

BOARD OF SUPERVISORS MEETING

August 21, 2006

The regular meeting of the Campbell County Board of Supervisors was held on the 21st day of August 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
Calvin P. Carter	Altavista Election District
Charles W. Falwell	Timberlake Election District
Hugh T. Pendleton, Jr.	Rustburg Election District
J. D. Puckett	Brookneal Election District
Hugh W. Rosser	Seneca Election District

R. David Laurrell, County Administrator
Clifton M. Tweedy, Deputy County Administrator

Absent from the meeting was:

Rick Boyer Sunburst Election District

The meeting was called to order at 1:00 p.m., and Chairman Gunter gave the invocation.

// LYNCHBURG NEWS AND ADVANCE

The Board welcomed Carrie Sidener who was covering the meeting from the Lynchburg News and Advance.

// APPROVAL OF MINUTES

On motion of Supervisor Carter, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the July 31, 2006 regular meeting as presented.

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

Nay: None

Absent: Boyer

// STATUS OF YELLOW BRANCH SEWER PROJECT

G. Michael Damron, Administrator for the Campbell County Utilities and Service Authority, was pleased to report the Yellow Branch Sewer line to serve the Yellow Branch Elementary School and a defined area north to the Spring Hill Industrial Park was substantially completed. The line was tested on August 10th. At this time the project was completed on time and within budget. There were some remaining change orders, but they were relatively minor. He thanked the Virginia Department of Transportation for allowing the median to be used for the forced main which contributed to the success of the project.

Staff would be discussing the issues surrounding further development along Route 29 as a result of the sewer line, and this would also be a topic at the Board's annual retreat in October.

// VIRGINIA DEPARTMENT OF TRANSPORTATION MATTERS

Don Austin, Residency Administrator, Virginia Department of Transportation (VDOT), was present to discuss highway matters with the Board. Mr. Austin provided updates on several projects:

- ✓ Smokey Hollow Road – VDOT is working on the redesign of the road that would require additional right of way from the adjacent property owners. The area would be staked by the end of the month. The project has been estimated at \$450,000. VDOT currently has around \$500,000 for new additions.

- ✓ Runaway Bay – VDOT has met with Southside Electric to relocate the lines in conflict with the guardrail. This should be completed within 30-45 days, and then the remaining guardrail could be completed. VDOT was optimistic to have all the work completed in time to take the roads into the system before the winter.
- ✓ Sidewalk projects – the walks in Concord have been completed, and the walk in Rustburg should be completed in a couple of months.
- ✓ Six Year Plan & Secondary Construction Budget – VDOT recommended postponing the Road Hearing until January or later when more budget information should be available.
- ✓ The Road Viewers met in August and a report would be provided to the Board in September.

Supervisor Falwell requested a study for a stop light at the intersection of Grove and Timberlake Roads. Mr. Austin indicated this usually takes 45 days to complete.

Supervisor Pendleton thanked VDOT for the improvements at Calohan Road and the Route 29 turning lane into the Landfill, and for the improvements here in Rustburg.

Mr. Ted Spolowitz, 159 Sherbrook Drive, indicated he has been working with Supervisor Boyer to present a petition at this meeting for speed bumps to slow the traffic on their road. The Watch for Children signs installed last year have done little to slow the traffic, and the citizens were afraid children would be hurt. He indicated the problem with excessive speed has increased since the town houses were built. Mr. Austin asked that Supervisor Boyer provide him the petition as soon as possible. He would advise the Board what was required to have traffic calming devices installed.

// REQUEST FOR SPECIAL EXCEPTION – TROUBLESOME CREEK SUBDIVISION

Troublesome Creek Subdivision is a proposed 69-lot development off of Colonial Highway in the Seneca Election District. The property is zoned A-1 Agricultural and calls for residential lots greater than three acres and the construction of new streets. One proposed street is designated to cross Troublesome Creek and the associated floodplain. This type of crossing would require placement of fill material and box culverts in the 100-year floodplain as designated by FEMA, which requires approval by the Board of Supervisors. Berkley-Howell & Associates have determined the proposed subdivision and road construction would not substantially alter the 100-year flood plain of Troublesome Creek. The proposed road crossing utilizes multiple box culverts designed to raise the 100-year flood elevation less than one foot. A field review of adjoining property 1000 feet up slope of the subdivision boundary shows the area was undeveloped along the floodway near Troublesome Creek. At the point 1000 feet upstream of the subdivision property, the creek elevation was more than 20 feet above the box culverts invert, and therefore, unaffected by the road crossing. The proposed road crossing and resulting slight increase in flood water surface elevation would not have any impact to existing structures upstream of the development.

The project engineer was requesting the Board grant a special exception pursuant to Sections 11-16 through 11-18 of the County Code regarding floodplain management. VDOT has reviewed the request and has no objection to the design. Based on the assertions of the engineer, staff had no objection to the request.

On motion of Supervisor Rosser, it was resolved the Board of Supervisors authorizes a special exception pursuant to Sections 11-16 through 11-18 of the Campbell County Code regarding floodplain management to allow the placement of the needed material and box culverts within the floodplain for construction of a street designed to cross Troublesome Creek in the proposed Troublesome Creek Subdivision off of Colonial Highway in the Seneca Election District.

Supervisor Pendleton added he was very familiar with the property having lived there for many years and did not see a problem with the creek overflowing its banks. He supported the motion.

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

// PERMISSION TO ADVERTISE TO ACCEPT CASH PROFFERS

Paul Harvey, Director of Community Development, requested the Board's permission to advertise an amendment to the zoning ordinance of the County Code to be able to accept additional proffered conditions as part of a rezoning request such as cash proffers, proffers for most off-site improvements and proffers for the dedication of property for many types of public improvements. The General Assembly recognized that localities often struggle to meet financial obligations resulting from population growth and the ability of state government to provide funds is becoming more limited. Consequently, the eligibility requirements for §15.2-2298 have changed such that most counties, cities and towns in Virginia now qualify.

Mr. Harvey knew of several projects currently under consideration for Campbell County where it would be beneficial to the County to have the ability to accept these types of proffers. These proffers could apply to residential, business or commercial properties. One downside is it would require considerable more work by staff to account for the cash proffers and off-site improvements. Determining how much cash or other resources would be acceptable to offset the costs of particular types of development can also be complex and must be updated regularly.

Supervisor Falwell commented that he works with developers every day and the majority was responsible, wanted to do a good job and leave behind a project that was pleasing to the community. Most developers did not look at cash proffers in a negative light if they were handled properly and helped support the needs of the taxpayers.

Administrator Laurell added that proffers were voluntary and would not be required of a project. Any proffers would be discussed at the Project Evaluation Committee and generally would be in place before the matter was heard by the Planning Commission. Proffers could be added or modified up until the Board of Supervisors public hearing was closed.

Supervisor Carter relayed that he had talked with Supervisor Boyer who was opposed to the acceptance of cash proffers.

Supervisor Carter knew of a proposed project in his area that this amendment might benefit. He offered the following motion:

On motion of Supervisor Carter, it was resolved the Board of Supervisors authorizes staff to advertise an amendment to the County Code to have the ability to accept additional proffered conditions per Section 15.2-2298 of the Code of Virginia as part of a rezoning request.

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

// FY 2006 PRELIMINARY FINANCIAL STATEMENTS – ENCUMBRANCES AND CARRYOVERS

Alan Lane, Director of Management Services, reviewed preliminary financial information for the fiscal year ended on June 30, 2006. He also requested the Board's approval of encumbrances and carryovers from the County and encumbrances from the Schools.

The auditors would complete the financial statements this fall. For the first time he was pleased to report over \$1 million in revenue that exceeded the budget due to growth. With the Schools requesting a \$1 million less in encumbrances over last year, there was nearly \$3 million in net revenues not reserved. Staff was recommending that \$2 million be contributed to the CIP to help reduce the projected funding deficit of \$2.9 million over the next 5 years.

The encumbrances requested by the County totaled \$385,046, the School's encumbrances totaled \$2,464,998 and the County's carryovers requested totaled \$776,104. Mr. Lane mentioned that the majority of the encumbrances and carryovers were for contracts and other committed purchases.

The Schools' carryover request has not yet been received. Supervisor Rosser did not feel he could make a good decision on the Schools' encumbrance request without seeing the whole picture. He suggested holding the matter over until the Schools' carryover request was received. Staff indicated we were holding invoices to be paid. Supervisor Pendleton was pleased to see \$2 million available to be transferred to the CIP. He offered the following motion:

On motion of Supervisor Pendleton, it was resolved the Board of Supervisors approves the following Fiscal Year 2006 Carryovers and Encumbrances as follows:

Carryover Requests Summary:

General Fund

Expenditures	\$956,005.79
Revenues	<u>\$179,902.11</u>
Net Carryover	\$776,103.68

E-911 Fund

Expenditures	\$ 4,200.00
Revenues	<u>\$ 0.00</u>
Net Carryover	\$ 4,200.00

CIP Fund

Expenditures	\$4,661,627.30
Revenues	<u>\$ 433,796.32</u>
Net Carryover	\$4,227,831.48

General Fund Undesignated Fund Balance

Net Carryover To CIP Fund	\$2,000,000.00
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Encumbrances Requests By Fund:

General Fund	\$ 385,046.00
E-911 Fund	\$ 34.00
CIP - County	\$1,144,711.39
School Operations Fund	\$2,464,997.56
School Nutrition Fund	\$ 20,607.15
School Donations Fund	\$ 20,667.29
School CIP Fund	\$1,275,459.59

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

// CREDIT CARDS FOR STAFF

A request was made to the Board to authorize the County Administrator to obtain credit cards for key staff with a proven need for the credit card in order to perform work-related responsibilities. Currently only the Board, County Administrator and Departments Heads have credit cards for travel and training related expenses.

Due to the increase in out-of-county and out-of-state travel and the need to purchase items after hours or during emergencies, there was an increased need for credit card usage.

Additionally, credit card companies were now requiring an individual's name be printed on the card rather than an organization or group name. For that reason it was no longer possible for a Department Head to allow a subordinate to use their credit card for County business purposes. It was also not reasonable or prudent to expect employees to take large amounts of cash for business trips or to have them utilize their own personal credit cards for County business to be reimbursed later. The Director of Management Services reviews all credit card transactions for appropriateness before the credit card company was paid. Should any questionable purchases be charged, the credit cards involved would be revoked. There was a \$2,500 limit on all cards.

Supervisor Rosser indicated the Administration/Management Services Committee supported the recommendation. He offered the following motion:

On motion of Supervisor Rosser, it was resolved the Board of Supervisors authorizes the County Administrator to obtain credit cards as he deems necessary for key staff with a proven need for the credit card in order to perform work-related responsibilities.

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

// MEETINGS WITH CITY AND TOWN COUNCILS

A meeting was confirmed with Altavista Town Council and Brookneal Town Council for September 28, 2006 at 6:30 p.m. at Colonial Restaurant.

Another meeting was confirmed with Lynchburg City Council for October 12, 2006 beginning at 5:00 p.m. at Spring House Restaurant.

// COUNTY HANDBOOK – AUTHORIZED ABSENCES AND BEREAVEMENT LEAVE

Shameka Wright, Human Resources Generalist, presented two changes in Chapter 6 of the County Handbook pertaining to Authorized Absences and Bereavement Leave. These changes clarified that sick leave could not be used in excess of the bereavement allotment, and that up to 24 work hours for any one occurrence or up to 48 hours a fiscal year could be charged to Bereavement Leave for death in the immediate family. These changes were needed because there were a number of departments that worked ten hour days.

Supervisor Pendleton indicated the Administration/Management Services Committee supported the changes. He offered the following motion:

On motion of Supervisor Pendleton, it was resolved the Board of Supervisors approves amendments to Chapter 6 of the County Handbook as follows:

“3. Authorized Absences - The Sick Leave Allowances of any employee may be used to authorize absences necessitated by reason of: Illness or injury (other than those relating to Workers' Compensation) incapacitating the employee to perform his duties; exposure to contagious disease such that his presence on duty would jeopardize the health of fellow workers or the public; appointment for employee or other family members for examination and treatment related to health when such appointment cannot reasonably be scheduled during non-work hours with a limit of 24 hours per calendar year; illness or injury death ~~(in excess of the bereavement allotment)~~ in the immediate family requiring the attendance of the employee. The "immediate family" of an employee shall include parents (step and foster), spouse, children (step and foster), brother (in-law), sister (in-law), grandchildren, grandparents (in-law), daughters-in-law, sons-in-law, spouse's parents, or any person living in the employee's home. The period of absence which may be charged against sick leave for illness ~~or death~~ in the immediate family may not exceed twenty-four (24) work hours for an illness or injury of one cause, and may not exceed a total of forty-eight (48) work hours in a calendar year because of illness or injury in the immediate family.”

“F. Bereavement Leave. Any absence of work of up to twenty –four (24) work hours ~~three (3) days~~ for any one occurrence, or up to forty-eight (48) work hours ~~six (6) days~~ a fiscal year, due

to death in the immediate family requiring the attendance of the employee, shall be charged to Bereavement Leave.

This leave shall not be considered an additional grant of Sick Leave, but shall be considered a privilege of which an employee can avail himself only when he is unable, because of death in the immediate family, to perform his duties. The "immediate family" of an employee shall include parents (step and foster), spouse, children (step and foster), brother (in-law), sister (in-law), grandchildren, grandparents (in-law), daughters-in-law, sons-in-law, spouse's parents, or any person living in employee's home. ~~Any absences in excess of that allowed under Bereavement Leave shall be charged to Sick Leave in accordance to County policy."~~

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

// FINANCE AND BUDGET CONSENT AGENDA

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, Volunteer Ambulance/Rescue Squads, deleting \$2,000 from Vaccinations and appropriating the same to EMS Services, EMT Services, to replenish the line item due to overtime;
2. General Fund, Maintenance of Buildings and Grounds, deleting \$1,500 from Parks & Grounds and appropriating the same to EDP Equipment, to cover the cost of computer hardware & software for new Maintenance office manager position;
3. General Fund, Volunteer Fire Departments, deleting \$700 from Motor Vehicle Insurance and appropriating the same to Evington Fire Department, Evington VFD Audit Services, to pay invoice for special audit service;
4. General Fund, Economic Development, deleting \$2,457.25 from COMP – Administrative Assistant and appropriating the same to COMP – P/T Help, to pay part-time help due to vacancy;
5. General Fund, Planning/Zoning, deleting \$1,500 from Comp – Info Systems Spec. and appropriating the same to Comp – P/T Help, to pay part-time help due to heavy workload and vacant full-time position;
6. General Fund, ATF Task Force Overtime, appropriating \$3,000 to ATF Task Force Overtime, \$230 to ATF Task Force FICA and \$63 to ATF Task Force WC; and raises estimated revenue, ATF Task Force by \$3,000; and lowers Undesignated Fund Balance, Sheriff Forfeited Assets by \$293, grant funds received to assist the ATF in a joint law enforcement narcotics operation;
7. General Fund, Public Safety, appropriating \$89,849 to FY05 State Homeland Security Grant; and raises estimated revenue, FY05 State Homeland Security Grant, by \$89,849, federal grant funds with no local match;
8. General Fund, Volunteer Amb/Rescue Squad, appropriating \$650 to Awards; and raises estimated revenue, Public Safety Gifts and Donations, by \$650, to assist with the funding for the annual Volunteer Appreciation Day event for the Fire & Rescue personnel and families donation by Royal Chevrolet (\$100), Yeatts Transfer (\$50) and Abbott Laboratories (\$500);
9. General Fund, Public Safety, appropriating \$12,300 to Emergency Management Performance Grant; and raises estimated revenue, FY06 Department of Emergency Management, by \$12,300, federal grants received;

10. General Fund, Economic Development, appropriating \$125,000 to Industrial Incentives – Timken; and raises estimated revenue, Industrial Incentives – Timken, by \$125,000;
11. School Miscellaneous Donations Fund, Miscellaneous Donations, appropriating \$2,000 to Altavista Elementary School; and raises estimated revenue, Gifts and Donations Altavista Elementary School, by \$2,000, donation from Altavista Wal-Mart to Altavista Elementary School;
12. School Miscellaneous Donations Fund, Miscellaneous Donations, appropriating \$2,800 to Altavista High School; and raises estimated revenue, Gifts and Donations Altavista High School, by \$2,800, donation from L. C. Trucking (\$800) and Altavista Wal-Mart (\$2,000);
13. School Operating Fund, Voc Ed C B Perkins Grant, deappropriating \$13,240.45 from Other Costs; and lowers estimated revenue, C B Perkins Voc Ed Grant, by \$13,240.45, lower grant per State Superintendents Memo; and
14. School Construction Fund, Concord Elementary School, appropriating \$81,615 to A & E Fees Concord; and lowers School Construction Fund balance by \$81,615, funds need to be re-appropriated to pay CCUSA for soil design work for Concord Elementary School;

b) 2007 Central Virginia Community Services contract -

Approves the Fiscal Year 2007 Central Virginia Community Services performance contract with the Department of Mental Health, mental Retardation and Substance Abuse Services in accordance with budgeted (\$149,246) expenditures.

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

// APPOINTMENTS

On motion of Supervisor Pendleton, it was resolved the Board appoints the following:

- (1) Community Policy Management Team (CPMT) – appoints Cathy Truxell c/o Centra Health, Krise 6 Unit, 3300 Rivermont Avenue, Lynchburg, Virginia 24503, to complete a two-year term until July 1, 2008 on the Community Policy & Management Team;
- (2) Building Code Board of Appeals – reappoints Charles M. Parker, PE, 307 Kirkley Circle, Forest, Virginia 24551, to a five-year term until May 5, 2011 on the Building Code Board of Appeals; and
- (3) Transportation Technical Committee – appoints Richard Metz, 9087 Village Highway, Concord, Virginia 24538, to an indefinite term on the Local Government Council Transportation Technical Committee.

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

// MATTERS FROM THE BOARD

Supervisor Carter and Supervisor Pendleton gave a brief report on their trip to the National Association of Counties Conference in Chicago. They noted that many of the initiatives discussed were already being done in Campbell County and commended our staff for the work they produce. The national trend is to work smarter with less. Administrator Laurell agreed that Campbell County had an excellent staff.

// CLOSED MEETING

Chairman Gunter announced a closed meeting in accordance with Section 2.2-3711 (A)(1), personnel, to discuss the County Administrator's annual evaluation, and in accordance with Section 2.2-3711 (A)(5), legal, to discuss matters relating to a company that has not made a decision or public announcement regarding expanding its Campbell County facility.

On motion of Supervisor Falwell, it was resolved the Board of Supervisors enters into a closed meeting at 2:04 p.m. for discussion of the County Administrator's annual evaluation, in accordance with §2.2-3711 (A)(1) of the Code of Virginia of 1950, as amended; and for discussion of a company that has not made a decision or public announcement regarding expanding its Campbell County facility, in accordance with §2.2-3711 (A)(7) of the Code of Virginia, as amended.

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

// The Campbell County Board of Supervisors entered into a closed meeting on this 21st day of August, 2006 at 2:04 p.m. for discussion of the County Administrator's annual evaluation, in accordance with §2.2-3711 (A)(1) of the Code of Virginia of 1950, as amended; and for discussion of a company that has not made a decision or public announcement regarding expanding its Campbell County facility, 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 2:45 p.m.

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

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 21st day of August, 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: Carter
Aye: Falwell
Aye: Gunter
Aye: Pendleton
Aye: Puckett
Aye: Rosser
Nay: None
Absent During Meeting: Boyer
Absent During Vote: Boyer

// ADDITIONAL MATTERS FROM THE BOARD

Supervisor Rosser and Supervisor Carter requested an update on how things were going with law enforcement at the new Altavista Wal-Mart and how the agreement was progressing with Altavista EMS.

Supervisor Carter requested that speed limit signs be posted on Ridge Road and requested the Sheriff's Department enforce the speed limit.

// ADJOURNMENT

On motion of Supervisor Puckett, the meeting was adjourned at 2:52 p.m.

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

EDDIE GUNTER, JR., CHAIRMAN

Approved:_____