

BOARD OF SUPERVISORS MEETING

April 3, 2006

The regular meeting of the Campbell County Board of Supervisors was held on the 3rd day of April 2006 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Eddie Gunter, Jr., Chairman, Presiding	Concord Election District
Rick Boyer	Sunburst Election District
Calvin P. Carter	Altavista Election District
Charles W. Falwell	Timberlake Election District
Hugh T. Pendleton, Jr.	Rustburg Election District
Hugh W. Rosser	Seneca Election District

R. David Laurrell, County Administrator
Clifton M. Tweedy, Deputy County Administrator
David W. Shreve, County Attorney

Absent from the meeting was:

J. D. Puckett	Brookneal Election District
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The meeting was called to order at 7:00 p.m., and Supervisor Carter gave the invocation.

// APPROVAL OF MINUTES

On motion of Supervisor Rosser, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the March 6, 2006 regular meeting as presented.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
Nay: None
Absent: Puckett

// PUBLIC HEARING – AIRPORT DEVELOPMENT AREA SPECIAL SERVICE DISTRICT

The public hearing was opened at 7:02 p.m.

J. Michael Davidson, Director of Economic Development, explained that Campbell County entered into a Cooperative Agreement with the City of Lynchburg and Compson Development in November 2005 at the time the Wards Crossing West project was being considered. Part of the Cooperative Agreement included the establishment of a Special Service District to help address anticipated future development in a particular area expected to require substantial additional service demands and traffic effects for the County. The creation of a Special Service District would help the County, in conjunction with the adjoining City of Lynchburg, plan and manage the Development Area, the impact of such development and mitigating costs associated with providing public services. A petition in favor of the Special Service District was signed by 83% of the affected property owners.

The Special Service District would set a real estate tax rate equal to that of the City of Lynchburg with exclusions included for senior citizens. Wards Crossing West would be the first project to be developed in the Development Area, and the real estate differential (City real estate tax minus County real estate tax) from those parcels would be paid to the City of Lynchburg for the provision of services by the City. The revenue generated from the tax differential on the remaining parcels would be placed in a Capital Improvement Fund to improve the infrastructure and provide for enhanced services in that area as it continues to develop. As part of the Cooperative Agreement, the County is committed to providing the funding to design and build the access road until such time the road is taken into VDOT's secondary road system. There would be an agreement with the developer to provide for the maintenance and upkeep of the public right-of-way until it meets VDOT's requirements.

Three of the parcels within the Special Service District were privately owned. Section 5 of the ordinance provides for tax relief for certain elderly and disabled persons. An additional amendment would be advertised for the June code updates that would provide for additional tax relief within the Special Service District for the elderly.

Mr. Davidson explained the factors that determined which parcels were included in the Special Service District. Inclusion was based on the zoning of the parcels, the desire to provide a contiguous district and ideal location of the access road.

No one spoke in favor of or in opposition to the proposed rezoning. The public hearing was closed at 7:10 p.m.

On motion of Supervisor Pendleton, it was resolved the Board of Supervisors adopts an uncodified ordinance to establish the Airport Development Area Special Service District, pursuant to the authority of VA. CODE ANN. §15.2-2400 et seq., encompassing approximately 200 acres located in the Concord Election District of Campbell County along Wards Road and the U. S. Highway Route 460 Bypass between Wards Ferry Road and Airport Road, to subject real property within the Special Service District to a real estate tax rate equal to that of the City of Lynchburg, such that the additional funds generated thereby shall be utilized for the Special Service District, and to provide for tax relief for elderly and disabled persons owning property within the Special Service District; and the purpose of the Special Service District will be to address anticipated future development in that area by providing additional, more complete or more timely services than are required in the County as a whole.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
Nay: None
Absent: Puckett

// PUBLIC HEARING – SPECIAL USE PERMIT FOR WADE AND SON GARAGE

The public hearing was opened at 7:11 p.m. on:

06-01057 Request by Russell E. Nixon with Nixon Land Surveying, LLC, Agent for property owned by Thomas E. & Tonda R. Wade to obtain a special use permit to operate an automobile sale, repairing and rebuilding facility known as Wade and Son Garage. Property is located at 5726 Wards Road, Rustburg, VA 24588.

Paul Harvey, Director of Community Development, explained this was a request for a special use permit to operate an automobile sales, repairing and rebuilding facility on property zoned A-1 Agricultural. The property currently contains an automobile garage, and the applicant is not proposing to construct additional buildings at this time. There was a cabinet shop at this location in the past. The property is one acre in size and would be accessed from Browns Mill Road. The request should have minimal impact on the daily traffic flow, but VDOT would need to approve a commercial entrance. The property shares a driveway entrance with an adjacent residence.

The Planning Commission by a vote of 6-0 with 1 abstention recommended approval with the following conditions: 1) a maximum of ten vehicles may be for sale or under repair at any given time at the business, 2) the business must obtain VDOT approval for a commercial entrance from Browns Mill Road and not Wards Road, and 3) the natural tree and vegetative buffer along the property lines must be maintained.

A. David Hawkins, Attorney in Rustburg, Virginia, was representing Tommy Wade of Wade & Son Garage. Mr. Wade was a lifetime resident of Campbell County and has always worked in the family business. The business has never been cited for violation of any rule or regulation. Mr. Wade is a professional mechanic and does mechanical work for the State Police, Sheriff's Department, and fire and rescue personnel. He was requesting approval of a special use permit and was in agreement with the conditions placed upon the permit by the Planning Commission. He plans to pare down the current business and focus on engines and transmissions. While he has a dealer's license, he does not plan to have a used car lot, but uses

the license when he has to sell a vehicle that he has a lien on, test drive a vehicle or to transport vehicles. On the site plan he only included four spaces to place used cars for sale.

The property is zoned A-1 which would allow automobile service stations, auto repair shops, railroad stations, sawmills, etc. The special use permit would only be a slight extension of the uses already allowed. The property lies in a commercial corridor with a number of businesses in the vicinity. Mr. Hawkins emphatically stated the property would not have a junk yard. He realized there were a number of people opposed to the business. Mr. Wade had a junkyard permit at the former site of Wade & Son Garage, but he was not requesting a permit to have a junkyard or used card lot at this location. Mr. Hawkins asked those in attendance at the public hearing in favor of the special use permit to stand. Approximately 50 people stood in support and could speak to Mr. Wade's character, good experiences with him and how he has been a good neighbor all these years.

Russell Nixon of Nixon Land Surveying prepared the site plan for Wade & Son Garage. Mr. Nixon has talked with VDOT regarding the requirements and location of the commercial entrance on Browns Mill Road. As soon as the design was completed, he would forward it to VDOT. He reiterated that Mr. Wade was agreeable with the conditions recommended by the Planning Commission.

Chairman Gunter called for comments in favor of the special use permit request.

Donald Trent, 6095 Wards Road, lives in front of the automobile garage owned by Tommy Wade. He spoke at the Planning Commission meeting because he did not like the way the advertisement referred to a rebuilder's license. He talked with Mr. Wade about his request as he did not want to have a junkyard behind him. After talking with Mr. and Mrs. Wade, he was assured there would not be a junkyard at this new location. Mr. Trent indicated the new site was nice looking and hardly visible from his house. He did not have any objections to the special use permit request.

Fred Anstey, 3550 Colonial Highway, spoke in support of small businesses and a local garage that was convenient to the residents. Having a local garage saves time and money for gas.

Carl Alexander, 200 Missionary Manor, Lynchburg, has been using Wade & Son Garage for many years for service. He would not trust his 1965 Mustang to anyone but Tommy Wade.

Chairman Gunter called for comments in opposition to the special use permit.

Aubrey Rosser, attorney in Altavista, was representing Jean Underwood that lived near the proposed site. He presented into the record a petition signed by residents opposed to the special use permit and a number of photos of the property. He understood that Mr. Wade was a good person and ran a good business, but the issue was whether or not a special use permit should be approved for the uses described at this location. Mr. Rosser pointed out that from Sonny Merryman's lot on the southbound side of Route 29 to the Truck Stop, there were no commercial businesses. There were, however, twenty to thirty homes in that area. It was a residential, agricultural and pastoral area. Businesses attract traffic and having this business in a residential area would change the nature of this area. This was a beautiful one acre tract, but if this use was allowed it may affect property values and change the character of Route 29. He asked those present in opposition to the special use permit to stand. Approximately eleven people stood, and Mr. Rosser pointed out all of them lived in the immediate vicinity. The residents would like the area maintained as it is now.

Barry Yost graduated from Rustburg High School and lives about 300 yards from the subject property on Browns Mill Road. He realized that Route 29 was changing fast, and he had concerns about property values and how things would look at the garage.

James Kent, attorney in Altavista, was representing R. M. McCrickard. He presented into the record a number of photos. Mr. McCrickard and his sister own approximately 200 acres across the road from the one acre tract. He indicated the majority of the people that stood in support of Mr. Wade do not live in the area, and their properties would not be adversely affected.

Mr. Kent referred to the petition signed by several of the residents on Route 29 and adjoining secondary roads in opposition to the request. The photos presented show the property as it was prior to the Planning Commission meeting. It appears his property was being used for automobile repair and sales and not merely a facility to change oil and make minor repairs. Wade & Son Garage has a history of creating clutter, and there were some concerns that this property would progress to the same condition. Mr. Kent believed the Board should not grant the special use permit because this property was beautiful, had nice homes surrounding it and was intended for agricultural purposes. This property was clearly visible from Route 29, and this property would definitely take away from the other properties. In addition, this site was not large enough for the intended purposes. Allowing this special use permit would create a nuisance for the neighbors.

Willard Arthur, 5602 Colonial Highway, farms some property near Mr. Wade's automobile garage. He has known Mr. Wade for a long time and known him to be a fine mechanic. But he also knew Mr. Wade to be a poor housekeeper, and anyone who had seen his last business would agree. The property he farms was beautiful and looked down on Mr. Wade's property. Mr. McCrickard and Mrs. Underwood who live near this property take a lot of pride in their homes. He asked if the Board would want this same type of business near their home. He was opposed to the request for special use permit.

Anne Williams, 2110 Browns Mill Road, was opposed to the request for special use permit. She has lived in Campbell County all her life and chose to stay because of the protection afforded agricultural and residential properties. However, in the last 15 to 18 years businesses have replaced residential and agricultural charm. While she was not opposed to growth, she asked how this would benefit the citizens of the County. Would this business benefit those that lived on Browns Mill Road? Many who chose to live on Browns Mill Road chose to do so because of the beauty of the farmlands. The potential for increased traffic, noise and wear and tear of the secondary road would pose a threat to the residents.

Tommy Wade, the applicant, owns Wade & Son Garage and wanted to address some of the concerns raised at the public hearing. He understood those concerns. When he bought this property from Bobby Moses, it was pretty run down, and he has spent nearly \$50,000 already to improve the property. The place now looks really nice, and he wants to continue making improvements by planting trees and creating a buffer. As to the old location, he inherited a lot of parts and supplies from his father who had been running the business since the 1950's. The property was under contract by Hyland Heights Baptist Church and has been cleaned up and tested by the Environmental Protection Agency. He then purchased the property on Browns Mille Road and plans to "keep it clean and green."

Butch Royal, 134 Royal Ridge Circle, was Mr. Wade's neighbor for over 25 years at the old location. He reiterated that much of the junk there was inherited from his father. He stated that during those years he never had a problem with noise or smell. There was very little trash and traffic from his business. He encouraged his new neighbors to give him a chance.

The public hearing was closed at 7:50 p.m.

Supervisor Rosser indicated this was in the Seneca District., and he took the opportunity to explain the pros and cons of the proposal. The property was zoned A-1 Agricultural which allows a number of uses including a general garage. Mr. Wade would not be able to operate automobile sales, thus the reason for the special use permit. If the special use permit was approved with the conditions stipulated by the Planning Commission, Mr. Wade would be very limited in his business activities. If the special use permit was not approved, Mr. Wade could still run a general garage and any other use allowed in an agricultural district, and the County would not have any control. He hoped those in opposition would realize that by approving the special use permit, there would be some control over the business. He warned Mr. Wade that if he was traveling Route 29 and saw eleven vehicles on the property, he would report the violation to the Zoning Office.

Supervisor Falwell mentioned the number of people for and against the request and pointed out the person closest to Mr. Wade's business spoke in favor of it. Chairman Gunter drove down Browns Mill Road to look at the property and agreed with Mr. Rosser that having the restrictions recommended by the Planning Commission was the best way to control the

situation and keep that property from becoming offensive to the members of the community. Supervisor Pendleton indicated he received several calls and one letter. One call was from a neighbor that lives across the road who was satisfied once he learned what restrictions were recommended for the property. If the Board does not approve the special use permit, the situation might become worse. He recalled that when he was growing up, Timberlake Road was a residential community, but now businesses have replaced all the houses. He predicted the same type of growth on Route 29.

Supervisor Rosser offered the following motion believing it to be the best resolution to protect this property.

On motion of Supervisor Rosser, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **APPROVES** Request #06-01057 by Russell E. Nixon with Nixon Land Surveying, LLC, Agent for property owned by Thomas E. & Tonda R. Wade to obtain a special use permit to operate an automobile sale, repairing and rebuilding facility known as Wade and Son Garage on property located at 5726 Wards Road, Rustburg, VA 24588, with the following conditions:

- 1) a maximum of ten vehicles may be for sale or under repair at any given time at this business
- 2) the business must obtain VDOT approval for a commercial entrance from Browns Mill Road and not Wards Road, and
- 3) the natural tree and vegetative buffer along the property lines must be maintained.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser

Nay: None

Absent: Puckett

// UPDATE BY FRIENDS OF TIMBROOK LIBRARY

B. Leigh Drewry, Jr., Treasurer of the Friends of the Timbrook Library, indicated the Friends group was reorganized in 2002 to increase its membership and raise funds to build a new Timbrook Library. Not only were the Friends actively raising funds through an annual auction, tractor festival and other events, they were also providing funds to the existing library to support adult and children programming. By providing this funding the Library has been able to offer a summer reading program, a winter holiday program, local author book signings and other events for the children and community. In addition, the funding has provided for more shelving and the printing of marketing materials. The Friends were also strengthening their partnership with local organizations as well as businesses. Their most recent partnerships have been with a local Brownie and Girl Scout Troop, Lynchburg College Donovan Media Center and the Forest Rotary Club. They currently have 110 members, some of which were Bedford County residents.

Through these efforts, the Friends have been able to set aside approximately \$20,000 towards helping build the new library. The Board of the Friends has voted to set aside 60% of its earnings for the new library. Mr. Drewry recognized members of the Friends that were present, Supervisor Rosser who was on the Library Foundation and Supervisor Carter who serves on the Library Board. Mr. Drewry indicated they would be back each year to provide a report and hoped to be included in the County's CIP Program in the near future.

Chairman Gunter thanked the Friends for their tremendous efforts and believed they were off to a great start on a very large undertaking. Supervisor Falwell added that he has met with members of the Friends and was impressed how dedicated they were to achieving this goal and assured them that he would do everything he could to support them. He added the Board of Supervisors was supportive of their goal and would work with them within the confines of the County's budget. Supervisor Carter was pleased with the new tax-exempt foundation the Library has created and thanked Aubrey Rosser for his part in completing the necessary documentation. He added he was ashamed of the current Timbrook Library and the excessive rent payments and wanted to see a new library in that area.

// LEESVILLE LAKE DEMONSTRATION PROJECT

Stan Goldsmith, President, and Sam Skillman, Vice-President of the Leesville Lake Association (LLA), reviewed the results of the first demonstration project to remove debris from Leesville Lake. The project was funded by a \$5,000 contribution from each of the three counties, Bedford, Pittsylvania and Campbell, and a \$10,000 contribution from American Electric Power (AEP) for a total contribution of \$25,000.

With the contributions and support of more than 30 volunteers, the contractor for the debris removal project removed more than 900 cubic yards of debris from the lake. Through this first project, the association realized there was much more work to be done and they would probably need to purchase their own equipment. The Leesville Lake Association was willing to partner with the three counties and AEP to continue the debris removal program. Because the LLA sees the need to purchase their own equipment and utilize more assistance from contractors, they plan to request \$15,000 from each county and AEP for a total annual budget of \$60,000. This would fund two 80-hour cleanup projects in the spring and fall. Mr. Skillman did not know how many years this funding may be required. The LLA will continue to make every effort on its own to remove debris from the lake.

Supervisor Falwell suggested the LLA look into becoming a Watershed Improvement District (WID). Timberlake was successful in obtaining this status, and it has proved to have a number of benefits. One benefit allows a WID to levy a tax on its members to raise funds.

// RESOLUTION PRESENTED TO FRANK A. WRIGHT

Supervisor Rosser presented the resolution adopted at the March 20th meeting to Frank A. Wright. Mr. Wright served on the Industrial Development Authority for 33 years and has served on the Economic Development Commission since December 1997.

// FISCAL YEAR 2007 BUDGET PRESENTATIONS

Dr. George Nolley, Superintendent of Schools, presented the School Board's budget request. Also present were Boolie Martin and Leon Brandt, School Board members, and Dr. Bobby Johnson, Assistant Superintendent for Administration and Personnel. The School Board was requesting an additional \$1.8 million from the County to fund a five percent pay increase and scale adjustments, increases in VRS, group life insurance and hospitalization insurance, expected increases in diesel fuel costs and heating and cooling costs, and increases in technology costs and instructional materials. From the 2003-04 school data Campbell County ranked last in state per pupil expenditures and 84th in the state for average teacher salaries. In 2004-05 Campbell County ranked sixth from the bottom in state per pupil expenditures. Dr. Nolley stressed the need to offer competitive teacher salaries to attract qualified teachers. The only other alternatives to lowering the budget would be to reduce the number of teachers or drop programs. School Administration was exploring other options of providing course work such as on-line classes.

In past years carryover monies has helped balance the School Board's budget, but Dr. Nolley was not sure there would be any carryovers this year. Dr. Nolley indicated that having additional space at Concord Elementary School was critical as development continues in the County.

One of Governor Kaine's campaign initiatives was to add a Pre K grade level to the schools. Dr. Nolley explained the impact of this initiative, should it be passed by the General Assembly, would be the equivalent of adding another grade level.

Alan Lane, Director of Management Services, presented the County's budget books to the Board. It was a balanced budget with no increase in taxes or fees. A work session was scheduled for Thursday, April 6th, to review the budget.

Administrator Laurrell added the current funding to the Schools was based on an adopted formula. Should the Board want to consider additional funding, they may want to consider requesting more detailed budget information from the Schools. It was also mentioned the ranking by the state does not include the monies spent by localities on debt service. Campbell County spends more than many localities on debt service for construction projects.

// PERMISSION TO ADVERTISE – ALL HAZARDS MITIGATION PLAN

The Region 2000 Multi-Jurisdiction Hazard Mitigation Plan was developed in 2004 and 2005 to satisfy local planning requirements of the Federal Emergency Management Agency (FEMA) Disaster Mitigation Act of 2000. This legislation brought increased emphasis on pre-disaster planning and funding to reinforce the importance of mitigation planning and emphasizes planning for disasters before they occur. As such, the legislation established a pre-disaster hazard mitigation program and new requirements for the national Hazard Mitigation Grant Program (HMGP). States and local governments were now required to adopt FEMA-approved hazard mitigation plans in order to qualify for pre and post disaster federal hazard mitigation funding, such as HMGP. For Region 2000, HMGP planning funding from Hurricane Isabel provided funds to develop a multi-jurisdictional hazard mitigation plan for the participating communities of Amherst County, Town of Amherst, Appomattox County, Town of Appomattox, Town of Pamplin City, Bedford City, Bedford County, Campbell County, Town of Altavista, Town of Brookneal and the City of Lynchburg.

In order to meet the requirements of the Disaster Mitigation Act of 2000 and Flood Mitigation Assistance to be eligible for future disaster funding, each local jurisdiction must conduct a public hearing and adopt the Plan. The Plan, which was developed on a multi-jurisdictional basis, has been approved by FEMA contingent on the adoption of the Plan by each of our eleven local governments in the region. The Board was provided a copy of the plan executive summary with a link to the entire draft plan.

On motion of Supervisor Pendleton, it was resolved the Board of Supervisors authorizes staff to advertise a public hearing to consider the adoption of the Region 2000 Multi-Jurisdiction Hazard Mitigation Plan and the Flood Mitigation Plan.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
Nay: None
Absent: Puckett

// PERMISSION TO ADVERTISE – POLLING PLACE CHANGES

Karen Danos, Registrar, requested the Board's permission to advertise three polling place changes to meet accessibility standards. At the February 20th meeting, five polling places were discussed, but after re-examination, only three were recommended for change.

- (1) Bedford Springs Precinct (Sunburst District) – from Lakewood Baptist Church to Moose Lodge 1727
- (2) Spring Hill Precinct (Seneca District) – from Lyn-Dan Heights Ruritan Club to Hyland Heights Baptist Church
- (3) Concord Precinct (Concord District) – from Concord Elementary School to Calvary Baptist Church

The Electoral Board and the Registrar also requested permission to relocate the Central Absentee Precinct (CAP) from the Recreation Building to the Historic Court House Building and use the CAP during all elections instead of just the November General elections.

On motion of Supervisor Rosser, it was resolved the Board of Supervisors accepts staff's recommendations and authorizes the County Attorney to advertise three polling place changes for the Bedford Springs Precinct to the Moose Lodge 1727, the Spring Hill Precinct to Hyland Heights Baptist Church and the Concord Precinct to Calvary Baptist Church and relocating the Central Absentee Precinct from the Recreation Building to the Historic Court House Building with the regular June updates of the County Code; and authorizes the County Attorney to prepare the Department of Justice submission as soon as possible thereafter.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
Nay: None
Absent: Puckett

// SOCIAL SERVICES BID AWARD

Replacement of the original HVAC system in the Social Services Building was scheduled for this year. The project was designed and four bids were received. Wiley & Wilson reviewed the bids and recommended award to the low bidder, Moore's Electrical & Mechanical Construction, Inc. in the amount of \$110,045.27. An additional \$50,000 was needed to provide funding and a contingency for the project.

On motion of Supervisor Pendleton, it was resolved the Board of Supervisors awards the Social Services HVAC project to Moore's Electrical and Mechanical Construction, Inc. in the amount of \$110,045.27, and approves a transfer of appropriation in the Capital Improvement Fund, Public Works, deleting \$25,000 from Facility Upgrades and \$25,000 from Parking Lots, and appropriating \$50,000 to HVAC Improvements.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
Nay: None
Absent: Puckett

// PANHANDLING

At the February 21st meeting staff was asked to look into what, if any, impact Lynchburg's recent amendments to its Panhandling ordinance might have on Campbell County and if any revisions may be needed.

Lynchburg has had a panhandling ordinance for some time, and their latest update made panhandling illegal in the medians of public roads. Without a similar ordinance provision, Campbell County would be at risk of panhandlers moving further out on major thoroughfares such as Timberlake Road and Wards Road to avoid citation. During the regular 2005 Code Update the Board adopted Section 16-4 that addresses trespassing in general and road right-of-ways specifically. Under that section it is illegal in Campbell County to remain on the premises after being asked to leave. Section 16-4 of the County Code is authorized in part by Virginia Code Section 15.2-1218 which authorizes counties to prevent trespassing by persons upon the public highways.

The County's ordinance applies to all properties not under the control of the individual and requires notice either orally or in writing to refrain from frequenting the premises before the trespasser can be charged. Staff determined the current ordinance adequately addresses the potential problem of panhandling within the right-of-way of a public road, and the Board need not take further action at this time. Should the current ordinance prove to be insufficient to address the problems, staff would advise the Board on other options.

Supervisor Falwell indicated that recently a complaint was filed with the Sheriff's Department concerning a panhandling incident on Timberlake Road. The Sheriff's Department was not familiar with the County's ordinance. Administrator Laurell advised that since that time the statute has been brought to the attention of the Sheriff's Department, but staff would provide them a copy in writing.

// FINANCE AND BUDGET CONSENT AGENDA

One item under the Consent Agenda to award a contract to Haymes Brothers for construction at Seneca Commerce Park was considered separately.

On motion of Supervisor Carter, it was resolved the Board of Supervisors approves the following under the Finance and Budget Consent Agenda:

a) Appropriations -

- 1) General Fund, Victim Witness, deleting \$70 from Convention & Education, and \$1,098 from Travel – Personal Vehicle Mileage, and appropriating the total amount of \$1,168 to Travel – Subsistence & Lodging;
- 2) General Fund, Clerk of Circuit Court, deleting \$1,000 from Printing & Binding and appropriating the same to Lease/Rent Equip, shortage in line item;

- 3) General Fund, Information Systems, deleting \$6,500 from Convention Education and appropriating the same to Electronic Network Charges, for cost of the T-1 line used for internet access for remainder of FY06;
- 4) General Fund, Non-Departmental, deleting \$12,973 from Comp & Fringe Benefits Increases; Commissioner of the Revenue, deleting \$2,776 from Employer Cost – FICA; Information Technology, deleting \$3,330 from COMP – Programmers; Sheriff, deleting \$35,000 from COMP – Deputies, \$1,000 from Employer Cost – FICA, \$3,300 from Employer Cost – VRS; Animal Control, deleting \$4,000 from Temporary Help Services; Social Services, deleting \$2,500 from Employer Cost – Health Insurance; Zoning, deleting \$1,200 from COMP – Administrative Aide; and appropriating as follows: Board of Supervisors, \$2,718 to Retiree Health Insurance; County Administrator, \$10 to Workers Comp; Commissioner of the Revenue, \$2,776 to Employer Cost – Health Insurance; Real Estate, \$65 to COMP – Administrative Aide; Information Technology, \$3,330 to COMP – PC Technician; Registrar, \$137 to Workers Comp; Court Security, \$35,000 to COMP – Deputies, \$1,000 to Employer Cost – FICA, \$3,300 to Employer Cost – VRS; Commonwealth Attorney, \$198 to Employer Cost – Health Insurance; Sheriff, \$630 to COMP – Sheriff; EMS Services, \$740 to Employer Cost – Health Insurance; Building Inspections, \$200 to COMP – Office Mang; Animal Control, \$4,000 to Comp – P/T Help, \$100 to Workers Comp; Public Safety, \$150 to Employer Cost – VRS, \$60 to Employer Cost – Health Insurance; Maintenance, \$2,650 to Employer Cost – Health Insurance; Social Services, \$1.00 to Comp – Director; Housing Assistance Services, \$2,500 to Employer Cost – Health Insurance; Comprehensive Services Act, \$351 to Workers Comp; Recreation, \$1,608 to Retiree Health Insurance; Zoning, \$3,315 to COMP – Information Systems Specialist, \$1,700 to Employer Cost – Health Insurance, transfer needed from Non-Departmental to cover two recent retirees' health insurance that was not budgeted and other changes in compensation lines/fringes, employee changes in health insurance coverage, probationary increases, and budgeting errors;
- 5) General Fund, Landfill, deleting \$1,000 from Landfill Office Supplies, \$1,000 from Leachate Hauling, and appropriating \$2,000 to Scrap Tire Program, to cover the cost increase of \$30 a ton for disposal of tires;
- 6) Sheriff's Forfeited Assets Fund, Expenditures, appropriating \$3,000 to Forfeited Assets, Special Investigation; and lowers Undesignated Fund Balance, Sheriff Forfeited Assets, to purchase narcotics and for informant fees;
- 7) General Fund, Landfill, appropriating \$10,000 to Maint/Repair Heavy Equipment; and lowers the Undesignated Fund Balance by \$10,000, additional funds needed for heavy equipment breakdowns;
- 8) School Miscellaneous Donations Fund, Miscellaneous Donations, appropriating \$500 to Miscellaneous Donations – GES; and raises estimated revenue, Gifts and Donations Gladys Elementary School, by \$500, donation from Wal Mart to purchase equipment and school supplies;
- 9) School Cafeteria Fund, School Food Nutrition, appropriating \$75,000 to Food Supplies and \$150,000 to Repair/Replace; and lowers School Food Nutrition Fund Balance, by \$225,000, to pay for groceries, new tables, walk-in freezer for Concord Elementary, slicer for Rustburg Middle School, two warming cabinets for Brookville High School, and shelving for coolers at Rustburg High School;
- 10) School Operating Fund, Instruction, appropriating \$12,707.25 to Textbooks, Elementary; and raises estimated revenue line Medicaid Reimbursement by \$12,707.25, Medicaid reimbursement;
- 11) Capital Improvement Fund, Registrar Projects, deleting \$275,450 from Electronic Voting Machine Equipment; and lowers estimated revenue, Electronic Voting Machine Equipment, by \$275,450, deappropriate above funds for voting machines

that was funded at federal level, additional funds appropriated is expected to be reimbursed before year-end FY06;

- 12) Capital Improvements Fund, Future Improvements, deleting \$296,276.98 from Reserve for Future Improvements, and raises the CIP Fund Balance by \$296,276.98, deappropriation needed to correct fund balance;
- 13) General Fund, Commissioner of the Revenue, deleting \$2,655 from Management Consulting Services; and raises the General Fund Balance by \$2,655, to deappropriate funds due to accrual accounting that charged the invoice back to FY05.

b) County Attorney invoices -

Approves payment to the County Attorney in the amount of \$9,129.46 for legal services rendered;

c) Consulting Services for Workshops and Network Infrastructure Projects

Approves the purchase of network infrastructure upgrades for a total cost not to exceed \$26,275 and the development and execution of Knowledge Workshops for a total cost not to exceed \$22,955 from Virtual IT, Inc., Roanoke, Virginia, for a total cost of \$49,230, items under the Board's approved Information Technology Strategic Plan; and

d) Public Safety – Regional Exercise

Public Safety and Campbell County's Local Emergency Planning Committee applied for and received a \$15,000 hazardous materials emergency preparedness planning subgrant to conduct a regional exercise on April 29, 2006. The regional exercise will involve a hazardous materials incident and the Emergency Operations Center staff as well. Howlett and Associates was the successful respondent to a Bland County Request for Proposal to supply the identical services, and language in Bland County's RFP allows any other Virginia locality to "piggy-back" off their agreement.

Awards Howlett and Associates, Williamsburg, Virginia the contract to develop, deliver and evaluate a regional hazardous materials incident exercise for \$15,000, and approves a supplemental appropriation in the General Fund, Public Safety, appropriating \$15,000 to LEPC Hazardous Material Grant; and raises estimated revenue, LEPC Hazardous Material Grant, by \$15,000, federal grant awarded from the Department of Emergency Management to fund exercise.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
Nay: None
Absent: Puckett

Seneca Commerce Park – Phase II

Phase 1 of the Seneca Commerce Park was completed December 1, 2005. Bids were solicited in January for Phase II for construction of a road and extension of the waterline. Two bids were received with the apparent low bid from Haymes Brothers, Inc.

On motion of Supervisor Rosser, it was resolved the Board of Supervisors awards the Seneca Commerce Park – Phase II construction contract to the apparent low bidder, Haymes Brothers, Inc., Chatham, Virginia in the amount of \$653,965.75 and approves \$39,235 (6%) in contingency funding.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
Nay: None
Absent: Puckett

// MATTERS FROM THE BOARD

- Supervisor Carter advised that his brother, L. C. Carter, died on Sunday night and will be buried on Wednesday in Norfolk, Virginia.
- The Local Government Council Dinner Meeting will be held on April 20th at the Bedford Welcome Center.

// CLOSED MEETING

On motion of Supervisor Boyer, it was resolved the Board of Supervisors enters into a closed meeting at 9:35 p.m. to discuss a prospective business or industry located in Campbell County, in accordance with §2.2-3711 A.5 of the Code of Virginia of 1950, as amended; and to discuss several public nuisances, in accordance with §2.2-3711 A.7 of the Code of Virginia, as amended.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
 Nay: None
 Absent: Puckett

// The Campbell County Board of Supervisors entered into a closed meeting on this 3rd day of April, 2006 at 9:35 p.m. to discuss a prospective business or industry located in Campbell County, in accordance with §2.2-3711 A.5 of the Code of Virginia of 1950, as amended; and to discuss several public nuisances, in accordance with §2.2-3711 A.7 of the Code of Virginia, as amended.

// On motion of Supervisor Carter, it was resolved the meeting return to open session at 9:57 p.m.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
 Nay: None
 Absent: Puckett

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 3rd day of April, 2006 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: Boyer
 Aye: Carter
 Aye: Falwell
 Aye: Gunter
 Aye: Pendleton
 Aye: Rosser
 Nay: None
 Absent During Meeting: Puckett
 Absent During Vote: Puckett

// ACTIONS FOLLOWING CLOSED MEETING

On motion of Supervisor Falwell, it was resolved the Board of Supervisors authorizes the County Attorney to institute public proceedings to abate public nuisances on the properties of Lawhorne Brothers (Deer Path Road) and Richard McLaughlin (Londonberry Road).

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
Nay: None
Absent: Puckett

// ADJOURNMENT

On motion of Supervisor Rosser, the meeting was adjourned at 10:00 p.m. until 7:00 p.m. on April 6, 2006 for a budget work session in the Historic Courthouse Conference Room, Rustburg, Virginia.

The vote was: Aye: Boyer, Carter, Falwell, Gunter, Pendleton, Rosser
Nay: None
Absent: Puckett

EDDIE GUNTER, JR., CHAIRMAN

Approved:_____