas were exempt from the machinery and tools tax. After a review of the amended tax returns, Mr. Massie concurred that the machinery and tools tax was overpaid. Pursuant to Section 58.1-3981(A), any refund exceeding \$5,000 must be approved by the Board, upon the certification of the Commissioner that the tax was erroneously assessed and with the consent of the County Attorney.

The request for refund of the overpayment of machinery and tools tax was discussed with the County Attorney and was approved. County Attorney Isenhour requested that the Board approve up to \$170,407.32 for the tax year 2019 pending further review of a Performance Agreement with Abbott Laboratories to incentivize the addition of machinery and tools. The amounts to be refunded for the respective years were as follows:

2022	\$174,837.25
2021	172,367.74
2020	168,946.14
2019	170,407.32

On motion of Supervisor Moore, it was resolved the Board of Supervisors approves a refund to Abbott Laboratories, Altavista, Virginia, of the overpayment of machinery and tools taxes in the amount of \$174,837.25 for Tax Year 2022, \$172,367.74 for Tax Year 2021, \$168,946.14 for Tax Year 2020, and up to \$170,407.32 for tax year 2019, in accordance with

Section 58.1-3507 of the Code of Virginia, subject to an additional review of a 2017 Performance Agreement with Abbott Laboratories that may impact the 2019 refund.

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

// HIGHWAY MATTERS

Clif Tweedy, Deputy County Administrator, updated the Board on highway matters. Robert Brown, VDOT Residency Engineer, was also present. Updates were provided on several pending matters:

- In response to a prior request by Supervisor Hardie to review the crosswalk in front of the Historic Courthouse, VDOT was conducting a review of all pedestrian crossings in Rustburg. Mr. Brown added he and the Traffic Operations Manager toured Rustburg just last week and he plans to meet with County staff to review the recommendations. VDOT was looking at long-term options that would be meaningful to improve safety in the Village of Rustburg.
- VDOT continues to monitor the intersection of Route 460 and Doss Road, and VDOT has agreed to install a raised median to move traffic to the right side of Route 460.
- The speed study for Leesville Road from Leesville Estates to the City Limits was ongoing. That section of road was currently a 45 mph zone. Speed studies took time with VDOT considering a number of factors such as the number of cars, density and crash data. Supervisor Shockley expressed concern that during sporting events, cars were parked along the roadway with children and parents moving back and forth along the road. Mr. Brown appreciated that information and would take that into consideration.

From VDOT:

- Mr. Brown advised the Six-Year Plan would be scheduled next month; the Board would have an opportunity to consider the Unpaved Road Priority List. There were not a lot of unpaved roads in the County, but Radio Road was planned for this year. VDOT does receive telecommunications fees that could be used to pave additional roads if the Board so desired. This year \$151,000 would be available.
- Their litter contractor was picking up litter that day on Route 460.
- VDOT was currently working on ditching, shoulder and pipe work, and removing trees as part of basic road maintenance.

From the Board:

- Supervisor Hardie thanked VDOT for efforts to clean up litter and conversations about improving safety in the Village of Rustburg.
- Chairman Cline thanked VDOT for the litter pickup in progress on Route 460.
- Supervisor Shockley indicated that there was a serious accident recently in the westbound lane near the current construction at the Timberlake Road/Waterlick Road intersection. He suggested signage would be helpful to alert drivers that there was no right turn lane or please slow down until construction was completed. Mr. Brown was doubtful the construction would be completed in May, but agreed the sooner the better to avoid additional accidents.
- Supervisor Carwile indicated a citizen has reached out to him regarding excessive speeding on Hydaway Drive, off Waterlick Road. He indicated she would be coming to a future Board meeting and he would like to be prepared to discuss options such as traffic calming. Mr. Brown advised the first step in traffic calming was using signage and adopting increased fines. He added it would be well if the Sheriff's Department could collect speed samples between now and then. Captain Tom Fairchild indicated the Sheriff's Department would assist with that. Mr. Tweedy added the Board's policy is that certain traffic calming efforts were at the expense of the citizens.

// CONSENT AGENDA

The Consent Agenda was presented. Supervisor Hardie supported the continued donation to the St. Jude Dream Home project.

Chairman Cline offered a motion that item (e) Memorandum of Understanding (MOU) between the U. S. Marine Forces, Special Operations Command and the Campbell County Sheriff's Office to allow MARFORSOC to conduct training in Campbell County, be continued until the next regular meeting to allow the Marine Corp to answer several questions.

On motion of Chairman Cline, it was resolved the Board of Supervisors removes item (e) Memorandum of Understanding (MOU) between the U. S. Marine Forces, Special Operations Command and the Campbell County Sheriff's Office to allow MARFORSOC to conduct training in Campbell County, from the Consent Agenda to be considered at the next regular meeting.

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

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

a) Appropriations –

1. General Fund, Planning/Zoning, appropriating \$3,900 to Advertising, and increases estimated revenue, Zoning/Subdivision Permits, by \$3,900, due to increase in the number of public hearings;
2. General Fund, Library Administration, appropriating \$1,378.39 to ARPA Grant – Library, and increases estimated revenue, ARPA Grant – Library, by \$1,378.39, remainder of \$22,500 Library of Virginia ARPA Grant that fell into FY 2023 and marks the completion of the grant;
3. General Fund, Public Safety, appropriating \$956 to Convention & Education, and increases estimated revenue, VITA Educational Grant, by \$956, VDEM educational grant reimbursement;
4. General Fund, Public Safety, appropriating \$741.45 to Food Supplies; and increases estimated revenue, Gifts & Donations – Public Safety by \$741.45, United Way donations made to Public Safety;
5. General Fund, Library Administration, appropriating \$15,987 to Books & Subscriptions and \$8,981 to Furniture & Fixtures, and increases estimated revenue, State Aid – Library, by \$24,968, additional funding approved by the General Assembly;
6. Debt Service Fund, Debt Service, appropriating \$29,587.08 to Other Professional Services, and decreases Unassigned Fund Balance in the amount of \$29,587.08, to cover unexpected costs associated with Financial Advisory Services for the Multi-Year Capital Planning and Financial Policy Development for CCUSA;
7. General Fund, Sheriff's Department, appropriating \$5,000 to Special Investigation Fees, and increases estimated revenue, Gifts and Donations – Sheriff's Office by \$5,000, donation from Lynchburg Moose to be used for undercover rental vehicle monthly expense;
8. General Fund, Public Safety, appropriating \$2,678.78 to Maintenance Contracts – Communication Equipment, and increases estimated revenue, Insurance Recoveries, by \$2,678.78, reimbursement for damaged radio;

b) County Attorney invoice –

Approves payment to the County Attorney in the amount of \$21,926.82 for services rendered from February 15, 2023 to March 20, 2023;

c) Exception from Noise Ordinance – Yuille

Approves an exception from the Noise Ordinance from Vincent Yuille for a Mother's Day event at 58 Yuille Lane, Gladys, Virginia, on May 12, 2023, to extend the time from 10:00 p.m. to 1:00 a.m.; and

d) Waive Fees for St. Jude Dream Home –

Waives Land Disturbance and Building Permit fees as donation toward the construction by Custom Structures, Inc. of a third St. Jude Dream Home in the Trent's Landing development of Campbell County;

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

// APPOINTMENTS

Two appointments were made at this meeting.

Social Services Board

On motion of Supervisor Carwile, it was resolved the Board of Supervisors appoints David Smith, 390 Royal Court, Forest, Virginia to fulfill the remainder of a four year term until June 30, 2024 on the Social Services Board for the Timberlake Election District.

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

Tri-County Lakes Administrative Commission (TLAC)

On motion of Supervisor Moore, it was resolved the Board of Supervisors reappoints Supervisor Dale Moore and County Administrator Frank Rogers to a one-year term until January 31, 2024 on the Tri-County Lakes Administrative Commission (TLAC).

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

// MATTERS FROM THE BOARD

- Supervisor Carwile asked staff if it was possible to offer basic medical training to the community. In light of increased traffic accidents, he believed this would be a benefit in case citizens were the first to arrive to an accident scene. Mr. Tweedy indicated he would look into that.
- Chairman Cline, in an effort to prepare for an upcoming meeting on the Comprehensive Plan and a joint meeting with the Planning Commission, requested staff to provide options surrounding a new zoning classification in agricultural districts. This would be related to reducing the minimum lot size in agricultural districts.
- Supervisor Hardie offered his thoughts and prayers to those impacted by the recent school shooting in Nashville, Tennessee. He appreciated the investment Campbell County had made in having School Resource Officers in the schools and the partnership between the Schools and the Sheriff's Department.
- Supervisor Hardie thanked staff and volunteers for their efforts in the recent litter pickup.
- Supervisor Hardie announced the Rustburg Library was having their annual yard sale in May and was accepting donations.
- Supervisor Hardie wished everyone a happy Easter.

// PUBLIC HEARING – REZONING REQUEST LIBERTY VILLAGE BLVD

PL-23-019 Request by Craig Pettitt, agent for American Heritage Communities/Liberty Village LLC, to rezone property located at 73 Liberty Village Blvd from Residential – Multi Family, Conditional to Business – Limited Commercial to

allow for use as a professional office. This property is located in an area designated as urban development area residential per the current Comprehensive Plan.

Paul Harvey, Director of Community Development, indicated this was a request to rezone 1.22 acres from Residential – Multi Family, Conditional to Business – Limited Commercial to allow for use as a professional office. The property was located at 73 Liberty Village Blvd in the Spring Hill Election District and was originally part of the Liberty Village Planned Unit Development. The building was originally used as a sales center for the residential development, but the applicant proposes to use the building as a behavioral health services office. Due to the previous use and construction of the building, a future residential use was not feasible.

The proposed rezoning would have the effect of removing the existing proffers associated with that portion of the parcel. No proffers were submitted with the rezoning request. The Planning Commission recommended approval of the request by a vote of 6-0 citing good zoning practice.

Matthew Grigg, 2001 Mimosa Drive, Lynchburg, was representing the applicant, indicated the building was no longer being used as a sales center. They proposed to use it as a health center. They would have 10 full-time staff with 14 patients per day. There was very little traffic in that area. In answer to a question by Supervisor Watts, the health center would be operated under CHP that was currently operating in Candler's Station.

Chairman Cline opened the public hearing at 7:03 p.m. No one spoke in favor of or in opposition to the proposed rezoning. The public hearing was closed at 7:03 p.m.

On motion of Supervisor Brown, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice **APPROVES** Request PL-23-019 by Craig Pettitt, agent for American Heritage Communities/Liberty Village LLC, to rezone property located at 73 Liberty Village Blvd from Residential – Multi Family, Conditional to Business – Limited Commercial to allow for use as a professional office.

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

// PUBLIC HEARING – SPECIAL USE PERMIT AT 595 MEADOWBROOK LANE

PL-23-020 Request by Stacie Swan for a special use permit to allow one additional dwelling unit within the single family dwelling for use by immediate family. The property is located at 595 Meadowbrook Lane and is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Mr. Harvey indicated Stacie Swan has applied for a special use permit to allow an additional dwelling unit in the basement of the single family home to be used by immediate family. In this case it would be used by the applicant's daughters. The basement would have two bedrooms, a storage area, laundry and a kitchen. The basement would have its own driveway and entrance for the daughters to use. The property was located at 595 Meadowbrook Lane, Rustburg, in the Spring Hill Election District. The Planning Commission recommended approval of the request with the condition recommended by staff by a vote of 6-0 citing good zoning practice.

Stacie Swan, 78 Emanuel Court, Lynchburg, indicated she had two older children who wanted to live in her basement of the new home they were building.

Chairman Cline opened the public hearing at 7:06 p.m. No one spoke in favor of or in opposition to the proposed rezoning. The public hearing was closed at 7:06 p.m.

On motion of Supervisor Brown, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice **APPROVES** Request PL-23-020 by 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 located at 595 Meadowbrook Lane with the condition the applicant utilizes the site in conformance with the use described in the narrative submitted with the request.

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

// PUBLIC HEARING – SPECIAL USE PERMIT AT 227 LEEWARD WAY

PL-23-023 Request by Meden Jaikaran for a special use permit to allow one additional dwelling unit within the single family dwelling for use by immediate family. The property is located at 227 Leeward Way and is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Mr. Harvey advised this request from Meden Jaikaran was for a special use permit to allow one additional dwelling unit within the single family dwelling for use by immediate family. The property was zoned Residential-Single Family and was located at 227 Leeward Way in the Spring Hill Election District. The additional dwelling would be for the applicant's mother, who was also an owner of the property and would contain a living space with a full kitchen. The Planning Commission recommended approval of the request with the condition recommended by staff by a vote of 6-0 citing good zoning practice.

Meden Jaikaran, 227 Leeward Way, indicated her mother lived with her and her family. Her mother would like to have her own space.

Chairman Cline opened the public hearing at 7:08 p.m. No one spoke in favor of or in opposition to the proposed rezoning. The public hearing was closed at 7:08 p.m.

On motion of Supervisor Brown, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice **APPROVES** Request PL-23-023 by 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 located at 227 Leeward Way with the condition the applicant utilizes the site in conformance with the use described in the narrative submitted with the request.

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

// PUBLIC HEARING – REZONE PROPERTY AT 436 MIDGETT FARM ROAD

PL-23-028 Request by C. Matthew Fariss to rezone property located at 436 Midgett Farm Road from Business – General Commercial to Residential – Single Family to allow for use as a single-family dwelling. The property is located in an area designated as medium to high density mixed per the current Comprehensive Plan.

Mr. Harvey indicated this request was to rezone 0.793 acres from Business – General Commercial to Residential – Single Family to allow for use as a single-family dwelling. The property was located at 436 Midgett Farm Road in the Concord Election District. The subject 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 had received interest from several families in using the property as a primary residence.

The parcel was served by a well and a private septic system. Midgett Farm Road serves the property. The Planning Commission recommended approval of the request by a vote of 6-0 citing good zoning practice.

Kimberly Goff, 571 Red Oak School Road, Rustburg, spoke for the applicant. She had looked at this property and it was not set up to be a successful business because of the current access. There was a question at the Planning Commission about the septic system. She

indicated the septic was appropriate for a three bedroom house and the property had a well. There has been some interest in the property as a home.

Chairman Cline opened the public hearing at 7:12 p.m. No one spoke in favor of or in opposition to the proposed rezoning. The public hearing was closed at 7:12 p.m.

Chairman Cline indicated the property laid very well for a single family home and not very well for a business. Supervisor Watts agreed the property would be best served as residential property.

On motion of Chairman Cline, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice **APPROVES** Request PL-23-028 by C. Matthew Fariss to rezone property located at 436 Midgett Farm Road from Business – General Commercial to Residential – Single Family to allow for use as a single-family dwelling.

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

// PUBLIC HEARING – CODE UPDATE FOR ELDERLY AND DISABLED TAX RELIEF

The next public hearing was opened at 7:16 p.m. to receive public comment on proposed new ordinances and amendments to Chapter 9 – Finance and Taxation. The primary effect of the change was to increase the maximum income limits of elderly and disabled tax relief recipients by \$5,000.00 and to increase the maximum relief allowed by \$250.00 to a total of \$1,000 possible relief. Other minor nonsubstantive changes were also indicated in the text as proposed for passage.

Mr. Isenhour added this change would raise the maximum total qualifying income from \$45,000 to \$50,000 and increase each income band limit for partial relief by \$5,000. Based upon last year's applications, the proposed change would be expected to reduce County revenue by \$19,753. The number of additional individuals that may become eligible under the new income levels was unknown.

Chairman Cline called for comments to the proposed code updates.

David Gifford, 285 Beasley Road, Lynchburg, thanked the Board for raising the income limits. It was good thing to help the elderly and the disabled.

Hearing no further comments, the public hearing was closed at 7:17 p.m.

Chairman Cline commented this was important in light of the current inflationary environment and would be impactful to citizens on fixed incomes. He thanked Supervisor Hardie for bringing this forward. Supervisor Hardie thanked Commissioner of the Revenue Mr. Massie for putting all the information together. He added this was the second adjustment in the five years he had been on the Board. He offered the following motion:

On motion of Supervisor Hardie, it was **ORDAINED** the Board of Supervisors adopts proposed new ordinances and amendments to Chapter 9 – Finance and Taxation to increase the maximum income limits of elderly and disabled tax relief recipients by \$5,000 and to increase the maximum relief allowed by \$250 to a total of \$1,000 possible relief as advertised.

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

// PUBLIC HEARING – FY 2024 BUDGET APPROPRIATIONS ADOPTION

The last public hearing was advertised to receive public comment on the proposed tax rates, more specifically the equalized real estate tax rate which is required under the Virginia

Code whenever the reassessment results in an increase in total property values. The County must advertise the equalized rate which was the rate at which the County would bring in 101% of last year's tax levy. The equalized rate of \$0.39 per \$100 of assessed value was property advertised and was known as the "lowered tax rate". The County proposes to adopt a tax rate of \$0.455 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.065 per \$100 of assessed value, or 17 percent. The difference would be known as the "effective tax rate increase." Individual property taxes may, however, increase at a percentage greater than or less than the above percentage. Based on the proposed real property tax rate and changes in other revenues, the total General Fund budget would exceed last year's by seven (7%) percent. Following the public hearing, the Board could proceed to adopt the budget and additional staff recommendations.

Chairman Cline opened the public hearing at 7:21 p.m.

Dr. David Gifford, 285 Beasley Road, Lynchburg, presented two slides showing the real estate revenue received in 2021, 2022 and for 2023 and the amount of increases. If the 2023 Budget was adopted as proposed, that would be an increase of 17%. He believed the Board should adjust that rate to lower the burden on the citizens. He pointed out that lowering the real estate to 44 cents would still provide a 13% increase in revenue. Looking at the second slide, Dr. Gifford estimated the County would be spending approximately \$3,700 for each student with an additional \$709 for debt service per child. He advocated the County provide \$709 to all homeschooled and private school students.

Hearing no further comments, the public hearing was closed at 7:29 p.m.

Chairman Cline appreciated Dr. Gifford's comments, and he took had looked at the various tax rates. He offered the following motion to adopt the tax rates for 2023 to reflect \$0.45 for real estate, \$4.10 for personal property and a 5% reduction in the BPOL rates. It was clarified that certain classifications of personal property would be taxed at 80% assessment ratio.

Tax Resolution

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

TAX RESOLUTION

It is hereby RESOLVED by the Board of Supervisors that there shall be levied for the tax year 2023, a tax of \$0.45 per \$100 of assessed valuation on all taxable real estate, a tax of \$4.10 (nominal) per \$100 of assessed valuation on all personal property segregable for local taxation by Virginia law with the exception that motor homes and all non-motorized pull behind recreational trailers will have an effective rate of \$3.80 per \$100 of assessed value by adjusting the assessment ratio; a levy of \$3.20 (nominal) per \$100 of assessed value on vehicles that are for hire and receive an apportioned tax; and a tax of \$3.20 (nominal) per \$100 of assessed valuation on machinery and tools. Taxation of real estate and personal property of public service corporations shall be based on the assessment thereof fixed by the State Corporation Commission, located in this County on January 1, 2023 at the tax rates stated herein; and

It is further RESOLVED that there shall be levied for the tax year 2024, BPOL tax rates of \$0.1444 per \$100 of gross receipts for contractors, \$0.1805 per \$100 of gross receipts for retail sales, \$0.3159 per \$100 of gross receipts for personal service & repair, \$0.4513 per \$100 of gross receipts for professional service, \$0.4513 per \$100 of gross receipts for public service and \$0.0451 per \$100 of gross purchases for wholesalers, in accordance with the provisions of the Campbell County Code of 1988, Chapter 14, *Licenses and Permits*.

It is further RESOLVED that there shall be levied for the tax year 2023, Transient Occupancy Tax of 2% of charges for occupancy.

Before the vote was taken, Supervisor Hardie spoke to the overpayment of taxes by Abbott Labs that was heard earlier in the meeting and its impact on current and future budgets. Mr. Tweedy indicated the refund to Abbott Labs of approximately \$680,000 would be taken from the General Fund Balance that would need to be made up at some point. He concurred

there would be at least \$170,000 less in revenue going forward. Supervisor Hardie reminded the Board this was not the first tax refund this year. As the Board could not anticipate unexpected costs, Supervisor Hardie recommended keeping the real estate tax rate at \$0.455 cents. Mr. Tweedy advised a reduction of ½ cent would reduce revenues by \$317,326.

Supervisor Watts appreciated Supervisor Hardie's comments, but believed Campbell County was conservative and would continue to experience increased tax revenues from the growth in development. He was the last person that would want to reduce rates only to raise them in five years. Supervisor Watts added most years the County had funds left over at year end that would more than cover the reduction in revenues. He would support the motion.

Supervisor Brown, while he would like to go even lower in the rate, realized it was not possible. He too believed the County would continue to grow; therefore, he would support \$0.45 cents.

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

Adoption of FY 2024 Budget

Before the Board considered adoption of the budget, Mr. Tweedy indicated staff would recommend reducing the Transfer to Debt Service by \$317,326 to balance the budget. If this was agreeable to the Board, a motion to adopt the budget with that amendment would be in order.

On motion of Chairman Cline, it was resolved the Board of Supervisors adopts the FY 2024 budget with one amendment to reduce revenues by \$317,326 and reduce the Transfer to Debt Service by \$317,326.

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

Adoption of FY 2024 Appropriations Resolution – Salary Increase

On motion of Chairman Cline, it was resolved the Board of Supervisors adopts the FY 2024 Appropriations Resolution as amended, and approves a salary increase of 7% effective July 1, 2023 for eligible full time County employees contingent upon State funding.

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

// CLOSED MEETING

On motion of Supervisor Brown, it was resolved the Board of Supervisors enters into a closed meeting at 7:47 p.m. to discuss legal matters related to a public nuisance, in accordance with the legal exemption §2.2-3711 (A)(7) of the Code of Virginia of 1950, as amended; and to discuss matters related to the acquisition of real property for a public purpose or the disposition of publicly held real property, in accordance with the acquisition or disposition of property exemption §2.2-3711 (A)(3) of the Code of Virginia, as amended.

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

// The Campbell County Board of Supervisors entered into a closed meeting on this 4th day of April, 2023 at 7:47 p.m. to discuss legal matters related to a public nuisance, in accordance with the legal exemption §2.2-3711 (A)(7) of the Code of Virginia of 1950, as amended; and to discuss matters related to the acquisition of real property for a public purpose or the disposition of publicly held real property, in accordance with the acquisition or disposition of property exemption §2.2-3711 (A)(3) of the Code of Virginia, as amended.

// On motion of Supervisor Brown, it was resolved the meeting return to open session at 8:15 p.m.

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

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 4th day of April, 2023 pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3711 of the Code of Virginia requires a certification by the Campbell County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Campbell County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Campbell County Board of Supervisors.

The roll call vote was: Aye: Brown
Aye: Carwile
Aye: Cline
Aye: Hardie
Aye: Moore
Aye: Shockley
Aye: Watts
Nay: None
Absent During Meeting: None
Absent During Vote: None

// ACTIONS FOLLOWING CLOSED MEETING

On motion of Chairman Cline, it was resolved the Board of Supervisors authorizes the County Attorney to file legal proceedings to abate a potential public nuisance at 4213 Sunnymeade Road.

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

On motion of Supervisor Hardie, it was resolved the Board of Supervisors authorizes the County Attorney to file legal proceedings to abate a potential public nuisance at 3903 New Chapel Road.

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

// APPOINTMENT

Recreation Advisory Council

On motion of Supervisor Moore, it was resolved the Board of Supervisors appoints Donnie Wilkerson, 2074 Shady Lane, Altavista, Virginia, to fulfill the remainder of a three-year

term until December 31, 2025 on the Recreation Advisory Council representing the Altavista Election District.

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

// ADJOURNMENT

On motion of Supervisor Brown, the meeting was adjourned at 8:17 p.m.

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

MATT W. CLINE, CHAIRMAN

Approved: _____