

## BOARD OF SUPERVISORS MEETING

October 20, 2008

The regular meeting of the Campbell County Board of Supervisors was held on the 20<sup>th</sup> day of October 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 Laurrell, County Administrator  
Clifton M. Tweedy, Deputy County Administrator  
David W. Shreve, County Attorney  
Kristin B. Wright, Staff Attorney

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

### // VIRGINIA DEPARTMENT OF TRANSPORTATION MATTERS

Don Austin, Residency Administrator, was present to discuss highway matters. Due to budget shortfalls at the State level, there would be reductions in maintenance and construction funds. Locally, there would be little impact for the current fiscal year, but the reductions would affect construction projects over the next six (6) years. The Department of Transportation was also looking at reorganizing the department, possibly consolidating divisions and reducing management staff positions.

Mr. Austin reported they would be installing the pipe for the Smoky Hollow Road project to be built next spring. The Holiday Lane project was complete. In answer to a question by Supervisor Puckett, Mr. Austin was not sure there were sufficient funds to cut the grass on right-of-ways.

The Board recognized Mr. Austin for his 35 years of volunteer service with the Concord Rescue Squad. Mr. Austin was one of several volunteers recognized at the annual Volunteer Appreciation Day.

Two resolutions were presented for Watch for Children signs.

#### Woodhaven Drive, Timberlake District

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

### **RESOLUTION**

**WHEREAS**, the 1997 session of the General Assembly amended the Code of Virginia with the addition of Section 33.1-210.2 which allows the installation of "Watch for Children" signs; and

**WHEREAS**, the residents of Woodhaven Drive (Route 892) in Campbell County, Virginia, have expressed concerns regarding speeding on their street and the safety of small children; and

**WHEREAS**, a review of this area indicates that it meets the criteria set forth by the Virginia Department of Transportation, for the installation of "Watch for Children" signs.

**NOW, THEREFORE BE IT RESOLVED**, the Campbell County Board of Supervisors does hereby request the Commissioner of the Virginia Department of Transportation to use funds from the Secondary Construction Budget to install “Watch for Children” signs at the appropriation locations on Woodhaven Drive (Route 892) in Campbell County, Virginia.

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

Wileman Road, Altavista District

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

**RESOLUTION**

**WHEREAS**, the 1997 session of the General Assembly amended the Code of Virginia with the addition of Section 33.1-210.2 which allows the installation of “Watch for Children” signs; and

**WHEREAS**, the residents of Wileman Road (Route 627) in Campbell County, Virginia, have expressed concerns regarding speeding on their street and the safety of small children; and

**WHEREAS**, a review of this area indicates that it meets the criteria set forth by the Virginia Department of Transportation, for the installation of “Watch for Children” signs.

**NOW, THEREFORE BE IT RESOLVED**, the Campbell County Board of Supervisors does hereby request the Commissioner of the Virginia Department of Transportation to use funds from the Secondary Construction Budget to install “Watch for Children” signs at the appropriation locations on Wileman Road (Route 627) in Campbell County, Virginia.

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

// NATIONAL CITIZEN SURVEY

In the past the Board had expressed interest in obtaining input from citizens on County services. One of the most effective ways to obtain information was through the use of a comprehensive survey. One instrument known as the “National Citizen Survey” has been used by local jurisdictions to assess resident satisfaction with community amenities and government service provision. The City of Lynchburg has used this survey for several years. Surveys would be mailed to 1,200 randomly selected households with an estimated 40% return rate at a cost of \$12,700.

After a brief discussion, it was the consensus of the Board not to conduct the survey at this time. In light of the current economy and the fact that less than 500 households were expected to respond, the Board did not feel this was the best use of funds.

// CAMPBELL COUNTY TOURISM BROCHURE

J. Michael Davidson, Director of Economic Development, presented the County’s first tourism brochure. The brochure was developed as a regional marketing tool to be distributed regionally to inform visitors of the sites in Campbell County they could visit while in the region. The brochure would be distributed to the regional visitor and welcome centers, regional attractions, college student centers, libraries and hotel kiosks. Supervisor Falwell suggested it would be helpful to include the hours an attraction was open.

// LEESVILLE ROAD ESTATES – EROSION AND SEDIMENT CONTROL VIOLATION

Staff requested permission to engage the lowest responsible bidder to complete erosion control measures at Leesville Road Estates, Phase II. A land disturbance permit was issued in September 2007, and by May 2008 the project had reached a state of disrepair. Failure to comply with violation notices resulted in a stop work order. Corrective actions were completed by mid-June 2008, but by mid-July 2008 the grading contractor had pulled off the site again due to financial problems with the developer. Because the seeding efforts in the spring did not produce the intended results, the rains that occurred in August/September damaged the site causing environmental impact both on and off-site. The owner has not responded to any of the notice of violations and failed to correct the issues by the September 26, 2008 deadline. Unless corrected, the violations would continue to cause damage to downstream property owners, thus making it necessary to stabilize the site as soon as possible.

The County was holding a Letter of Credit in the amount of \$206,400 as surety for erosion and sediment control measures, and staff estimated half of that amount was needed to perform stabilization work. Staff notified Stellar One of the County's intent to draw on the funds and also engaged Dewberry & Davis to create a detailed list of specifications on all corrective actions needed. Representatives of the contractor, owner and bank met with staff, and the bank agreed to pay the contractor to perform work in lieu of the County drawing directly on the letter of credit. The contractor was working on the site; however, the County had no formal guarantee the work would be completed. The only surety was the letter of credit and the County's ability to hire a contractor through the procurement process.

Staff advertised the work and would receive bids through October 17<sup>th</sup>. The bid process was structured such that the County could award a contract for portions of the work as needed. The final scope of work was dependent on how much the original contractor completed. Mr. Harvey added the developer has put the property known as Phase II on the market to be taken over by another developer. Several lots in Phase I have been sold, and some houses have been built and were occupied.

Supervisor Shockley was concerned the erosion problems would worsen with the fall and winter weather approaching. He offered the following motion:

On motion of Supervisor Shockley, it was resolved the Board of Supervisors authorizes staff to engage the lowest responsible bidder to complete erosion control measures at Leesville Road Estates, Phase II.

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

// VOLUNTEER EMS & FIRE AUDIT COSTS

For several years the County has allocated funding in the amount of \$2,300 each to complete the outside audit of the various volunteer EMS squads and fire companies. Because there has been an increase in the standards for the audit that require more man hours from the outside auditing firms, staff believed an increase of \$150 to \$2,450 each was needed for the audit work. A supplemental appropriation was presented for approval.

Supervisor Goldsmith suggested Altavista EMS be included in the appropriation as he believed the situation would be resolved shortly. However, because there would be several budget appropriations to be considered, the Board decided to wait until the issues were resolved.

On motion of Supervisor Rosser, it was resolved the Board of Supervisors approves a transfer of appropriation in the General Fund, Non-Departmental Expenses, deleting \$2,100 from Budget Set Aside, and appropriating to Fire & Rescue, Accounting Services – Auditing, Altavista Fire \$150.00, Brookneal Fire \$150.00, Brookville Fire \$150.00, Concord Fire \$150.00, Evington Fire \$150.00, Gladys Fire \$150.00, Lyn Dan Fire \$150.00, Rustburg Fire \$150.00, Red House Fire \$150.00, Brookneal Rescue \$150.00, Campbell County Rescue \$150.00, Citizens Rescue \$150.00, Concord Rescue \$150.00 and Rustburg Rescue \$150.00, to increase funding needed to pay for outside auditing costs for Volunteer Fire and Rescue based on increase in audit hours required for revised accounting standards.

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

// INCREASE IN TRANSFER SITE ATTENDANT PAY

For approximately 20 years the County has been contracting with individuals or groups to monitor and clean the transfer sites where citizens take their household trash. From time to time the duties have changed, and the amount of compensation has been adjusted. Recently there has been more turn-over in attendants than usual due to the increased workload and rising fuel costs.

The Public Works Committee on September 15, 2008 discussed the various changes with the transfer site operations. The Committee recommended contract attendant compensation be reviewed with a pay increase brought to the Board for consideration. A table was created showing the different sites, the current pay, monthly tonnage and recommended monthly compensation. It was determined it would be fair to set compensation based on the amount of tonnage the site handled. The proposed amount of the pay increase would result in an operational cost increase of \$890 per month or \$10,680 annually. A supplemental appropriation was presented to add \$7,120 to the line item to support the increase for the remainder of the fiscal year.

On motion of Supervisor Puckett, it was resolved the Board of Supervisors approves an increase in the compensation for transfer site attendants effective November 1, 2008, and approves a supplemental appropriation in the Landfill Fund, Transfer Sites, appropriating \$7,120 to Contracted Site Attendants; and lowers the Undesignated Landfill Fund Balance by \$7,120, transfer necessary to increase attendants monthly contracted payments.

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

// PERMISSION TO ADVERTISE CODE AMENDMENTS

Kristin B. Wright, Staff Attorney, presented several proposed amendments to the County Code for the regular fall update. Many were mandated changes by the State, and others were discretionary changes the Board had already approved for advertising or were minor amendments clarifying certain aspects of the Code. Some items of particular note were amendments to:

Chapter 2 (Administration) – amendment to allow the synchronization of the terms of the Planning Commission

Chapter 13 (Health) – The portion of Chapter 13 concerning biosolids was fully revised in accordance with suggested changes from the State

Chapter 16 (Miscellaneous Offenses) – amendment to noise ordinance to eliminate the need for the use of a decibel level meter and use “common sense” approach

Chapter 20 (Cable Television) – County’s current sole franchise provider, Jet Broadband, was requested the bond amount be lowered from \$100,000 to \$50,000. The Board was in favor of advertising the bond amount, but had concerns about Jet Broadband’s service on weekends and lack of expansion into new subdivisions.

Chapter 22 (Zoning) – The County’s zoning ordinance requires informational signs for rezonings and special use permits. A recent Circuit Court case in Nelson County held a similar requirement invalid. It was the consensus of the Board to not make any changes in our code regarding sign requirements.

There was a question regarding proposed amendments in Chapter 9 – Finance and Taxation. Section 9-7.2 included increases in land use applications by the Commissioner of the Revenue. Section 9-14.3 included changes in the assessment of rehabilitated buildings as requested by the County Assessor.

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors authorizes staff to advertise amendments to the County Code as presented to include lowering the bond amount for Jet Broadband from \$100,000 to \$50,000 and no changes to the sign requirements for rezonings and special use permit applications for the November 24, 2008 Planning Commission public hearing and the December 1, 2008 Board of Supervisors public hearing.

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

// RECLASSIFICATION OF RECREATION ATHLETIC ADMINISTRATIVE AIDE

In January 2008 the senior center coordinator for the Brookneal and Timbrook Senior Centers resigned, and the full-time Administrative Aide I (Athletic) assumed additional duties as interim coordinator. The coordinator position was not filled pending a trial of combining the two positions. After review, it was apparent that combining the two positions and not filling the part-time position for Brookneal was in the best interest of the County from both a cost savings and operational perspective.

Staff requested approval to implement the change on a permanent basis and regrade the Administrative Aide I (Athletics) position to an Administrative Aide II (Athletics) position based on absorption of the Brookneal senior center coordination duties. Regrading the existing position would increase the cost by approximately \$2,500 annually and eliminating the part-time position would save approximately \$4,500 annually, for a net savings of approximately \$2,000. The Timbrook site would continue to be filled using a part-time position. The Human Services Committee and Recreation Advisory Council recommended reclassification of the position.

On motion of Supervisor Puckett, it was resolved the Board of Supervisors approves reclassifying the position of Recreation Administrative Aide I (Athletics) to Recreation Administrative Aide II (Athletics) effective November 1, 2008.

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

// VIRGINIA ASSOCIATION OF COUNTIES ANNUAL MEETING

The 2008 Annual Business Meeting of the Virginia Association of Counties was scheduled for Tuesday, November 11, 2008 at The Homestead. The VACo bylaws state that each county should designate a representative of its Board of Supervisors to vote at the business meeting. Chairman Hugh Pendleton, Supervisor Gunter, Supervisor Falwell, Supervisor Puckett and Supervisor Shockley planned to attend the VACo meeting this year.

On motion of Supervisor Rosser, it was resolved the Board of Supervisors designates Supervisor Eddie Gunter as Voting Delegate and Supervisor Charles Falwell as Alternate Delegate to vote at the VACo meeting on November 11, 2008.

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

// CONSENT AGENDA

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

a) Appropriations –

1. Capital Improvement Fund, Public Works, deleting \$65,000 from Phase I – Road Construction and appropriating the same to Facility Construction & Parking Lots, to transfer the funding for parking lots into the correct expenditure line;

2. General Fund, Economic Development, appropriating \$50,000 to Incentives – Graham Packaging; and raises estimated revenue, Tobacco Indemnification Fund, by \$50,000, funds received from Tobacco Region Opportunity Funds for economic industrial incentives to be paid to Graham Packaging;
  3. General Fund, Economic Development, appropriating \$18,094.43 to Tobacco/Beef Initiative – Phase II; and raises estimated revenue, Tobacco/Beef Initiative – Phase II Revenue line by \$18,094.43, FY 2009 partial reimbursement of \$183,750 Tobacco Indemnification and Community Revitalization Commission Grant for Value-Added Beef Initiative Expansion Project;
  4. Solid Waste Management Fund, In-House Construction, appropriating \$5,000 to Comp – P/T Help, \$382.50 to Employer Cost – FICA, \$101.50 to Workers Comp and \$5,000 to Gas, Oil & Grease; and lowers the Undesignated Solid Waste Fund Balance by \$10,484, to complete Seneca Commerce Park storm water project (funds reverted at end of FY 2008);
  5. Solid Waste Management Fund, Recycling/Litter Commission, deleting \$82 from Grant Share to Towns, and appropriating \$1,549 to Awards; and raises estimated revenue, Litter Control Grant, by \$1,467, to adjust the litter grant monies to the appropriate line items;
  6. General Fund, Circuit Court Clerk, appropriating \$79,115.64 to Technology Software/Hardware Upgrade; and raises estimated revenue, Technology Trust Funds, by \$79,115.64, to appropriate newly approved funding by Compensation Board for technology including PC and scanner upgrades, records indexing, records management maintenance, license fees to provide Secure Remote Access to land records and SRA maintenance;
  7. School Operating Fund, Classroom Instruction, appropriating \$23,831 to Payment to Joint Operations; and raises estimated revenue, Medicaid Reimbursement, by \$23,831, to appropriate Medicaid reimbursement;
  8. School Operating Fund, Technology, appropriating \$197,716 to Purchase Computer Hardware; and raises estimated revenue, Recovered Costs by \$197,716, to appropriate difference in what was estimated and funds actually received for e-rate reimbursement;
- b) County Attorney invoices -
- Approves payment to the County Attorney in the amount of \$11,838.58 for legal services rendered;
- c) Landfill Legal Services -
- Approves transfer of appropriation in the General Fund, Legal Services, deleting \$21,547.67 from Legal Services – Other, and in the Solid Waste Management Fund, Capital Projects, deleting \$64,000 from Landfill – Testing & Post Closure, and appropriating the total amount of \$85,547.67 to Solid Waste Management Fund, Solid Waste Operations, Legal Services, to separate landfill related legal service costs from all other legal service costs in order to better monitor landfill related legal services;
- d) CCADM 007-FY09, Tennis Court Renovations, Rustburg High School
- Accepts the low bid of Adams Construction Company, Lynchburg, Virginia, for renovations to the three tennis courts at Rustburg High School for a total cost of \$48,000.

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

// APPOINTMENTS

Several appointments were made at this meeting.

Campbell County Utilities and Service Authority

On motion of Supervisor Rosser, it was resolved the Board of Supervisors reappoints Carter S. Elliott, Jr., P. O. Box 710, Rustburg, VA 24588, to a three-year term until December 31, 2011, on the Campbell County Utilities and Service Authority for the Seneca Election District.

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

Economic Development Commission

On motion of Supervisor Puckett, it was resolved the Board of Supervisors reappoints Scott Tweedy, 4915 New Chapel Road, Rustburg, VA 24588, to a four-year term until December 31, 2012 on the Economic Development Commission as an at-large member representing agriculture.

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

Library Board of Trustees

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors appoints Charlotte Lane, 1604 Melinda Drive, Altavista, VA 24517 to fulfill the remainder of a four-year term until June 30, 2009 on the Library Board of Trustees for the Altavista Election District.

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

Recreation Advisory Council

On motion of Supervisor Gunter, it was resolved the Board of Supervisors reappoints Janet Eagle, 111 Brandi Court, Lynchburg, VA 24504, to a three-year term until December 31, 2011 on the Recreation Advisory Council as an at-large member.

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

// MATTERS FROM THE BOARD

- Staff was requested to send a letter from the Board thanking the Election Officials for their assistance in the election process this year.
- Supervisor Goldsmith advised the Masonic Lodge may be interesting in leasing or purchasing the Altavista Armory should it become available.
- Supervisor Goldsmith thanked David Shreve and County staff for their efforts to make the Altavista/Campbell County Habitat for Humanity Blitz Build a success this past weekend. The home was constructed to the painting stage, and the family should be able to move in before Thanksgiving. David Shreve gave credit to Brandon Dillard, one of the Building Inspectors, who stayed on site all weekend to provide inspections to keep the project moving.
- Supervisor Goldsmith was pleased that Boxley Corporation was willing to talk with the Evington Community about any issues that remained. He hoped the Board would give serious consideration before rezoning any more property in that area to industrial.

Administrator Laurrell indicated he hoped to organize a meeting between the two groups by Thanksgiving.

- Supervisor Puckett was pleased at the outcome of the hearings before the State Water Control Board concerning the flows down the Staunton River. After deliberating for some time, the State Water Control Board decided the water flows would be a continuous type that would slow the erosion of stream banks and hopefully give the property owners stable lake levels.
- Chairman Pendleton asked for the support of the Board members attending the VACo Conference in November. His term as Region 10 Director was expiring, and he was eligible to serve another term.

// ADJOURNMENT

On motion of Supervisor Gunter, the meeting was adjourned at 2:14 p.m.

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

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HUGH T. PENDLETON, JR., CHAIRMAN

Approved: \_\_\_\_\_