

BOARD OF SUPERVISORS MEETING

July 2, 2007

The regular meeting of the Campbell County Board of Supervisors was held on the 2nd day of July 2007 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

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| J. D. Puckett, Chairman, Presiding | Brookneal Election District |
| Rick Boyer | Sunburst Election District |
| Calvin P. Carter | Altavista Election District |
| Charles W. Falwell | Timberlake Election District |
| Eddie Gunter, Jr. | Concord 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

The meeting was called to order at 7:00 p.m., and Chairman Puckett gave the invocation.

// PUBLIC HEARING – REGIONAL SOLID WASTE AUTHORITY

The first public hearing was opened at 7:01 p.m. to receive citizen comments regarding a resolution to adopt Articles of Incorporation establishing the Region 2000 Services Authority by the City of Lynchburg, the City of Bedford, Campbell County, Amherst County and Nelson County for the purpose of operating a regional landfill system serving the five jurisdictions. The said resolution would also authorize the County Administrator to enter into a Member Use Agreement among the five jurisdictions and the Authority for the operation of the landfills in Campbell, Amherst and Lynchburg on a regional basis by the Authority.

Clifton M. Tweedy, Deputy County Administrator, indicated the public hearing was the final step to form a regional solid waste authority. As indicated in a report provided to the Board at its February 20, 2007 meeting, Campbell County would save approximately \$17 million as a result of the reduced tipping fees and excess revenue. The plan was to operate the Lynchburg and Amherst landfills first and then move to Campbell County. Amherst County would be paying a higher tipping fee to keep its landfill open at the same time. The County's estimated savings would be reduced to between \$500,000 and \$600,000 annually in order to provide additional services such as an in-house construction group and increased hauling costs for the first six years.

In response to a question by Supervisor Falwell, Mr. Tweedy advised that each member jurisdiction would have one vote. Mr. Tweedy responded to a number of questions from Supervisor Pendleton. Traditionally large haulers were given more favorable tipping fees to keep the costs down for other users. There was a concern the hauler from Brookneal that sometimes delivers waste after hours would be charged for late deliveries. Mr. Tweedy indicated the Brookneal hauler only delivers after hours occasionally. It was noted the clause in the Member Use Agreement says the Authority "may" establish charges for "late" deliveries. Even after the transition to the Authority, Campbell County citizens would be able to deliver bulk items to part of the Campbell County Landfill that would remain open and to the transfer sites at other times. As per the Board's request, the County citizens should not see a reduction in service including the benefit of depositing a certain amount of waste at no charge per year.

Mr. Tweedy responded to more questions from Supervisor Pendleton. Only the main part of the original Landfill (160 acres) would be transferred to the Authority, and any future land purchases would be prorated among the member localities. Campbell County would be closing a section of the Landfill on or about July 1 of next year, and the County would be responsible for the cost of the permanent cover as well as the testing and monitoring costs of other closed areas. The Authority would be responsible for any temporary covers on the parts of the Landfill that would be reopened. From that point forward, the closure costs and any potential liability would

be prorated based on the amount of use by each member locality. Currently, Campbell County provides payroll and accounting services for Region 2000. Once the Authority was formed, it was the intent for Region 2000 to handle its own payroll and accounting services including insurance. Supervisor Pendleton was concerned the insurance costs would be high for the small group.

Supervisor Rosser questioned if it might be possible for each locality to maintain ownership of the land and transfer all other assets? Mr. Tweedy explained the required permits were tied to the land itself, and the issue of liability would be a concern. The County would have an opportunity to use the land following the closure of the facilities (Section 3.4) for recreational purposes or other uses approved by the Authority.

Supervisor Boyer raised a question concerning the fifty (50) year term of the Member Use Agreement and could Campbell County withdraw from the agreement prior to the expiration of the fifty (50) years. Administrator Laurell explained the life of the current landfills was estimated at 17 to 20 years, and 25 to 30 years was allowed for the post-closure period. Before the current landfills were at capacity, a decision would have to be made as to whether or not to continue in an authority.

Chairman Puckett called for comments in favor of or in opposition to the proposed resolution establishing the Region 2000 Services Authority.

Claude Royal, 134 Royal Ridge Circle, indicated that when he first learned the County might be moving toward a regional landfill authority, one of the benefits noted was economy of scale. Where was the economy of scale with two landfills to remain open? Mr. Royal also pointed out that even with the Authority; the County could still be responsible for any corrective action which would be costly. He suggested the Board consider hauling waste to Amelia where you could pay \$18 per ton and not have any of the liability. He also did not agree with discriminating between small and large haulers.

Robert Fairchild, 7518 Lynbrook Road, asked that improvements be made in the way of environmental safety as far as the safety disposal of hazardous waste. One example was battery disposal. The landfill currently did not offer any special disposal methods for batteries. He recommended rules be developed to protect the environment.

Hearing no further comments, the public hearing was closed at 7:24 p.m.

Administrator Laurell addressed two of the concerns. Mr. Royal was correct as to the economy of scale. Due to traffic concerns, Amherst County asked if they could keep their facility open. Nelson County would be bringing its waste to Amherst County. However, Amherst County would be paying an additional cost because that was not part of the original proposal. As to the disposal of batteries, Administrator Laurell indicated there were several retail businesses that accept used batteries for recycling, and the Landfill did not want to compete with those sites. The Regional Authority was planning to look into the safe disposal of household hazardous waste. The largest area of concern was at the transfer sites, and until all transfer sites were manned, it would be a difficult problem to address.

On motion of Supervisor Falwell, it was resolved the Board of Supervisors adopts the following resolution:

CONCURRENT RESOLUTIONS OF THE BOARDS OF SUPERVISORS OF AMHERST COUNTY, CAMPBELL COUNTY AND NELSON COUNTY AND THE CITY COUNCILS OF BEDFORD AND LYNCHBURG CREATING AND ADOPTING ARTICLES OF INCORPORATION FOR THE REGION 2000 SERVICES AUTHORITY AND APPROVING THE REGION 2000 SERVICES AUTHORITY MEMBER USE AGREEMENT

Whereas, the respective City Councils and Boards of Supervisors have published notices pursuant to the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Sections 15.2-5100 et. seq. of the Code of Virginia), as amended, (“the Act”) of their intent to create and adopt proposed Articles of Incorporation for a body politic and corporate to be known as the

Region 2000 Services Authority and to approve the Region 2000 Services Authority Member Use Agreement; and

Whereas, public hearings have been conducted by each of the respective Boards of Supervisors and City Councils; and

Whereas, the Boards of Supervisors and City Councils find it be in the public interest that the Region 2000 Services Authority be established to exercise the powers and carry out the responsibilities set forth in the Act, for the benefit of the citizens of Amherst, Campbell and Nelson Counties and the Cities of Bedford and Lynchburg.

NOW THEREFORE, IT IS CONCURRENTLY RESOLVED BY THE BOARDS OF SUPERVISORS OF AMHERST, CAMPBELL AND NELSON COUNTIES AND THE CITIES OF BEDFORD AND LYNCHBURG, that the Region 2000 Services Authority (the "Authority") is hereby created and established as a body politic and corporate in the Commonwealth of Virginia under the following:

ARTICLES OF INCORPORATION

Article 1. The Region 2000 Services Authority (the "Authority") is hereby created and established as a body politic and corporate in the Commonwealth of Virginia. The principal office of the Authority shall be located with the Virginia's Region 2000 Partnership Local Government Council at 828 Main Street, 12th Floor, Lynchburg, Virginia 24505 and shall consistently reside with the Local Government Council offices in the future.

Article 2. The names of the localities participating in the Authority are the Counties of Amherst, Campbell and Nelson, and the Cities of Bedford and Lynchburg.

Article 3. The Authority shall consist of a board of five members, with one member appointed by the local governing body of each jurisdiction. The terms of the initial members of the board shall expire June 30, 2010. Members shall then be appointed for four year terms. The names and addresses of the initial members of the Board are:

Amherst County

Rodney E. Taylor, County Administrator
P.O. Box 390, Amherst, VA 24521

Campbell County

R. David Laurrell, County Administrator
P.O. Box 100, Rustburg, VA 24588

Nelson County

Stephen A. Carter, County Administrator
P.O. Box 336, Lovingston, VA 22949

City of Lynchburg

L. Kimball Payne, III, City Manager
900 Church Street, Lynchburg, VA 24504

City of Bedford

Charles Kolakowski, City Manager
P.O. Box 807, Bedford, VA 24523

Article 4. Each local governing body also may select an alternate board member to have all of the voting and other rights of a board member if the board member is not present at a meeting of the Authority. The term for each alternate shall be the same as the term of the board member.

The following persons are appointed to serve as the initial alternates to the board of the Authority:

Amherst County

Teresa M. Nuckols
P.O. Box 390, Amherst, VA 24521

Campbell County

Clifton M. Tweedy
P.O. Box 100, Rustburg, VA 24588

Nelson County

Susan E. McSwain
P.O. Box 336, Lovingston, VA 22949

City of Lynchburg

David A. Owen
900 Church Street, Lynchburg, VA 24504

City of Bedford

Clarke W. Gibson
P.O. Box 807, Bedford, VA 24523

Article 5. The Authority is created and established under the provisions of the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Section 15.2-5100 *et. seq.* of the Code of Virginia) (the “Act”). The authority shall have all powers and duties set forth in the Act, as the same may be from time to time amended. The initial project of the Authority shall be to own and operate as a regional entity the three landfills that currently are owned and operated by the City of Lynchburg, Amherst County and Campbell Count, and to accept municipal solid waste generated within each of the five participating jurisdictions (and from outside the five jurisdictions if approved by the Authority) in those landfills in accordance with a Member Use Agreement to be approved by each of the local governing bodies. It is anticipated that the use of the three landfills will be phased, with the Campbell County landfill being temporarily closed while the other two landfills are being utilized to their operating capabilities. The initial capital cost to purchase the three landfills from each other localities, including the site to purchase the three landfills from each of the localities, including the site improvements, landfill capacity and land, buildings, equipment and rolling stock, and the closure and post-closure reserve funds, less the outstanding debt and the closure and post-closure liability for each locality, result in a payment to the City of Lynchburg of \$1,714,840, a payment from Campbell County of \$270,000, and a payment to Amherst County of \$363,849 for a net capital cost of \$2,348,689. The preliminary estimate of the cost per ton to the five localities for solid waste delivered to the landfills owned by the Authority if \$23.91 per ton. It is impractical at this time to determine a per ton charge for private haulers using the landfills. Both the capital cost figure and the cost per ton are preliminary figures and are subject to change.

Article 7. All members of the board shall serve without compensation, but may be reimbursed by the Authority for their actual expenses incurred in the course of their duties.

Article 8. Existing members of the Authority may withdraw from membership, and other localities may join the Authority, as provided in Section 15.2-5112 of the Code of Virginia, as amended. In the event other localities join the Authority, they will be asked to reimburse the localities who initially created the Authority for a fair share of the development costs of the Authority.

Article 9. All of the operations, management and fiscal services of the Authority shall be provided through contractual arrangements through the Virginia’s Region 2000 Local Government Council. Subject to the approval of the Authority Board, it is the intent of the Member Jurisdictions that the Executive Director of Virginia’s Region 2000 Local Government Council be appointed by the Authority to serve as the chief administrative or executive officer of the Authority pursuant to Section 15.2-5113(E) of the Code of Virginia.

BE IT FURTHER RESOLVED that the Region 2000 Services Agreement is hereby approved, and the Chairman or Mayor is authorized to enter into such Agreement.

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

// PUBLIC HEARING –SEMI-ANNUAL CODE UPDATE

The last public hearing was opened at 7:29 p.m. on a number of mandatory and discretionary changes to the Campbell County Code. These amendments were reviewed by the Board at its May 21, 2007 meeting. The only change since that time was to Chapters 13 and 22 in response to a new state law that would allow localities to adopt regulations to require a special use permit for the storage of sewage sludge when the sewage sludge was stored somewhere other than the land on which it was to be spread. A special use permit was not required for the storage of sewage sludge on property in an A-1 District as long as the sludge was being stored solely for land application on the farm on which the storage facility was located and for a period less than forty-five (45) days.

Supervisor Rosser raised a question regarding the amendment in §22-2 that would broaden the definition of family. “Family” shall include not more than two (2) unrelated persons in addition to the family in a single family residential zoning district, and in all other districts “family” shall include not more than four (4) unrelated persons in addition to the family. He asked if this change would affect foster care situations. Administrator Laurell advised that the definition of family was changed to include foster care and any other type of custody arrangement, and a limit was not placed on the number of people.

Chairman Puckett called for comments in favor of or in opposition to the proposed code amendments.

Calvin Massie, 29 Cape Charles Square, was representing the Board of Directors for the Lighthouse Townhouse complex that is located in an R-MF area (formerly R-2). He spoke on the proposed changes to §22-2 to broaden the definition of family. The change would allow up to four (4) unrelated persons to live with a family in an R-MF area. He brought the Board’s attention to §22-17 that requires townhouses and condominiums to provide two and one-half (2 ½) parking spaces for each unit. The Lighthouse Townhouse complex, for example, only has six extra parking spaces for visitors for 78 units. Mr. Massie asked the Board to give serious consideration to protecting those that live in R-MF areas and consider reducing the number of individuals that could live with families in generally smaller living spaces.

Lorraine Potter, 424 Mortimer Drive, Evington, has heard a rumor that Brookneal’s former Dan River plant may be used for the storage of sewage sludge. What notification would be given to citizens for any storage sites? Has the County received any notice regarding this use of the former Dan River plant?

Chairman Puckett indicated he had not heard anything about the rumor. Mayor Phyllis Campbell agreed adding these rumors were detrimental to the marketing of the Dan River plant. If any locations such as the Dan River plant were being considered for the storage of sewage sludge, a public hearing would be required before a special use permit was considered.

Hearing no further comments, the public hearing was closed at 7:44 p.m.

In reference to the amendments to broaden the definition of family, Supervisor Falwell commented that regardless if the number were two or four unrelated persons, residents would still need to abide by all other regulations such as the noise ordinance. In light of Mr. Massie’s comments, the Board asked staff to review the parking requirements for town homes and bring back some additional recommendations that may address Mr. Massie’s concerns.

Administrator Laurell advised the Attorney General and the Health Department have reviewed the County’s ordinance pertaining to sewage sludge and recommended several changes that would need to be added before the County could be approved for reimbursement for a biosolids monitor. One of the recommended amendments was changing the term “sewage

sludge” to “biosolids”. Staff would bring back a review of the ordinance to include comments received from citizens for the Board’s consideration.

On motion of Supervisor Falwell, it was ORDAINED the Board of Supervisors adopts amendments to the Campbell County Code of 1988 as advertised, and requests that staff bring back options for the Board’s consideration concerning parking requirements in R-MF (residential multi-family) districts.

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

// REVIEW OF STANDARDS FOR PILOT AFTER SCHOOL PROGRAM

Mary H. Pascale, Co-Director of Recreation, presented proposed standards for a pilot after-school program for middle school age students at Rustburg Middle School to begin in September 2007. The standards require approval by the local governing body.

To develop the standards staff contacted other recreation departments offering similar programs and worked with the Campbell County School System and the Department of Youth, Adult and Community Services. In the past programs of this nature were subject to the day care criteria and licensing requirements, but in 2006 the General Assembly exempted Recreation Departments from these requirements contingent upon the adoption of a set of standards to insure the safety and well-being of children enrolled in the program. The guidelines addressed operating procedures, staffing, enrollment, fee structure, pick-up policies and overall program management.

The program would be open from 2:30 p.m. to 6:00 p.m. and cost \$25 per week or \$100 per month. Current staffing projections were based on a maximum of 25 to 30 children. The fee would be adjusted for holidays and other scheduled school closings.

On motion of Supervisor Carter, it was resolved the Board of Supervisors accepts the recommendation of the Human Services Committee and approves the standards for the Campbell County Recreation Pilot After-School Program at Rustburg Middle School, September 2007 – May 2008.

Supervisor Rosser commented the fee sounded high. The fee would cover staff, program materials and possibly guest speakers. Supervisor Boyer believed the fee should cover the cost of the program rather than create another tax burden on the citizens. He commended the staff on behalf of the Human Services Committee particularly for requiring that all staff and volunteers would be subject to the same background checks as full time Recreation employees to ensure the safety of the children.

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

// ACCEPTANCE OF TIMBROOK PARK PLAYGROUND GRANT

In Phase 1 of the Timbrook Park Master Plan, a playground was planned to be placed near the two ball fields. In an effort to serve a larger cross section of the community, staff researched apparatus that would meet the needs of all children in the community including those with special needs. To meet that need, staff applied for and was awarded a grant from the Rehabilitative Services Incentive Fund in the amount of \$10,729. The grant would allow the County the option of saving approximately \$10,000 on the purchase price by opting for equipment that exceeds ADA guidelines. A ten (10%) percent local match was required and was proposed to come from the development funds in the Timbrook Park CIP. Board approval was requested.

On motion of Supervisor Boyer, it was resolved the Board of Supervisors accepts the grant from Rehabilitative Services Incentive Fund in the amount of \$10,729 and approves the local match of \$1,192 to come from the allotted funds in the Timbrook Park Development Capital Improvement Plan.

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

// CONSENT AGENDA

In answer to a question regarding the purchase of a track loader for the Landfill, Mr. Tweedy advised this machine would not pass to the landfill authority, but would be retained for use by the in-house construction group for work on parks, ball fields or cleaning up areas related to public nuisance complaints.

On the bids for two four-wheel drive sport utility vehicles, Supervisor Rosser commented the request for proposals was drafted so only a Ford product would satisfy the requirements making it unfair for other dealerships. Administrator Laurell indicated he would look into the specifications for the bids.

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

a) Appropriations

1. General Fund, Communication Services, deleting \$1,200 from Maint Contracts – Communications Equipment and appropriating the same to Law Library, Printing & Binding, to pay for additional increases for the on-line web access service, paper costs, and updates to Law Library material;
2. General Fund, Detention, deleting \$10,000 from Group Homes and appropriating the same to Outreach Detention Care, to replenish the line item;
3. General Fund, Real Estate Office, deleting \$4,200 from Board of Equalization and appropriating the same to Other Professional Services, to move funds to correct expense line;
4. General Fund, EMS Services, deleting \$3,000 from EMT Services and appropriating \$1,000 to COMP – Overtime and \$2,000 to COMP – Part time, to cover overtime expenses and part time provider for Saturday coverage;
5. General Fund, Community Support Grants, appropriating \$1,589 to FEMA/EFSP Grant; and raises estimated revenue, FEMA/EFSP Federal Grant, by \$1,589, grant funding received in April 2007;
6. General Fund, Economic Development, appropriating \$66,672.66 to Tobacco/Beef Initiative; and raises estimated revenue, Tobacco/Beef Initiative by \$66,672.66, partial grant proceeds from Tobacco Indemnification and Community Revitalization Commission for Value-Added Beef Initiative Expansion Project;
7. General Fund, Local Corrections, appropriating \$136,095 to Blue Ridge Regional Jail Operations; and lowers the Undesignated General Fund Balance, by \$136,095, to pay increased number of inmate days utilized in Blue Ridge Regional Jail;
8. Capital Improvement Fund, Economic Development Projects, appropriating \$1,669.86 to Airport Development Area; and raises estimated revenue, 2006 Real Estate Special Tax Wards Crossing District, by \$1,669.86, differential of real estate tax in the special service district dedicated to infrastructure improvements in Airport Development Area Special Service District;
9. E-911 Fund, appropriating \$1,040 to COMP – Director, \$1,147 to COMP – Deputy Director, \$26,550 to COMP – Communication Officers, \$12,017 to COMP – Overtime, \$3,883 to COMP – P/T Help, \$2,344 to Employer Cost FICA, \$1,962 to Employer Cost VRS, \$3,998 to Employer Cost Health Insurance and \$23 to Workers Compensation; and lowers the Undesignated E-911 Fund Balance, by \$52,964, to replenish overdrawn line items;

10. General Fund, Social Services, deleting \$12,000 from Furniture & Fixtures; and appropriating the same to Maint/Repair – Buildings, to transfer funds to more appropriate line item to reinforce the 2nd floor of Social Services Building;

b) County Attorney Invoices

Approves payment to the County Attorney in the amount of \$5,931.50 for legal services rendered.

c) Bid Award - CCADM 005-FY08, EMS VEHICLES, PUBLIC SAFETY DEPARTMENT

Accepts the low bid of Bedford Automotive, Bedford, Virginia, for the purchase of a 2008 Ford Explorer for \$22,575 and a 2007 Ford F150 Pickup for \$21,436 for a total cost of \$44,011; and

d) Bid Award – CCADM 004-FY08, Track Loader - Landfill

Approves the bid award to Carter Machinery, Roanoke, Virginia for the purchase of a track loader with options and trade-in of the old track loader for a total cost of \$179,667, and authorizes Carter Machinery to take possession of the trade-in equipment prior to delivery of the new equipment with the stipulation that usable equipment would be provided to the Landfill in the interim.

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

// MATTERS FROM THE BOARD

- Supervisor Pendleton commented the contractor at the Social Services Building has been slow to finish the project. He asked Mr. Tweedy see why the work had not been completed.
- An advance copy of the updated 2007 Comprehensive Economic Development Strategy was provided to the Board. A full report would be provided in August.
- The Office of the Governor has initiated a plan to restructure workforce development organizations. On behalf of the Board, Administrator Laurell sent a letter to the Governor requesting the service area of the Workforce Investment Board be maintained within the traditional jurisdictions of Region 2000.
- Supervisor Gunter was pleased to see articles in today's Lynchburg News & Advance that would inform the citizens of items on the Board's agenda.
- Governor Kaine has announced that the Town of Altavista has been designated as a Virginia Main Street community. Altavista would now be able to utilize these resources to continue its revitalization efforts.

// ADJOURNMENT

On motion of Supervisor Boyer, the meeting was adjourned at 8:10 p.m.

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

J. D. PUCKETT, CHAIRMAN

Approved: _____