

BOARD OF SUPERVISORS MEETING

July 7, 2008

The regular meeting of the Campbell County Board of Supervisors was held on the 7th day of July 2008 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Hugh T. Pendleton, Jr., Chairman, Presiding	Rustburg Election District
Charles W. Falwell	Timberlake Election District
Stanley I. Goldsmith	Altavista Election District
Eddie Gunter, Jr.	Concord Election District
J. D. Puckett	Brookneal Election District
Hugh W. Rosser	Seneca Election District
Steven M. Shockley	Sunburst Election District

R. David Laurell, County Administrator
 Clifton M. Tweedy, Deputy County Administrator
 David W. Shreve, County Attorney
 Kristin Wright, Staff Attorney

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

// APPROVAL OF MINUTES

Supervisor Shockley noted a correction to the June 16, 2008 minutes that he had voted nay on the motion to approve the appropriations resolution, tax resolution and PPTRA resolution.

On motion of Supervisor Rosser, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the June 2, 2008 regular meeting and the June 16, 2008 regular meeting as corrected.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// PUBLIC HEARING –SEMI-ANNUAL CODE UPDATE

A public hearing was opened at 7:01 p.m. on new ordinances and amendments to the Campbell County Code of 1988 including mandated changes resulting from action of the General Assembly. The summary of the proposed changes was reviewed at the Board’s May 19, 2008 meeting.

Clifton M. Tweedy, Deputy County Administrator, reviewed the rules for public hearings. The Board confirmed that one of the amendments advertised would exempt all terrain vehicles (ATV’s) from personal property taxes. No one spoke in favor of or in opposition to the proposed amendments. The public hearing was closed at 7:05 p.m.

On motion of Supervisor Gunter, it was ordained the Board of Supervisors adopts new ordinances and amendments to the Campbell County Code of 1988 as advertised and set forth in the summary below:

CHAPTER 4 – Animals and Fowl.

- §4-3.1 Removes caps for recovery of costs of burial and cremation of animals, allows recovery of actual costs.
- §4-4 Clarification of definitions of “adequate water” and “facility.”
- §4-7.1 Allows court to find that dog that has bitten or injured a person is not dangerous if not a threat to community.
- §4-8.1. Allows County to retain animals found by court to have been raised for dogfighting.

- §4-23.1. Requires Treasurer to destroy vaccination certificates received and retain related information only as necessary.

CHAPTER 5 – Buildings.

- §5-4.3. Adds language authorizing building inspector to issue annual permit where permitted by Building Code.

CHAPTER 8 – Erosion and Sedimentation

- §8-2 Clarify that land-disturbing permit necessary for construction of single family home unless otherwise exempted.
- §8-5 Provides that County may require phasing of E&S plans to minimize environmental impact during clearing and grading.
- §8-5.2 Provides that state stormwater runoff criteria may be applied to projects under 10,000 square feet to prevent piecemeal development.
- §8-6 Clarify that land-disturbing permit necessary for construction of a single family home unless otherwise exempted, clarify number of copies of E&S plan necessary.
- §8-11 Provides that County may waive the certificate of competence requirement for land-disturbing permit serving as agreement in lieu of plan when construction of single family residence is purpose of land-disturbing activity.

CHAPTER 9 – Finance and Taxation

- §9-5 Remove reference to state code requiring adjustments to the sales tax in conformance with state code.
- §9-7.2 Correction of misspelled word in (h).
- §9-10 Add provision that dwelling occupied by an elderly/disabled person and spouse may qualify for exemption if there are no other joint owners and proration provided by law shall not apply.
- §9-10 Increase combined income level of residents of dwelling qualifying for elderly/disabled tax exemption to \$32,000, increase amount of transferable assets by person qualifying for elderly/disabled tax exemption who has a relative move in to help to \$10,000.
- §9-10.1 New -- allows tax exemption for dwellings jointly held by two or more people not all of whom are elderly/disabled, if it is the sole dwelling of all such owners and joint net worth is less than \$185,200.
- §9-11 Increase in amount of income for elderly/disabled exemption: for 100% exemption, income less than \$24,000, for 75% exemption, income between \$24,000 and \$28,000, for 50% exemption, income between \$28,000 and \$32,000.
- §9-11.2 Provides that elderly/disabled exempted property transferred to “nonqualifying individual” in addition to “spouse” requires prorated exemption for the tax year.
- §9-13 Adds ATVs and off-road motorcycles to list of exempt personal property.
- §9-14.3 New -- Allows partial tax exemption when building older than 20 years is rehabilitated such that assessed value is increased without increasing square footage more than 15%.

CHAPTER 10 – Public Safety

- §10-13 Slight revision to language to conform to the SFPC.
- §10-20 Correction of scrivener’s error.
- §10-26 Update of citations to SFPC and effective date thereof.
- §10-26.1 Correction of scrivener’s error in definition of “fireworks”.
- §10-28 Change reference to Virginia Department of Housing and Community Development to Department of Fire Programs.
- §10-60 Slight revisions to clarify status of rescue squads and organizations in relation to County and to require approval of response areas by Board, Public Safety Committee and EMSAC.
- §10-61 Addition of language requiring use of federal NIMS standards for both squads and career staff.
- §10-65 Clarification to (b) to establish that the County must consent to allow organization to participate in County’s billing program.

CHAPTER 12 – Garbage, Refuse and Weeds.

- §12-4 Minor change to clarify that active landfill no longer operating in County.

- §12-5 Minor change to clarify that active landfill no longer operating in County, adds requirement that proof of residency may be required for use of transfer sites.
- §12-6 Minor change to clarify that active landfill no longer operating in County.
- §12-6.1 Entire section rewritten to acknowledge start-up of Region 2000 landfill and closure of county landfill, add specific requirements limiting use of transfer sites for dumping of oversize loads, tires, appliances, waste oil, vehicle batteries, brush and yard waste, shingles, liquid waste, and animal carcasses.
- §12-6.2 **Repealed;** fee collection transferred to Region 2000 Services Authority.

CHAPTER 20 – Cable Television

Chapter entirely **repealed** and replaced with new ordinance that parallels state code. Changes provide for competition for cable services within County, interconnectivity between two or more franchise holders, replacement of franchise fees with 5% sales or use tax on cable TV services pursuant to VA. CODE ANN. § 15.2-2108.1:1, and specific customer service requirements for new franchise holders. County’s current cable franchise with Jet Broadband is still in place pursuant to its terms.

CHAPTER 21 – Subdivision of Land

- §21-2 Clarify definition of “Flag Lot:” any lot with elongated strip to reach the road whether or not the strip widens for adequate road frontage.
- §21-13.1 Requires that mandated statement on plats that show roads not built to state standards make clear that roads not eligible for maintenance or improvement with funds allocated by General Assembly or Commonwealth Transportation Board.
- §21-31 Adds language to mandated statement on plats that show roads not built to state standards making clear that roads not eligible for maintenance or improvement with funds allocated by General Assembly or Commonwealth Transportation Board.

CHAPTER 22 – Zoning

- §22-2 Clarify definition of “Flag Lot” at 50(a): any lot with elongated strip to reach the road whether or not the strip widens for adequate road frontage, correction of error in definition of “Solid Waste” at 87.
- §22-10 Change height limitation of buildings in R-MF zone from fifty to seventy feet.
- §22-11.3 Adds language allowing use of RV or camper as temporary residence if marked as a rental unit provided all other requirements of code section are met.
- §22-12.1 Change height limitation of buildings in B-GC zone from fifty to seventy feet.
- §22-16 Adds language allowing use of RV or camper as a temporary residence if marked as a rental unit in A-1 zone provided all other requirements of code section are met.
- §22-17 Clarify that single-family residences exempt from parking requirements for all zones, but that other lots in R-SF are not exempt from the ADA.
- §§22-17.23 through 22-17.27 moved without text changes and renumbered 22-16.4 through 22-16.8.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// **INDUSTRIAL DEVELOPMENT AUTHORITY 2007 ANNUAL REPORT**

George Rosser, Chairman of the Industrial Development Authority (IDA), presented the 2007 Annual Report and thanked the County staff and the Board for its support.

Mr. Rosser indicated 2007 was a successful year, and the IDA played an important role in several industrial and economic development projects. The Authority closed the Sanfacon Lease Purchase Agreement on the former Thomasville Furniture Building in Brookneal, authorized Centra Health for industrial revenue bond funding for its new Cancer Center, and supported the Grow One Educational Program, a program to promote workforce development and economic education for middle school children. The IDA also worked on multiple incentive projects with several companies either moving into Campbell County or expanding its current Campbell County businesses. One of these was the move by JetBroadband into the Seneca Commerce Park. Another goal accomplished in 2007 was the merger of the IDA financial records into the

Campbell County Management Services accounting system to better meet the needs of both organizations and satisfy the auditor requirements.

Chairman Pendleton thanked Mr. Rosser and the IDA for its hard work. Economic development was vital to the growth of the County by bringing in more jobs and increasing the tax base.

// FY 2009 COUNTY ATTORNEY CONTRACT

Administrator Laurell presented for approval the FY 2009 County Attorney contract. Several years ago the contract period was moved from a calendar year basis to a fiscal year basis. The last change in fees for the County Attorney was in 2002. The work of the County Attorney has increased considerably along with the costs of operating an office. The contract presented for approval would increase the base retainer from \$35,000 per year to \$46,000. The hourly rate of \$175 for all other legal services would remain the same. A supplemental appropriation of \$11,000 was also presented.

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors approves the Fiscal Year 2009 County Attorney contract as presented increasing the retainer fee to \$46,000 per year, authorizes the County Administrator to execute the said contract, and approves a supplemental appropriation in the General Fund, Legal Services, appropriating \$11,000 to Retainer; and lowers the Undesignated General Fund Balance by \$11,000, to cover the increase of the retainer.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

// BID AWARD – CCADM AO03-FY09, LEASE OF COUNTY PROPERTY (SENECA PARK)

Because the activities at the Seneca Park property have not progressed as rapidly as anticipated, it was determined that allowing the harvesting of the hay on 150 acres of land would bring in revenue as well as reduce maintenance costs. Therefore, sealed bids were solicited for the leasing of the 150 acres of property purchased from Robert Winston in 1998 adjacent to Route 29 South for the harvesting of hay only. No cattle or other livestock would be allowed on the property. The term of the lease for the first year would be from the date of award to December 31, 2008. Subsequent years, if awarded, would be from January 1 to December 31, with an option to continue the lease for additional one year periods at the discretion of both parties.

Four responses to the bid were received. H. Carroll Rush submitted the highest bid in the amount of \$3,757.99. A motion was made to approve the lease to Mr. Rush. County Attorney Shreve had concerns about using the term “lease”, and the motion was restated as follows:

On motion of Supervisor Gunter, it was resolved the Board of Supervisors awards CCADM AO03-FY09 to H. Carroll Rush, 1640 Brownsmill Road, Rustburg, Virginia 24588, in the amount of \$3,757.99, and approves the first year contract until December 31, 2008 to cut and remove the hay from approximately 150 acres of County owned property on Route 29 South known as Seneca Park.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

// CONSENT AGENDA

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

- a) Appropriations –

1. General Fund, Business Auditor, deleting \$4,480 from Comp – Business Auditor, and appropriating \$3,480 to Central Purchasing, Comp – Purchasing Agent, and \$1,000 to Commissioner of the Revenue, Comp – Deputies, to transfer the vacancy savings from the vacant Business Auditor position to fund a month’s training for the new Purchasing Agent and supplemental compensation to an existing Deputy in the Commissioner’s Office filling in for the Business Auditor until the position was filled;
2. General Fund, Commonwealth’s Attorney, deleting \$1,470.28 from Comp – Administrative Assistant, and appropriating the same to EDP Equipment, to use vacancy savings for the purchase of a laptop;
3. General Fund, Community Recreation Programs, deleting \$4,800 from Other Operating Supplies, \$3,000 from Fundraising, \$1,053 from Other Insurance, \$625 from Medical Insurance and \$2,163 from Awards, and appropriating \$2,344 to Other Contracted Services, \$2,297 to Education Supplies and \$7,000 to Travel – Trip Expenses, to transfer monies due to unexpected participation levels in the self supporting trips, programs, rising fees for bands and an increase in overall expenses;
4. General Fund, Public Safety, appropriating \$12,300 to FY07 Emergency Management Performance Grant; and raises estimated revenue, Emergency Management Performance Grant, by \$12,300, grant awarded;
5. General Fund, EMS Services, appropriating \$10,000 to EMS Billing Services and \$1,000 to Uniforms, Wearing Apparel; and raises estimated revenue, EMS Billing, by \$11,000, to appropriation additional funds to pay Med3000 for May and June collections and to pay for additional uniforms for new hire beginning July 1, 2008;
6. CIP Fund, Economic Development Projects, appropriating \$122,495 to Seneca Commercial Center (Winston); and raises estimated revenue, Seneca Commerce Park (Winston) by \$122,495, to appropriate the proceeds from the sale of land in Seneca Commerce Park to IDS South;
7. General Fund, Planning/Zoning, appropriating \$7,500 to Other Professional Services; and raises estimated revenue, Plan Review Fee, by \$7,500, to review request made for new cellular telephone antenna towers by third party engineering consultant to be reimbursed by applicant;

b) County Attorney invoices -

Approves payment to the County Attorney in the amount of \$5,596.39 for legal services rendered.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// MATTERS FROM THE BOARD

Tri-County Lake Area Commission (TLAC)

- Supervisor Goldsmith advised representatives from the Tri-County Lake Area Commission (TLAC) would be presenting an invitation at the July 21st meeting for Campbell County to join the Commission. TLAC is an organization made up of representatives from Pittsylvania, Bedford and Franklin counties that oversees the operation of the Smith Mountain project for things such as navigational aids and water quality, which includes Leesville Lake. The group was also working with AEP on its re-licensing project, and AEP has indicated it would only work through one organization for the project on issues that were not directly related to power generation. AEP’s application for permit renewal was still under review by the Federal Energy Regulatory Commission and was expected to be acted on sometime in 2010.

Supervisor Rosser commented that Campbell County belonged to TLAC a number of years ago and later withdrew because the County was spending funds to participate but receiving little benefit. Before recommitting to the organization, he would like to know the anticipated costs, the amount of funding contributed by the other counties, where the monies would be spent and how it would benefit the residents of Leesville Lake. It was noted that about 3% of the shoreline along Leesville Lake was in Campbell County. Supervisor Puckett would also like an update on AEP's license renewal.

Lynchburg Amateur Radio Club

- Supervisor Shockley recognized Bill Wheaton, reporter for the Lynchburg Ledger, who was also a volunteer with the Lynchburg Amateur Radio Club, a group of ham radio operators. Supervisor Shockley had an opportunity to watch the ham radio operators during an emergency drill recently. The ham operators were a vital asset during emergency situations.

Biosolids Application on Gilliam Tract

- Supervisor Shockley indicated he has been contacted by citizens regarding the notification by Nutri-Blend of its intent to spread biosolids on the permitted G. D. Gilliam site in the Brookneal District. The citizens would like the application to be delayed in light of the fact the Department of Environmental Quality (DEQ) just assumed oversight of the biosolids program in January 2008.

Administrator Laurrell explained the permit for the Gilliam site was approved about two years ago, and Nutri-Blend voluntarily withheld application for one year due to the health of an adjacent property owner. Soon after being notified of the intent by Nutri-Blend to apply biosolids, the County Attorney, Administrator Laurrell and Brian Stokes, E & S Manager, all made contact with DEQ to determine if there was anything we could do to stop the application. Because the permit was already issued, DEQ did not have the authority to stop the application. The County was working through the regulatory process to make sure the application was made correctly. Brian Stokes has already made DEQ aware of some concerns he has about the property. We will also test the property before and after the application. One adjacent property owner has requested the County to test his well for contamination.

DEQ believes it does have the Authority not to move forward with any permit modifications. The prior modification to the Gilliam permit was deemed to be a new permit and would have to be treated as such. If there were any concerns from the testing of the property or adjacent wells, DEQ would be notified. The County does not have any enforcement abilities.

During its review of the current biosolids regulations, DEQ has been developing new regulations that would be presented to the General Assembly. Administrator Laurrell stressed the need for the State to adopt a regional monitoring system to better regulate the process.

Energy Saving Initiatives

- Supervisor Goldsmith commented he has heard good reactions to the County's energy saving initiatives. He encouraged staff to keep the process open and continue to solicit innovative ideas from the employees.

Debut of County's new Aerial Platform Fire Apparatus

- Supervisor Gunter was pleased to announce the County's new aerial platform fire apparatus was on display during Concord's 4th of July parade, and Supervisor Gunter had the privilege of being lifted 100 feet into the air.

Appointment to Social Services Board

- Supervisor Gunter made the following appointment to the Social Services Board to fill the vacancy created by the death of Mrs. Patricia Wariner.

On motion of Supervisor Gunter, it was resolved the Board of Supervisors appoints Carolyn Porter, 6043 Pleasant Valley Road, Lynchburg, Virginia 24504, to

fulfill an unexpired term until June 30, 2011 on the Social Services Board from the Concord Election District.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

Domestic Violence Shelter

- The Board was invited to attend a meeting on Wednesday, July 9th, at the Altavista Train Station to hear about a project to establish a domestic violence shelter in Altavista to be known as Frannie's House. The congregation of St. Peter's Episcopal Church will be giving a check for \$92,000 and a pledge for another \$10,000 to the YWCA of Lynchburg for the shelter.

Tour of the County

- Administrator Laurrell advised a tour of the County has been scheduled for Supervisors Shockley and Goldsmith. It would probably take most of the day. The other Board members were welcome to join them.

// CLOSED MEETING

On motion of Supervisor Gunter, it was resolved the Board of Supervisors enters into a closed meeting at 7:45 p.m. to discuss matters related to the Town of Altavista and possible revenue sharing agreements that could require the review of the Commission on Local Government, in accordance with §15.2-2907(D) of the Code of Virginia of 1950, as amended; and to discuss matters related to personnel in the Commissioner of the Revenue's Office, in accordance with the personnel exemption §2.2-3711(A)(1) of the Code of Virginia, as amended.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

// The Campbell County Board of Supervisors entered into a closed meeting on this 7th day of July, 2008 at 7:45 p.m. to discuss matters related to the Town of Altavista and possible revenue sharing agreements that could require the review of the Commission on Local Government, in accordance with §15.2-2907(D) of the Code of Virginia of 1950, as amended; and to discuss matters related to personnel in the Commissioner of the Revenue's Office, in accordance with the personnel exemption §2.2-3711(A)(1) of the Code of Virginia, as amended.

// On motion of Supervisor Puckett, it was resolved the meeting return to open session at 8:22 p.m.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 7th day of July, 2008 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: Falwell
 Aye: Goldsmith
 Aye: Gunter
 Aye: Pendleton
 Aye: Puckett
 Aye: Rosser
 Aye: Shockley
 Nay: None
Absent During Meeting: None
Absent During Vote: None

// ACTIONS FOLLOWING CLOSED MEETING

Supervisor Falwell indicated a matter involving personnel in the Commissioner of the Revenue's Office was discussed during the closed meeting. He offered the following motion:

On motion of Supervisor Falwell, it was resolved the Board of Supervisors determines the personnel issues in the Commissioner of the Revenue's Office should be handled by the County Administrator without Board involvement.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

// ADJOURNMENT

On motion of Supervisor Gunter, the meeting was adjourned at 8:25 p.m.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
 Nay: None
 Absent: None

HUGH T. PENDLETON, JR., CHAIRMAN

Approved: _____