

BOARD OF SUPERVISORS MEETING

April 7, 2008

The regular meeting of the Campbell County Board of Supervisors was held on the 7<sup>th</sup> day of April 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 Wright, Staff Attorney

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

// APPROVAL OF MINUTES

On motion of Supervisor Rosser, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the March 3, 2008 regular meeting and the March 17, 2008 regular meeting as presented.

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

On motion of Supervisor Gunter, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the March 27, 2008 annual dinner meeting as presented.

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

// PUBLIC HEARING – BROOKVILLE-TIMBERLAKE VOLUNTEER FIRE LOAN

The first public hearing was opened at 7:05 p.m. Aubrey Cheatham, Director of Public Safety, advised the Brookville-Timberlake Volunteer Fire Company was in the process of purchasing property adjacent to their fire station for future expansion. They would like to take advantage of special financing that requires a public hearing and a Board resolution.

Brookville-Timberlake Volunteer Fire Company intends to enter into a purchase agreement to finance the cost of the property in the amount of \$150,000. Brookville-Timberlake would be required to pay all payments for the property and any applicable taxes on the property. Obligations under the purchase agreement would be secured by a security interest in the property. A resolution of approval would create no obligation for payment upon Campbell County and Brookville-Timberlake would hold and save harmless Campbell County from any claim.

**Gerald Mays**, President of Brookville-Timberlake Volunteer Fire Company, appreciated the Board's consideration of the request. They were land-locked at their present location. Just recently some adjacent property became available, and Brookville-Timberlake was interested in purchasing the property for any future expansions.

No one spoke in opposition to the proposed purchase agreement by Brookville-Timberlake Volunteer Fire Company. The public hearing was closed at 7:07 p.m.

On motion of Supervisor Falwell, it was resolved the Board of Supervisors, pursuant to Sections 147(f) and 150 (e) (3) of the Internal Revenue Code of 1986, as amended, does hereby approve the entering into by the Brookville-Timberlake Volunteer Fire Department, Inc. of an Agreement in an aggregate principal amount not to exceed \$150,000.00 to finance the purchase of property adjacent to their fire station and authorizes the County Administrator to execute all contracts/documents necessary to effectuate the intent of the approval.

This approval is given following a public hearing held at 7:00 p.m. on April 7, 2008 in the Campbell County Board of Supervisors Meeting Room, Haberer Building, Rustburg, Virginia, and is solely for the purpose of satisfying the requirements of Section 147(f) of the Code. This approval does not in any way constitute any financial involvement or obligation upon Campbell County, and the Brookville-Timberlake Volunteer Fire Department shall hold and save harmless the County of Campbell, Virginia, from any claim thereof.

Furthermore, this document acknowledges that for consideration, the receipt and sufficiency of which are hereby acknowledged, the Brookville-Timberlake Volunteer Fire Department, Inc., has provided fire fighting and other services for Campbell County for many years and the Brookville-Timberlake Volunteer Fire Department, Inc., hereby agrees to meet the requirement to continue to provide fire fighting and other services for Campbell County.

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

// PUBLIC HEARING – REQUEST BY DONNIE & SANDRA CYRUS, REZONE 5.3 ACRES

The last public hearing was opened at 7:08 p.m. on:

08-01102 Request by Donnie and Sandra Cyrus, Owners, to rezone 5.3 acres from R-MH, Residential-Manufactured Housing to A-1C, Agricultural Conditional to allow for the keeping of one horse on the premises. The property is located at 58 Pecan Drive on the corner of Mt. Athos Road and Pecan Drive.

Paul Harvey, Director of Community Development, explained this was a request to rezone 5.3 acres from R-MH, Residential Manufactured Housing to A-1C, Agricultural Conditional to allow the keeping of one horse on the premises. The property currently has a manufactured home and a storage building/stable with a fenced area. The property owners have one miniature horse on the property as a family pet, and the rezoning request, as proffered, would make the horse a conforming use.

The surrounding area has a mixture of agricultural, residential and industrial uses. The zoning in the vicinity was A-1, Agricultural, Residential Manufactured Housing (R-MH) and Industrial Heavy (I-H). The property at 58 Pecan Drive was located on the corner of Mt. Athos Road and Pecan Drive, but would be accessed from Pecan Drive only. Proffers were submitted with the request to limit the uses to those in R-MH districts and the keeping of only one horse. An additional proffer requires the planting of 200 pine tree seedlings for a future buffer. The Comprehensive Plan did not directly address a rezoning request of this type. Mr. Harvey noted there was existing A-1 zoned property directly across Pecan Drive from the subject property. The Planning Commission recommended approval of the request by a vote of 4-3 citing convenience.

In answer to several questions from the Board, Mr. Harvey indicated some pictures were submitted at the Planning Commission meeting from an adjacent property owner that he could provide if the Board requested. There was a list of signatures submitted by the applicant of citizens supporting the rezoning application that was included in the Board's packet. The subject property was located within Country Haven Estates subdivision. The applicant did apply for a zoning permit after an addition was made to an existing structure on the property that was used as a barn. A building permit was not required because the addition was less than 150 square feet.

The applicant did not contact the Community Development Office prior to placing the horse on the property. Mr. Harvey indicated his office received a complaint between Christmas 2007 and January 1, 2008 that there was a horse on property in Country Haven Estates that was not zoned A-1. The Code Enforcement Officer advised Mr. and Mrs. Cyrus they were in violation of the zoning ordinance, and subsequently, Mrs. Cyrus came into the office to file an application to rezone the property.

Chairman Pendleton called for comments in favor of the proposed rezoning request.

**Sandra Ray Cyrus**, 58 Pecan Drive, asked the Board to allow them to keep the horse. She said the advertisement when they purchased the property indicated there was room for horses, and there was nothing in the homeowners' association covenants that horses were not allowed. There were horses across the road. Mrs. Cyrus stated her husband lost his job before Christmas, and a friend knew the children would not be getting anything for Christmas and gave them the horse. She then found out from Mr. Jones that horses were not allowed. She applied to have the property rezoned and agreed to plant 200 white pine trees by April 30<sup>th</sup>. In addition they would extend the fence for the horse (after someone complained there was not enough pasture for the horse) and they got a permit to add on to the building. Mrs. Cyrus stated her children prayed for a horse and their prayers were answered. She presented pictures into the record of the horse, her property and surrounding properties. She commented there were only a few houses in the subdivision that were really nice. There were many rundown properties.

Supervisor Falwell asked Mrs. Cyrus if there was any consideration to clearing some of the wooded property for a pasture so the horse would not be visible from the road. She said they had considered that possibility. Supervisor Gunter asked if she knew that Country Haven Estates had rules and regulations. Mrs. Cyrus indicated she did and had a copy of them, but they did not include a restriction on horses. Supervisor Shockley commented that it seemed burdensome for them to take on the care of a horse when finances were already tight. She agreed, but clarified that with the donation of the horse came fencing supplies and feed for six months. She learned she could not have a horse from a neighbor, Phil Jones, who acted in an inappropriate manner by threatening and cursing them.

Chairman Pendleton called for comments in opposition to the proposed rezoning request.

**Phillip Jones**, 438 Walnut Lane, was President of the Country Haven Homeowners Association, and spoke on behalf of thirteen (13) residents of the subdivision who were all present. Country Haven Estates was situated within two counties, Campbell and Appomattox, with one homeowners association. The lots on the Campbell County side were zoned R-MH, and the lots on the Appomattox side were zoned A-1. While he admitted all the properties on the Campbell County side were not beautiful, many of the residents have put everything into their properties and wanted them to be nice and neat. They wanted to maintain an acceptable level of appearance in the neighborhood and value for their properties. When you cross the county line into Appomattox County, there was a noticeable difference in the appearance of properties zoned A-1.

Continuing, Mr. Jones indicated the Cyrus family was told at least six times that livestock was not allowed before they moved the pony onto the property. Right at Christmas time the Cyruces constructed a pole barn without a permit, and it was a substandard structure. When they first constructed the building, it was done with silver backed cardboard that blew off during a strong wind. They have since replaced the cardboard with OSB board. As far as the trees that were being planted, the trees were merely sprigs and would take many years to provide screening. The residents of Country Haven were concerned if the property was zoned A-1 even for one horse, then who would regulate the number of structures that could be built. They did not want the Campbell County side to look like the Appomattox County side of the subdivision.

Hearing no further comments, the public hearing was closed at 7:28 p.m.

Supervisor Puckett directed a question to Mr. Harvey about a petition that was presented at the Planning Commission meeting. Mr. Harvey advised it was not a petition, but a list of the members of Country Haven Estates. The list did not address whether or not the members were in favor of or opposed to the rezoning. Not everyone on the list was a Campbell County resident.

Supervisor Goldsmith asked if any of the residents present at the meeting gave notice to the Cyrus family before the horse was placed on the property. Billy Johnson verified the Cyruses told him they were thinking about getting a horse, and he told them he did not think they could, but they had better check on it before they did.

Supervisor Gunter commented this was an unusual situation. First of all, there was a violation of the zoning laws. Several residents advised the Cyruses that what they were planning to do would be in violation of zoning laws, and it was some time before the Cyruses came down to Mr. Harvey's office to find out what they needed to do. In the meantime, they went ahead and erected a fence and placed the pony on the property. The President of the Country Haven Estates gave an overview of the layout of the subdivision. Supervisor Gunter visited the subdivision and looked at the properties on both the Campbell County side and the Appomattox County side. He agreed that Mr. Jones' description of the subdivision was accurate. He also looked at the five acre lot the Cyruses owned and could not understand why they chose to put the pony right on Pecan Drive. They had an opportunity to put the pony behind their mobile home. Based on what was heard at the public hearing, Supervisor Gunter could not support the rezoning request. He offered the following motion:

On motion of Supervisor Gunter, it was resolved the Board of Supervisors **DENIES** Request #08-01102 by Donnie and Sandra Cyrus, Owners, to rezone 5.3 acres from R-MH, Residential-Manufactured Housing to A-1C, Agricultural Conditional to allow for the keeping of one horse on the premises on property located at 58 Pecan Drive on the corner of Mt. Athos Road and Pecan Drive.

In answer to a question by Supervisor Goldsmith about the concerns of the neighbors, Mr. Jones clarified they were concerned about the appearance of the current structure and future structures if the property was rezoned to A-1. This was a corner lot and very visible. They were also concerned about spot zoning. Supervisor Gunter added that Mr. Jones expressed to him that the neighbors were also concerned that other property owners would want to rezone as well, and then the whole neighborhood would change into a farming subdivision.

Supervisor Falwell commented that he too was concerned about spot zoning. The property was zoned as a subdivision, and the request was to rezone one lot back to agricultural.

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

// PRESENTATION OF DRAFT FY 2009 BUDGET

Dr. George Nolley, Superintendent of Schools, presented a draft of the Schools FY 2009 budget. He commented the current year budget was stressed due to the high cost of diesel fuel and as a result, all field trips have been canceled. They were also doubling up on trips to take teams out to save fuel and labor costs. Fortunately, the cost of heating the schools had not gone up as much as diesel fuel.

Approximately 80% of the total budget was required for staff salaries and benefits. The proposed budget included a three (3%) percent pay increase to help the schools remain competitive with area school systems. The cost of the federal mandate "No Child Left Behind" has left the schools at least \$500,000 in the red. Another federal mandate that has become a major expenditure was Special Education.

This year the General Assembly was faced with the responsibility of funding the "re-benchmarking" of the state budget for its public schools as required by the Code of Virginia. The benchmarking process determined the number of teachers, staff, administrators and funding level for each school system. Schools generally received more in the first year of the biennium than the second year. Dr. Nolley was hopeful that by the time the second year of the biennium rolls around, the economy would have started an upturn.

As discussed at the Joint Committee meeting, a number of facility needs have been identified that were not included in the operating budget. Some of these include upgrading the heating and air for Brookville Middle (\$3.5 million) and the Vocational Technical Center (\$2.5

million). Both schools were nearly 30 years old and had the original systems. At some point it was no longer financially prudent to keep repairing systems.

In answer to a question by Supervisor Falwell, Brookville Middle was on a zone system and could be upgraded over several years. The Board would need to look at future School capital projects once the Concord Elementary School project was completed. Some discussion would be needed to determine which projects could wait and which would need to be done sooner.

Alan Lane, Director of Management Services, presented the Board a draft of the FY 2009 County budget. The budget was balanced by utilizing \$113,685 from the General Fund Balance and a two cent increase in the real estate tax to 45 cents per \$100 of assessed value. The budget was contingent upon adjustments as a result of reductions by the State. The recommended two cent increase in the real estate tax rate generates \$666,000 of additional revenue beginning in FY 2009 to help pay for increased debt service payments and mandated costs.

The total budgeted expenditures for the General Fund at \$60,041,134 were \$2,624,759 (4.4%) more than the current year budget. Much of the increase resulted from the Children at Risk Program (CSA), which was state funded by 64 percent. If CSA was not included in the comparison, FY 2009 total General Fund expenditures would be up 1.6% more than the current year budget. The budget for CSA was increased by \$1,075,000 (local - \$383,800) due to increased costs of protected children maintained under this mandated portion. Other expenditures include \$1,032,742 for new debt service and increase in debt stabilization for Concord Elementary School, Rustburg/Concord/460 Waterline and the County Complex Master Plan Phase 1 for renovations and additions to the County Courthouse and new Citizen Services Building.

The budget includes a 3% salary increase (1% cost of living and 2% merit pool) beginning July 1, 2008 for all departments and Constitutional Offices except Social Services, which has opted not to follow the County's pay and classification plan. The State has approved a 2% salary increase for all Constitutional offices effective December 1, 2008. Social Services has included a 2% salary increase in its budget request effective December 1, 2008.

Mr. Lane reviewed the format of the Budget Book and asked the Board to review the expenditure increases, expenditure decreases made by department heads and decreases made by the Budget Committee. Increases and decreases in revenues were also listed.

Based on previous conversations with the Board and Commissioner of the Revenue changes in the way recreational vehicles was taxed was being proposed. Due to potential inequities in motor homes and campers, the proposed rate for all recreational vehicles currently taxed was proposed at \$3.25 per \$100 of assessed value. This would increase the current tax rate on motor homes from \$2.50 per \$100 of assessed value and lower the current tax rate on campers and other non-motorized pull behind trailers from the current tax rate of \$3.85. Also, due to changes in the State Code during 2007, all terrain vehicles (ATVs) were now eligible for exemption from local taxation. The current changes in State licensing requirements resulted in newer ATVs being taxed while older ones may not be reported. As part of the regular spring code update staff would be providing the Board with an option to eliminate taxation on ATVs.

As discussed during the adoption of the Capital Improvement Plan, the Timbrook Library expenditure and matching revenue (citizen donations) of \$500,000 scheduled for FY 2009 have been included for planning purposes only and would not be budgeted until the funds were actually received from donations. The change would have no net effect on the Capital Improvement Plan.

In addition, the Solid Waste Fund has undergone significant changes in the budget for FY 2009 due to transition to the Regional Services Authority. This would be the first year of operation for that Authority. Solid waste from within the County would be hauled to the Lynchburg Landfill for an initial period and subsequently the Campbell County site would be utilized until closure. The County would receive \$960,000 in payments from the Regional Authority as revenue recovery. However, several significant expenditure increases were also budgeted for the first time in FY 2009. These include the in-house construction crew, recycling

program, upgrades for manned transfer sites and increased mileage related costs and fuel costs for hauling trash to the Lynchburg Landfill.

For the Board's information, each 1 cent of current real estate tax generates \$333,000; each 5 cents of personal property tax generates \$85,000; and each 5 cents of machinery and tools tax generates \$84,000.

A work session on the FY 2009 budget was planned for Thursday, April 10<sup>th</sup>, at 7:00 p.m. Administrator Laurell advised that a list of proposed reductions as a result of the decrease in State funding would be provided to the Board at the work session. Supervisor Rosser requested a summary of the projected savings from moving to a regional landfill after subtracting the costs of additional services and projects. He also requested a total of the new employees proposed for the FY 2009 Budget.

Supervisor Rosser was concerned about the economy, and the proposed budget did not reflect that most businesses would not be projecting increases. Many senior citizens could barely afford medicines with the increasing cost of gas and food. He believed instead of adding new employees, our current staff should work harder. Supervisor Puckett shared some of those same concerns pointing out that it was costing people in his area a lot more money just to drive to Lynchburg to work, make their house payments and buy groceries. Supervisor Gunter requested an estimate of the population that was over the age of 65.

// RESOLUTIONS TO SUPPORT VDOT GRANT APPLICATIONS

The VDOT Lynchburg District Office has submitted two FY 2009 Access Management Grant applications to support projects on Route 29 in Campbell County. Resolutions from the Board of Supervisors were required to support the grant applications.

Approximately \$6 million dollars was available across the State for Access Management Grant funds. Because Campbell County had completed a Route 29 Corridor Study and adopted an Access Management Plan, Mr. Austin believed Campbell County had an opportunity to receive grant funding.

Two applications were submitted. The first priority was to fund the removal of two median crossovers and restrict a third for southbound u-turns on Route 29 from Airport Road to Route 738 (English Tavern Road). This application would also address the installation of fiber optic line and coordination of four (4) traffic signals. The second priority would fund the design, right of way and construction of a right turn lane on both Route 29 and Route 863, close one commercial entrance on Route 683 (Lawyers Road), relocate one traffic signal pole and modify the traffic signal heads.

Resolution Priority #1

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

**WHEREAS:** the Virginia Department of Transportation has FY 2009 Access Management Grant funds available for managing access to state highways involving improvements to the location, number, spacing, and/or design of entrances, median openings, turn lanes, intersections, traffic signals, and/or entrances/intersections near interchange ramps;

**WHEREAS:** the Lynchburg District of the Virginia Department of Transportation has submitted application for funds for the following project on Route 29 south of Lynchburg,

Route 29  
From: SCL of Lynchburg  
To: Route 738 English Tavern Road

Description: Removal of two (2) medium crossovers and the restriction of a third for southbound U-turns. This application also addresses the installation of fiber optic line and coordination of four (4) traffic signals.

Estimated Cost: \$695,000

**WHEREAS:** Campbell County has adopted an Access Management program for the Route 29 Corridor and both the removal/modification of medium crossovers and the coordination of traffic signals complements the plan:

**THEREFORE BE IT RESOLVED:** that this Board supports and endorses this project application for FY 2009 Access Management Grant Funds as submitted by the Lynchburg District Virginia Department of Transportation dated March 14, 2008.

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

Resolution Priority #2

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

**WHEREAS:** the Virginia Department of Transportation has FY 2009 Access Management Grant funds available for managing access to state highways involving improvements to the location, number, spacing, and/or design of entrances, median openings, turn lanes, intersections, traffic signals, and/or entrances/intersections near interchange ramps;

**WHEREAS:** the Lynchburg District of the Virginia Department of Transportation has submitted application for funds for the following project on Route 29 south of Lynchburg,

Route 29

Location: Intersection Route 683 – Lawyers Road

Description: Construction of SBL Right Turn Lane onto Route 683 and a Right Turn Lane for SBL Route 29 traffic from Route 683

Estimated Cost: \$ 689,000

**WHEREAS:** Campbell County has adopted an Access Management program for the Route 29 Corridor and the construction of these turn lanes complements the plan:

**THEREFORE BE IT RESOLVED:** that this Board supports and endorses this project application for FY 2009 Access Management Grant Funds as submitted by the Lynchburg District Virginia Department of Transportation dated March 14, 2008.

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

// CONSENT AGENDA

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

- a) Appropriations –
  - 1. Capital Improvements Fund, Economic Development Projects, deleting \$10,484 from Seneca Commercial Center (Winston) to the Solid Waste Management Fund, Landfill, appropriating \$5,000 to COMP – P/T Help, \$382.50 to Employers Cost – FICA, \$101.50 to Workers Compensation and \$5,000 to Gas, Oil & Grease, for utilization of in-house construction crew for remediation of storm water pond at Seneca Commerce Park;
  - 2. General Fund, Library, deleting \$20,000 from COMP – Director and \$17,350 from COMP – Administrative Aide, and appropriating \$2,100 to COMP – Deputy Director, \$12,200 to COMP – Administrative Clerk and \$23,050 to COMP – P/T Help, to transfer funds to cover part-time help for retired Director of Library, part time administrative clerk to assist department and additional compensation for Interim Director;

3. General Fund, Public Assistance Services, deleting \$20,000 from General Relief and \$11,454 from Day Care 90/10 and appropriating \$14,385 to Other Purchased Services and \$17,069 to Safe and Stable Families, to match federal and state funding program allocations;
4. General Fund, Information Technology, deleting \$35,000 from COMP – Integration Specialist and appropriating the same to Other Professional Services, to pay for contracted services while position is unfilled;
5. General Fund, Highway Services, appropriating \$5,809 to Holiday Forest Holiday Lane; and raises estimated revenue, Holiday Forest – Holiday Lane by \$5,809, funds from Holiday Forest Property Owners Association to construct part of Holiday Lane – Smoky Hollow project from Holiday Lane to Poor House Road;
6. General Fund, Non-Departmental, deleting \$1,775 from Budget Set Aside, and appropriating to Registrar, \$125 to Telephone, \$125 to Travel – Personal Vehicle Mileage, \$800 to Travel – Board Members, \$125 to Travel – Election Officials, \$75 to Dues & Association Membership, \$200 to Office Supplies and \$325 to Ballots & Election Supplies, costs related to 2008 primary election;
7. Capital Improvement Fund, Public Safety Projects, appropriating \$18,712.74 to Four For Life Funds; and raises estimated revenue, Four for Life Program, by \$18,712.74, to supplement funds from the Four for Life Program to provide training of volunteer or salaried emergency medical service personnel and purchase of equipment and supplies;
8. General Fund, Public Assistance Services, appropriating \$431,243 to ADCFC and \$164,851 to Special Needs; and raises estimated federal revenue by \$380,472.50 and state revenue by \$215,621.50, to match federal and state funding program allocations;

b) County Attorney invoices -

Approves payment to the County Attorney in the amount of \$14,593.33 for legal services rendered;

c) Incentives for New River Packaging, LLC

The Board in closed session on January 7, 2008 authorized incentive funding in the amount of \$23,000 for New River Packaging, LLC, to relocate to Campbell County. New River, a cardboard packaging company currently located in Amherst County, has located a facility on Sunnymeade Road. The company plans to hire 20 individuals within a three-year period with an average wage of \$12 an hour. It plans to invest in or bring \$1.2 million in new machinery and tools to Campbell County. The project would occur over a 36 month period. Based upon the County's industrial incentive policy, the Board authorized a \$19,000 Economic Stimulus Grant and a \$4,000 Employment Credit Grant totaling \$23,000 in local incentives. A performance agreement was executed on March 10, 2008, and the incentives would be disbursed over a three-year period. The return on investment would be 2.4 years.

Approves a supplemental appropriation in the General Fund, Economic Development, appropriating \$23,000 to Incentives – New River Packaging; and lowers the General Fund Undesignated Fund Balance by \$23,000, industrial incentives approved in closed session on January 7, 2008 for a new business on Sunnymeade Road.

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

// MATTERS FROM THE BOARD

- Supervisor Goldsmith provided each of the Board members with a new map of Leesville Lake.
- Supervisor Falwell offered the following appointments.

### Board of Zoning Appeals

On motion of Supervisor Falwell, it was resolved the Board of Supervisors recommends the reappointment of Alice C. Smith, 59 Londonberry Road, Forest, Virginia 24551, to a five-year term until June 30, 2013 on the Board of Zoning Appeals from the Timberlake District.

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

### Social Services Board

On motion of Supervisor Falwell, it was resolved the Board of Supervisors reappoints James R. Mays, c/o Pride of Virginia, 1347 Tucker Terrace, Evington, Virginia 24550, to a four-year term until June 30, 2012 on the Social Services Board from the Timberlake Election District.

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

- Supervisor Falwell advised that a representative from East West Development has talked with him about the possibility of a residential community on Johnson's Mountain and asked about advice on a wastewater system. He indicated that should a matter come before the Board related to the development, he would abstain from any discussion or vote to avoid a conflict of interest.
- Supervisor Goldsmith indicated he has been asked to serve on the Library Foundation as a representative from the Board of Supervisors.
- Administrator Laurrell indicated staff has received a request from an adjoining property owner to the proposed Boxley quarry to see if it would be prudent to have the County hire a 3<sup>rd</sup> party engineering firm to review the information presented by Boxley's engineers. Currently a third party engineer was contracted with on applications for a telecommunications tower and a planned unit development, and the applicant paid the costs. Supervisor Rosser did not believe there was a need at this time for a review by a third party engineer. The request was put on hold.

In addition, Administrator Laurrell advised that the public hearings for the proposed Boxley quarry would be advertised separately due to the nature of the request. The Board of Supervisors' public hearing would be advertised once a recommendation has been made by the Planning Commission.

### // CLOSED MEETING

On motion of Supervisor Gunter, it was resolved the Board of Supervisors enters into a closed meeting at 8:30 p.m. to discuss legal matters related to ongoing litigation regarding the Campbell County Landfill and to discuss legal matters related to a number of public nuisances, in accordance with the legal exemption §2.2-3711 (A)(7) 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 7<sup>th</sup> day of April, 2008 at 8:30 p.m. to discuss legal matters related to ongoing litigation regarding the Campbell County Landfill and to discuss legal matters related to a number of public nuisances, in accordance with the legal exemption §2.2-3711 (A)(7) of the Code of Virginia, as amended.

// On motion of Supervisor Falwell, it was resolved the meeting return to open session at 9:00 p.m.

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

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

#### CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 7<sup>th</sup> day of April, 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

On motion of Supervisor Gunter, it was resolved the Board of Supervisors directs the Staff Attorney to institute legal proceedings to abate public nuisances on the following properties:

Benjamin Palmer	7199 Epsons Road (Brookneal Election District)
James Lair	19861 Leesville Road (Sunburst Election District)
Rienhard Hindenlang	110 Sleepy Hollow Road (Timberlake Election District)
David Phillips	63 Winebarger Circle (Concord Election District)

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

#### // ADJOURNMENT

On motion of Supervisor Puckett, the meeting was adjourned at 9:01 p.m. until 7:00 p.m. on April 10, 2008 in the Board of Supervisors Meeting Room, Rustburg, Virginia, for a work session on the FY 2009 Budget.

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: \_\_\_\_\_