

BOARD OF SUPERVISORS MEETING

February 22, 2011

The regular meeting of the Campbell County Board of Supervisors was held on the 22nd day of February 2011 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

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

Also present were:

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 Gunter gave the invocation.

// DETENTION BUDGET REQUEST

Michael Daly, Director of the Department of Youth, Adult and Community Services, presented a supplemental appropriation to increase funding for Juvenile Detention care by \$160,000. He explained there was an increase in the number of youth placed in detention. This would bring the budget from \$310,000 to \$470,000 for the current fiscal year.

On motion of Supervisor Puckett, it was resolved the Board of Supervisors approves a supplemental appropriation in the General Fund, Detention, appropriating \$160,000 to Juvenile Detention Care; and lowers the Undesignated Fund Balance by \$160,000, additional funds due to increased utilization of the Regional Detention Home.

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

// REDISTRICTING SCHEDULE

Paul Harvey, Director of Community Development, provided the Board a schedule for the local redistricting process and a summary of the population changes per district according to the U. S. Census Bureau. Because Virginia was likely to have primary elections in mid to late August, the tasks were compressed into a relatively short period.

A public information meeting would be held following the Board of Supervisors meeting on Monday, March 21, 2011 at which time staff would provide the latest Census population information and the impact on current election district boundaries. Citizens and Board members could provide initial feedback on potential changes. A work session would be held on April 5, 2011 at 5:00 p.m. to review options for new election district boundaries. The Board would be asked to form a consensus on the preferred option to advertise for the public hearing on April 19, 2011 at 5:00 p.m.

Another public hearing would be held on May 2, 2011 to update the Election District Ordinance. Once the ordinance was adopted, the County Attorney would submit the new Election District information to the U. S. Justice Department for preclearance, and the GIS Program Manager would provide a list of all streets and address changes to the Registrar. The Registrar would input the new district and precinct information into the voter registration system,

and have new voter registration cards printed and mailed at least 15 days before the next election.

David Shreve, County Attorney, indicated Campbell County was subject to pre-clearance under Section 5 of the Voting Rights Act. Before you could enact any changes in voting policy or procedures, it must be precleared by the Justice Department which was a lengthy and complicated process taking anywhere from 60 days to 120 days. Looking forward, Mr. Shreve suggested the Board consider opting out of the Voting Rights Act. A petition would have to be filed with the U. S. District Court for the District of Columbia. There were 14 jurisdictions in Virginia that have opted out with the City of Roanoke being the closest one to Campbell County.

// PUBLIC SAFETY STRATEGIC PLANNING UPDATE

Scott Hechler, Director of Public Safety, presented a number of items to the Board. The first one was an update on the priority initiative to develop a five-year strategic plan draft titled Vision 2016. This plan would be a critical tool for the organization to develop a unified vision, mission, goals and objectives and serve as a road map of where the organization wanted to go and how it planned to get there.

As part of the Strategic Planning Process, the Department of Public Safety was developing a needs-based approach to planning, organizing, equipping and training for an all-hazards capability for emergency response utilizing a seamless team of career and volunteer professionals across the County. The Public Safety Strategic Planning Team, consisting of representatives of all levels and divisions of the career staff plus volunteer fire and EMS leadership, has been meeting twice a month to develop the plan. The draft plan was scheduled to be completed and ready for Board review and approval by June 2011. To date, the team had completed the Mission Statement, Vision Statement and Core Values, all of which have been reviewed and unanimously agreed to by the full Joint Fire and EMS Work Group. Next steps include conducting town hall type meetings with all individual fire/EMS volunteer agencies, reviewing the current organizational structure and reviewing existing County Codes, groups, committees and commissions including by-laws. Lastly, they would develop proposed strategic goals and service level objectives for all Public Safety divisions and functions.

In response to a request by the Board, a list of the dates and times of the town hall meetings would be provided. There has been a rumor that the Department of Public Safety was going to write the Standard Operating Guidelines (SOG's) for all the volunteer agencies and force them to follow those SOG's. Mr. Hechler explained the volunteer agencies would sign an acknowledgement that the SOG was received, but the Department of Public Safety had no enforcement authority. However, there could be instances where SOG's were tied to a specific type of funding or grant. A standard SOG would be developed, but how it was implemented would be up to the individual volunteer agency.

Administrator Lurrell added that everyone wanted to maintain as much autonomy within the volunteer agencies as possible, but there may be times when County guidelines would have to be followed when it impacted citizen safety or certain financial issues. There was a discussion about titling vehicles owned by the volunteer agencies. There were three options: one to title the vehicles in Campbell County's name, title vehicles jointly and the third was to have a Memorandum of Agreement (MOA) that outlined parameters of what could be done with the vehicles. At this point in time, the MOA option seemed to be the better choice. Supervisor Puckett pointed out that volunteer agencies raised monies in their communities to purchase vehicles and other equipment, so they should have a sense of ownership. Supervisor Rosser disagreed believing the County should retain the title to the vehicles. The County would continue to pay the vehicle insurance. Further discussion on this issue would be part of the next agenda item.

// FIRE / EMS CAPITAL IMPROVEMENT PLAN STANDARD OPERATING GUIDELINES

The Board of Supervisors provides capital improvement funds when available to support emergency service delivery countywide and to assist the volunteer and career fire and rescue entities within Campbell County with demonstrated needs. The Department of Public Safety staff has collaborated with the volunteer fire and EMS leadership to develop a proposed five-year

Fire/EMS Capital Improvement Plan (CIP) for FY 2012 – FY 2016. The need to update the existing CIP Standard Operating Guideline (SOG) and to develop a new Memorandum of Agreement (MOA) for the CIP to reflect the County and Board approval process was identified.

The proposed Standard Operating Guideline and Memorandum of Agreement were provided to the Board for review and approval. These documents would provide clarity as to the responsibilities of all parties for all aspects of the life cycle of resources purchased with CIP funds. The MOA and SOG were reviewed and unanimously agreed to by the full Joint Fire and EMS Work Group, Staff Attorney and the Public Safety Committee.

On motion of Supervisor Falwell, it was resolved the Board of Supervisors authorizes staff to utilize the revised Standard Operating Guideline and Memorandum of Agreement processes to facilitate the management of the Fire/EMS Capital Improvement Plan as follows:

Capital Improvement Plan (CIP) Procedure

PURPOSE: The purpose of this guideline is to establish procedures for access to and use of the Department of Public Safety CIP Fund. This standard operating guideline (SOG) was developed in consultation with volunteer fire and rescue leadership via the Public Safety CIP development subcommittee as well as the Joint Fire and EMS Work Group under guidelines approved by the Campbell County Board of Supervisors.

SCOPE: This guideline applies to all Department of Public Safety (DPS) entities seeking access to the CIP Fund.

BACKGROUND: The Campbell County Board of Supervisors provides capital improvement funds when available on a needs basis to support emergency service delivery countywide and to assist the volunteer and career fire and rescue entities within Campbell County with demonstrated needs. The Department of Public Safety, the Public Safety Committee, and Joint Fire and EMS Work Group have identified the need to update the existing CIP standard operating procedure for the FY2012 – FY2016 CIP to reflect the County and Board approval process. Annually the Board considers recommendations from the County Budget Committee on appropriations for CIP and operations funding. These recommendations are based in part on input and recommendation from the Department of Public Safety through the Public Safety Committee.

DEFINITIONS:

Capital Improvement Plan (CIP) Fund: This is a fund specifically used for County capital projects costing \$10,000 or more. The Capital Improvement Plan is a five year plan adopted by the Board of Supervisors for capital fund purchases of \$10,000 or more.

Approved CIP: The five-year CIP that has been *adopted* by the Board of Supervisors for planning purposes only. No actual funds have been appropriated for obligation.

Appropriated CIP funds: Portion of the CIP that is for the current fiscal year and the funds have been *appropriated by the Board of Supervisors and are therefore available* to be spent in the current fiscal year. Each year thereafter the Board of Supervisors will consider adoption of the remaining four years plus a new fifth year to be considered for planning purposes only. Changes may be made to the remaining four years of the previously adopted CIP.

1.0 GENERAL INFORMATION

- 1.1 Access to the Board approved Department of Public Safety CIP Fund is voluntary in nature. Volunteer entities may choose to decline CIP Fund assistance; however, authorized entity leadership must agree to abide by this SOG and any related signed Memoranda of Agreements to access and use CIP Funds. Failure to do so may negatively impact access to current or future CIP Funds including potentially being cause for denial of CIP Fund access or being required to refund all or part of CIP funds to the County Board of Supervisors.

- 1.2 The CIP Fund shall only be used as follows:
 - 1.2.1 To provide vehicle, apparatus, major equipment, and facility purchases, upgrades, and improvements all of which valued at \$10,000 or greater; and,
 - 1.2.2 To support emergency response capabilities based on the County's system needs as established by the Department of Public Safety in consultation with the Joint Fire and EMS Work Group and as approved by the Public Safety Committee.
- 1.3 Entity access to and use of the CIP Fund shall be contingent upon:
 - 1.3.1 Entity acknowledgement of CIP Fund SOG via signature of authorized entity representative; and
 - 1.3.2 Signed MOA between Board of Supervisors and the entity; and,
 - 1.3.3 Entity compliance with SOG and MOA.

2.0 RESPONSIBILITIES

- 2.1 The Campbell County Department of Public Safety is responsible to manage and distribute the CIP funds for Public Safety department related items and will serve as the point of contact concerning these funds to the volunteer fire and rescue entity representatives.
- 2.2 The receiving entity will seek and apply for eligible grant funds for the purchase of said vehicle. Said grant funds, if awarded, shall be used to offset CIP fund investment in the base spec vehicle. Any unused CIP funds shall remain in the CIP for use by other documented prioritized needs. Any remaining grant funds over the cost of the base spec vehicle may be used for vehicle enhancements if allowed in accordance with the grant's rules and procedures.
- 2.3 The Board of Supervisors reserves the right to assume ownership of the vehicle purchased with county funds if the receiving entity ceases to provide services to Campbell County for any reason and/or loses its ability to operate. The purpose for this contingency is for the ability to sustain emergency response capabilities within the county in the event any unforeseen issue inhibits the ability of the entity to provide service to the community.
- 2.4 The receiving entity acknowledges that if the funds are being utilized to replace a current CIP funded vehicle that the receiving entity is to render such vehicle to the Department of Public Safety. This vehicle may be sold with generated funds being allocated back to the CIP or said vehicle may be re-assigned to another county agency or Public Safety entity within Campbell County and/or retained as a reserve apparatus. The amount of funds allocated back to the CIP shall be consistent with the percentage vehicle total costs paid for by CIP funds, e.g. 50% of vehicle paid for by CIP then 50% of vehicle sale proceeds allocated for future CIP use with 50% returned to the agency turning in the vehicle. Any such co-funding split shall be documented via an addendum to the MOA.
- 2.5 The receiving entity acknowledges that no vehicle purchased with Campbell County CIP funds may be sold, traded or disposed of without recommendation of the Department of Public Safety and Public Safety Committee for approval by the Board of Supervisors. Funds generated as a result of a sale are to be submitted to the Board of Supervisors (not to exceed the original amount given to the entity) for appropriation to the CIP program. See section 2.4 for details.

- 2.6 The receiving entity agrees that minimum vehicle specifications / standards established by the Department of Safety through a collaborative process involving fire and rescue leadership along with Department of Public Safety staff with approval of the Public Safety Committee will be adhered to. These minimum specifications are attached as an addendum.
- 2.7 CIP funds will be distributed to the individual entity after the entity submits an invoice for the vehicle and provides an executed MOA.
- 2.8 All CIP Fund use shall utilize purchasing procedures consistent with county procurement policy and state procurement laws. It shall be the responsibility of the volunteer entity to maintain records demonstrating compliance with this requirement, which shall be provided to the Department of Public Safety upon request.
- 2.9 The receiving entity agrees that all apparatus purchased with CIP funds will have the Department of Public Safety approved logo, name and assigned Campbell County company number in place (marked) on the apparatus. The size and location of the insignia shall be approved by the Director of Public Safety in coordination with the Chief/Captain of the receiving entity. This requirement shall not preclude the receiving entity to include their own logos and names on the apparatus.
- 2.10 The County agrees to provide insurance coverage for vehicles authorized for purchase within the County CIP as long as funding is available, minimum specifications / standards are adhered to, the receiving entity agrees to, implements, and enforces Department of Public Safety established safety, driver, and response related policies and guidelines as coordinated with the Joint Fire & EMS Work Group.
- 2.11 The receiving entity agrees that Department of Public Safety personnel will have access to said vehicle if needed and said vehicle can be used by Public Safety career personnel and members of Public Safety volunteer entities trained and authorized to do so by the Director of Public Safety in collaboration with volunteer fire chiefs/captains unless in exigent circumstances. In such situations, the volunteer entity leadership shall be notified as soon as practicable. This access is not intended to preclude the volunteer entity to maintain a normal established rotation of vehicles as part of their normal operating procedures.
- 2.12 The receiving entity agrees that the intent of the CIP purchased vehicle use shall not be to provide primary response services in surrounding localities except as part of Department of Public Safety signed mutual or automatic aid agreements between localities.

3.0 CIP FUNDING SOURCES & USES

- 3.1 The CIP Fund will be established via the County Board of Supervisor funding and planning process for CIP approval.
- 3.2 The CIP Fund, once approved, will serve as a planning document that can be amended through the approval process upon request by the Department of Public Safety through the Public Safety Committee with recommendation to the Board of Supervisors.
- 3.3 CIP funds cannot be obligated until annual appropriations have been approved by the Board of Supervisors. Entities will be notified on an annual basis by the Department of Public Safety once funds are available for use.
- 3.4 There shall be one CIP Fund line programmed with local funds provided as available and approved by the Board of Supervisors.

- 3.5 There shall be a second CIP Fund line programmed with estimated revenues from various funding sources such as the Fire Programs Funds, Four-for-Life Funds, and excess Revenue Recovery funds.
- 3.6 There shall be no liens against the value of any CIP majority funded vehicle permitted, and no liens against the value of any vehicle using CIP funds in excess of the non-CIP allocation regardless of whether the vehicle is majority funded through the CIP or not.

4.0 NEEDS BASED PLANNING

- 4.1 CIP Funding decisions shall be needs based for providing emergency service support across the county and not according to a predetermined percentage division due to the fire or EMS nature of the request.
- 4.2 The Department of Public Safety with coordination from the Joint Fire and EMS Workgroup shall develop a recommended minimum vehicle / apparatus needs matrix for the County including a recommended rotation schedule for CIP planning purposes. This recommendation shall be presented for adoption by the Public Safety Committee and attached to this SOG as an addendum.
- 4.3 CIP Fund participating entities will agree to prioritize other sources of vehicle funding to the prioritized list prior to adding additional vehicle purchases for use within the county.
- 4.4 The Department of Public Safety in coordination with the Joint Fire and EMS Workgroup shall develop a recommended prioritized list of facility or equipment needs for CIP planning purposes. This recommendation shall be presented for adoption by the Public Safety Committee and attached to this SOG as an addendum.

AND

**Vehicle CIP Funds
Memorandum of Agreement**

THIS AGREEMENT, made the ___ day of _____ 2011, by and between the Campbell County Board of Supervisors, a political subdivision of the Commonwealth of Virginia (hereinafter referred to as the “Board”), party of the first part acting through its agent, the County Administrator; and the _____ (Entity receiving CIP funds) (hereinafter referred to as the “Receiving Entity”), party of the second part.

WITNESSETH:

WHEREAS, the Board of Supervisors provides capital improvement funds when available to support emergency service delivery countywide and to assist the volunteer and career fire and rescue entities within Campbell County with demonstrated needs; and

WHEREAS, these funds are requested through a collaborative capital improvement planning process consisting of volunteer fire and rescue entity representatives, Department of Public Safety staff representatives and Public Safety Committee representatives; and

WHEREAS, the Campbell County Department of Public Safety is responsible to manage and distribute the CIP funds regarding public safety purchases and will serve as the point of contact concerning these funds to the volunteer and career fire and rescue entity representatives; and

WHEREAS, in order to sustain emergency response capabilities for Campbell County and to provide equity, consistency and to protect the interests of all involved parties, this *Memorandum of Agreement* is entered into based on the following:

1. The receiving entity will seek and apply for eligible grant funds for the purchase of said vehicle. Said grant funds, if awarded, shall be used to offset CIP fund investment in the base spec vehicle. Any unused CIP funds shall remain in the CIP. Any remaining grant funds over the cost of the base spec vehicle may be used for vehicle enhancements if allowed in accordance with the grant's rules and procedures.
2. The County reserves the right to assume ownership of the vehicle purchased with county funds if the receiving entity ceases to provide services to Campbell County for any reason and/or loses its ability to operate. The purpose for this contingency is for the ability to sustain emergency response capabilities within the county in the event of any unforeseen issue inhibits the ability of the entity to provide service to the community.
3. The receiving entity acknowledges that if the funds are being utilized to replace a current CIP funded vehicle that the receiving entity is to render such vehicle to the Department of Public Safety. This vehicle may be sold with generated funds being allocated back to the CIP or said vehicle may be re-assigned to another county agency or Public Safety entity within Campbell County and/or retained as a reserve apparatus. The amount of funds allocated back to the CIP shall be consistent with the percentage vehicle total costs paid for by CIP funds, e.g. 50% of vehicle paid for by CIP then 50% of vehicle sale proceeds allocated for future CIP use with 50% returned to the agency turning in the vehicle. Any such co-funding split shall be documented via an addendum to this MOA.
4. The receiving entity acknowledges that no vehicle purchased with Campbell County CIP funds may be sold, traded or disposed of without recommendation of the Department of Public Safety and the County Public Safety Committee with approval by the Board of Supervisors. Funds generated as a result of a sale are to be submitted to the Board of Supervisors (not to exceed the original amount given to the entity) for appropriation in to the CIP program. See item 3 for additional details.
5. The receiving entity agrees that minimum vehicle specifications / standards established by the Department of Safety through a collaborative process involving fire and rescue leadership along with Department of Public Safety staff with approval of the Public Safety Committee will be adhered to. These minimum specifications are attached as an addendum.
6. CIP funds will be distributed to the individual entity only after the entity submits an invoice for the vehicle and makes assurances that the vehicle will be housed in Campbell County.
7. The receiving entity agrees that CIP Fund purchase procedures shall be consistent with county procurement policy and state procurement laws. It shall be the responsibility of the volunteer entity to maintain records demonstrating compliance with this requirement, which shall be provided to the Department of Public Safety upon request.
8. The receiving entity agrees that all apparatus purchased with CIP funds will have the Department of Public Safety approved logo, name and assigned Campbell County company number in place (marked) on the apparatus. The size and location of the insignia shall be approved by the Director of Public Safety in coordination with the Chief/Captain of the receiving entity. This requirement shall not preclude the receiving entity to include their own logos and names on the apparatus.
9. The County agrees to provide insurance coverage for said vehicles authorized for purchase within the CIP as long as funding is available, minimum specifications / standards are adhered to, the receiving entity agrees to, implements, and enforces Department of Public Safety established safety, driver, and response related policies and guidelines as coordinated with the Joint Fire & EMS Work Group.

10. The receiving entity agrees that Department of Public Safety personnel will have access to said vehicle if needed and said vehicle can be used by Public Safety career personnel and members of Public Safety volunteer entities trained and authorized to do so by the Director of Public Safety in collaboration with volunteer fire chiefs/ rescue captains unless in exigent circumstances. In such situations, the volunteer entity leadership shall be notified as soon as practicable. This access is not intended to preclude the entity to maintain a normal established rotation of vehicles as part of their normal operating procedures.

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

// NEW OPERATIONAL MEDICAL DIRECTOR

Licensed EMS agencies and certified EMS providers in Virginia perform their services under the required oversight of a physician known as an Operational Medical Director (OMD). They are familiar with emergency medical services (EMS) practices and certified by the Virginia Department of Health. Dr. Patrick Wynnyk who currently serves as our OMD would like to turn over his agencies to Dr. Marilyn McLeod.

Dr. McLeod was a board certified emergency physician for Centra Health and a certified Paramedic. She was willing to perform these services on a pro bono basis for the remainder of this fiscal year after which funding would be considered in the next fiscal year. A draft OMD agreement was provided for informational purposes and has been reviewed and approved by the EMS Advisory Committee, Public Safety Committee, Public Safety staff, the County Attorney and Dr. McLeod.

On motion of Supervisor Falwell, it was resolved the Board of Supervisors authorizes staff to enter into a Memorandum of Agreement with Dr. Marilyn McLeod to serve as the County's Operational Medical Director.

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

// PUBLIC SAFETY FIRE/EMS POSITIONS

The Public Safety Department started with six full-time emergency medical services (EMS) employees in November of 2006, titling those positions as "Public Safety Technicians". Since that time, eleven additional full-time employees have been added in efforts to improve EMS service delivery within the County. When those positions were originally created, the salaries were based on comparisons to those in similar localities in the Central Virginia area and had not been adjusted since that time.

About a year ago staff worked with Human Resources to poll salaries for similar positions in neighboring localities. The positions in Campbell County were anywhere from 5% to 10% behind those in other localities affecting the numbers of qualified applications that have been received when positions were posted. This information was shared with the EMS Advisory Committee, Public Safety Committee and the Administration/Management Services Committee. Staff presented a revised Public Safety organizational chart and a revised Public Safety Career Ladder for EMS/Fire employees. The impact to adopt these changes was \$67,000 which would be funded through EMS revenue recovery proceeds in an appropriation included with the Consent Agenda items.

Administrator Lurrell brought the Board's attention to a pie chart outlining the number of calls by each agency. The Public Safety EMS employees answered 55 percent of the calls in 2010 (2,160 calls) which demonstrated how much the department had grown.

On motion of Supervisor Falwell, it was resolved the Board of Supervisors adopts a revised Public Safety organizational chart, a revised Public Safety Career Ladder for EMS/Fire

Employees and authorizes a transfer of appropriation with the EMS budget funded through EMS revenue recovery proceeds in an amount not to exceed \$67,000 to implement the changes.

Supervisor Rosser indicated he would support the motion, but he believed it was not the proper time to give raises when other County employees and the private sector were not getting raises. Chairman Shockley commented that Campbell County was not receiving applicants for open positions because the salaries were not competitive and the costs would not be funded through the General Fund.

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

// FIRE MARSHAL POLICE POWERS

The next item was to address the position of Randall Johnson, Deputy-Director - Fire Marshal. Mr. Johnson was tasked with enforcing the Fire Prevention Code and to provide fire origin and cause investigation services. Based on the background information and as part of the continued fire investigation partnership between the Sheriff's Department and the Department of Public Safety, it was the recommendation of Public Safety staff, the County Sheriff and the Public Safety Committee that the County Code be updated in support of the fire marshal becoming trained, certified and sworn with police powers consistent with Virginia Code §27-34.2:1.

Public Safety staff would work with the Sheriff's Office to develop standard operating guidelines that clearly defined the parameters of the Fire Marshal's law enforcement duties, continuing education requirements and the use of force continuum. Funds were available within the current budget for needed equipment and training.

In answer to questions by the Board, Mr. Johnson's salary step would not be changed and having these abilities would assist him in doing the job he was already doing. The training would be through the Department of Fire Programs which sponsors a shorter, modified police academy. His responsibilities as far as police powers would be confined to enforcing the Statewide Fire Prevention Code.

On motion of Supervisor Falwell, it was resolved the Board of Supervisors approves Randall Johnson, Deputy Director – Fire Marshal, to become trained and sworn with law enforcement powers and directs staff to develop recommendations to update the County Code to provide authorization for this responsibility.

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

// POTENTIAL FEE SCHEDULE UPDATES

Kristin B. Wright, Staff Attorney, presented the Board with information on the current fees charged by the Community Development Department and the Recreation Department. These fees were for such items as building permits, erosion and sediment control permits, subdivision and zoning permits and recreation program fees. Staff compared the County's fees with those of neighboring localities.

Overall, Community Development reports that with the exception of small state-mandated changes in 2010, the discretionary fee amounts for E & S permits had not changed since 2006, with the rest of the permit fees holding steady since 2002. The report detailed the differences between Campbell County's fees and those of the surrounding localities. Any suggested changes to the fee structure could be included in the spring update of the County Code.

The Recreation Department charged fees for participation in its programs, such as classes, trips, senior center van trips, special events such as the Heritage Festival, youth and adult athletic programs and discount theme park tickets. Because the cost for each of those programs

varies, Recreation charged fees intended to cover 100% of the direct costs to the department and reserved the right to waive fees when costs were insignificant or when the program provided a needed educational service to the community.

Supervisor Goldsmith indicated he would like to see the actual costs to do business by the Community Development Department to get a clearer picture of what the fees should be. Supervisor Rosser asked staff to also include Pittsylvania County as one of the surrounding localities. The following motion was offered:

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors requests staff to determine the actual costs by the Department of Community Development of doing business to help determine the fee structure.

Supervisor Falwell indicated he would like to see the additional information requested by Supervisor Goldsmith and Supervisor Rosser, but did not want to delay the process in order to include any recommendations in the spring update of the County Code. He made a substitute motion to that effect, but later withdrew the motion to allow Supervisor Goldsmith to amend his motion.

On amended motion of Supervisor Goldsmith, it was resolved the Board of Supervisors requests staff to determine the actual costs by the Department of Community Development of doing business to help determine the fee structure and include staff's recommendations in the spring update of the County Code for the Board's review.

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

// ENGLISH PARK – NORFOLK & SOUTHERN RAILROAD LEASE

Mary Pascale, Director of Operations – Recreation, requested approval of a lease agreement with Norfolk and Southern Railroad to allow public ingress and egress into the English Park property. The lease would allow the roadway and bike path to be constructed under the existing railroad bridge that crossed over the park property. The railroad has granted Campbell County a five-year lease agreement for a fee of \$1,000 per year. The rate could be adjusted every five years. The County Attorney has approved the lease.

On motion of Supervisor Goldsmith, it was resolved the Board of Supervisors authorizes the County Administrator to execute a lease agreement with Norfolk and Southern Railroad for property located at Milepost 196 in Altavista, Virginia to be used for an access road under the bridge for public ingress and egress into the English Park property.

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

// ADDITIONAL FUNDS FOR LONG MOUNTAIN PARK

Campbell County initiated the funding schedule for development of four area parks and one countywide park in 1996. Construction began in 2004. Each park was allocated \$100,000 for the initial development phase. Phase II park development funding, initially scheduled to commence in 2010 would have allocated \$200,000 to each park's CIP budget; however, due to a downturn in the economy, these funds have been frozen until 2014.

The development of Long Mountain Park began in 2009 with a Request for Proposal for storm water management plans, E & S plans and grading plans for Phase I construction. These plans were required to meet the new state regulations pertaining to proper storm water management, and the costs were expended from the initial \$100,000 allocated by the Board of Supervisors for Phase 1 development. As a result, this reduced Long Mountain Park funding to \$60,000, which was insufficient to cover the increasing cost of construction supplies and services associated with completing this stage of the project. Thus, an additional \$40,000 was needed to complete Phase 1. There were sufficient funds in the Abbott Duncan Recreational Fields CIP

budget line as well as in the Countywide Park CIP budget line. The completion of three sports fields, a parking lot and natural walking trails would provide citizens with needed amenities and open the park for public use.

Supervisor Pendleton offered a motion to approve the request commenting it would not make any sense not to move the funds to the Long Mountain Park project. Otherwise it would be after 2019 (during the next round of funding) before the property would be made available for public use. Supervisor Gunter would support the motion as he has many constituents asking when the park property would be available for use. These monies would not have to be returned to the line items for the Abbott Duncan Park or County Wide Park.

On motion of Supervisor Pendleton, it was resolved the Board of Supervisors approves a transfer of appropriation in the Capital Improvement Fund, deleting \$20,000 from Abbott Duncan Park and \$20,000 from County Wide Park, and appropriating the total sum of \$40,000 to Rustburg/Concord Park, to cover the cost of the gravel for the parking lot, retention pond and seeding for the developed ball fields.

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

// STAUNTON RIVER BLUEWAY REPORT

Ms. Pascale advised the Recreation Department recently applied for a \$31,600 reimbursement-matching fund grant from the Department of Conservation and Recreation (DCR) to assist with the formal designation of the Staunton River as a Blueway water trail. This formal designation would add an additional attraction to the current tourism sites in the County. The Blueway would also encourage the creation of small businesses such as river guides, canoe shops, liveries and other businesses related to the needs of the Blueway water enthusiasts. Sections of the Staunton River have already been designated as a Scenic River by the Commonwealth of Virginia.

The grant would help purchase signage and printed maps of the river showing the points of interest such as Cat Rock Sluice, Fish Trap as well as designated entry and exit points. Staff requested approval to use monies in the existing CIP for Abbott Duncan Recreational Fields and the Countywide Park as the matching funds should be grant be awarded.

On motion of Supervisor Puckett, it was resolved the Board of Supervisors approves a transfer of funds from the existing CIP for Abbott Duncan Recreational Fields in the amount of \$6,200 and \$300 from the Countywide Park which would be used as matching funds for a Department of Conservation and Recreation grant to assist with the formal designation of the Staunton River as a Blueway water trail.

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

// HIGHWAY MATTERS

Clifton M. Tweedy, Deputy County Administrator, updated the Board on highway matters.

- Speed study for Spicer Road (Route 836) has been completed and signs have been installed.
- A letter has been received from Bill Flynn of 375 Russell Springs Drive, Lynchburg, regarding speeding within the subdivision. Staff would be sending a letter to Mr. Flynn outlining some options for him to include resident funded speed hump study, resident funded selective enforcement process in conjunction with the Sheriff's Office and resident initiated civil warrant process.
- A request for Watch for Children signs has been requested on Crestside Drive, Evington, Virginia. The following motion was made:

On the 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 Crestside Drive (Route 1044) in Campbell County, Virginia, have expressed concerns regarding increased vehicular traffic and speeding along their road 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 appropriate locations on Crestside Drive (Route 1044) just south of the intersection with Route 1045 for northbound motorist in Campbell County, Virginia.

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

// REGIONAL LANDFILL PERMIT SEPARATION

At the November 15, 2010 meeting the Board gave approval to move forward with the engineering work required to separate the Campbell County Landfill Permit #285 into two Department of Environmental Quality (DEQ) waste facility permits. Campbell County would keep the Phase II area with the on-going remediation efforts along with the shop and transfer site area. Work was progressing toward completing the two individual permits by July 1, 2011. DEQ requires documentation from the local government of their support in order to complete the separation. A motion was offered to adopt the required resolution.

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

WHEREAS, it is the intention of the County and the Region 2000 Services Authority (Region 2000) to divide the ownership and operation of the landfill governed by Campbell County Solid Waste Permit No. 285, where the County will retain the closed-out portion of the site to include Phase II and other areas that support the maintenance of the closed-out area, and Region 2000 will own and operate Phases III & IV, all areas supporting the active filling operation including a right of way through the County Phase II property and any future modifications within this area; and

WHEREAS, in order for the permit to be separated between the two entities, it is required by the Virginia Department of Environmental Quality, Division of Land Protection and Revitalization, that the County approve by resolution the assumption and operation of Phases III & IV by Region 2000; and

WHEREAS, the proposed separation of the permit into two permits, one to cover the post closure and corrective action of the Phase II facility to be owned by the County and the other to cover the operation, closure and post closure of the Phase III & IV facility to be owned by Region 2000 is generally consistent with the existing regional solid waste management plan; and

WHEREAS, the proposed separation of the permit is in accordance with all applicable zoning and other land use regulations.

NOW THEREFORE BE IT RESOLVED, that in accordance with the provisions of Va. Code Ann. Title 10.1 (Repl. Vol. 2009), we hereby approve the assumption of the ownership and operation of Phase III & Phase IV landfill and the areas that support the active filling operation of

Phase III & IV by Region 2000 and separation of Campbell County Solid Waste Permit No. 285 as necessary.

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

// JAMES B. FRAY FAMILY TRUST

James Burks Fray, born September 23, 1915, was a resident of Campbell County his entire life and practiced law in the Village of Rustburg for thirty years. He died on December 7, 2010 and by his will created the Fray Family Charitable Trust. The Trust named the following people by virtue of their position as the Trustees – Sheriff, Superintendent of Schools, Director of Recreation, Director of the Health Department, Chairman of the Fire Commission, Director of Social Services and Chairman of the Board of Supervisors. Bryan K. Selz, Attorney, was the Executor of the Trust; David W. Shreve would be the attorney for the Trust through his private practice; and Catherine Moore would serve as Recording Secretary.

Under the will the bulk of Mr. Fray’s estate was left to the Trust “to provide for the benefit, welfare, education and betterment of the present and future citizens of the County of Campbell, Virginia.” The Trustees were granted absolute discretion and power to invest, exchange, sell, lease and otherwise manage the Trust, and to expend and distribute for Trust expenses and purposes the income of the Trust. Based on current understanding, the real estate involved was approximately 1,200 acres and had a taxable value of approximately \$1.8 million.

This matter was brought to the Board’s attention to receive any feedback on whether it was appropriate for the individuals under the direct oversight of the Board of Supervisors to serve on the Board of Trustees. If the Board was opposed to those individuals serving, a request could be made for that person to step down and allow the Circuit Court to appoint a replacement.

Several of the Board members knew Mr. Fray and knew he had a mind of his own. The Board was of the opinion not to interfere in the wishes left by Mr. Fray and support the management of the Trust by the named Trustees as directed by the will of Mr. Fray.

// CONSENT AGENDA

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

a) Appropriations –

1. General Fund, Treasurer, deleting \$2,200 from Comp-Part-time Help, and \$1,735 from Non-Departmental Expenses, Employer Cost – VRS, and appropriating the total amount of \$3,935 to Comp – Overtime, overtime earned by deputies during peak season;
2. General Fund, Library Administration, deleting \$9,000 from Books & Subscriptions, and appropriating the same to Comp – P/T Help, to cover shortage for part-time line due to the illnesses and vacations of salaried employees;
3. General Fund, EMS Services, deleting \$397,400 from Excess EMS Revenue Recover Funds, and appropriating \$94,000 to Brookneal Rescue Squad, EMS Revenue Recovery Proceeds, \$98,150 to Campbell County Rescue Squad, EMS Revenue Recovery Proceeds, \$49,950 to Citizens Rescue Squad, EMS Revenue Recovery Proceeds, \$84,300 to Concord Rescue Squad, EMS Revenue Recovery Proceeds and \$71,000 to Rustburg Rescue Squad, EMS Revenue Recovery Proceeds, to distribute excess EMS revenue recovery funds;
4. General Fund, Animal Control, deleting \$2,400 from Comp – Deputy Animal Wardens, and appropriating the same to Comp P/T Help, compensation for part-time help while one officer was on worker’s compensation;

5. General Fund, E-911 System, deleting \$3,800 from Comp – Information Systems Specialist, and appropriating the same to Comp P/T Help, to cover shortage in part-time line due to staffing shortages;
6. General Fund, EMS Services, deleting \$2,000 from EDP Equipment, and appropriating the same to Uniforms/Wearing Apparel, to cover increased uniform needs for additional staff members added to division since preparation of FY 2011 budget;
7. General Fund, EMS Services, deleting \$51,932.95 from EMS Excess Revenue, and appropriating \$23,740.41 to Comp – EMT – Emergency Medical Technicians, \$18,000 to Comp – Overtime, \$3,193.14 to Employer Cost – FICA, \$3,340.28 to Employer Cost – VRS, \$194.67 to Employer Cost – VRS Group Life Insurance and \$3,464.45 to Workers Comp, to provide payment to employees for miscalculations of leave accruals due to firefighter exemptions;
8. General Fund, Public Safety, appropriating \$3,600 to SHSP – Crime Records Information Sharing; and raises estimated revenue, SHSP Crime Prevention Info Share, by \$3,600, grant awarded from Virginia Department of Criminal Justices for purchase of 80 gas mask respirator cartridges;

b) Quote 013-FY11, Holsters & Other Sheriff's Equipment –

Accepts lowest quote from Fire & Safety Equipment Company, Concord, Virginia in the amount of \$11,290.50 for the purchase of Glock pistol holsters, light bearing holsters, mountable holster lights and mid-rise duty belts;

c) Sole Source Determination Purchase of DaproSystems Software Licenses

Determines DaProSystems, Inc. as the sole source practicably available for the procurement of Mobile FR Field Reporting System Software Licenses at a cost of \$23,250 for the recently purchased 28 Panasonic CF-30 Toughbooks for the Sheriff's Department patrol vehicles.

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

// MATTERS FROM THE BOARD

- The bids for the transfer site contracts would be going out next week with the bids due back by March 16th.
- Supervisor Puckett and Supervisor Goldsmith attended the grand opening of the Olde Dominion Agricultural Complex in Chatham, Virginia on Saturday, February 19th. Governor Bob McDonnell was present for the grand opening. Mr. Puckett indicated it was an impressive venture to promote agriculture in the region.
- There was a discussion concerning legislation and budget issues by the General Assembly and the impact to localities. Thanks were given to Senator Stephen Newman and Delegate Kathy Byron for recognizing the impact of unfunded mandates on localities and presenting legislation to assist localities.
- Supervisor Goldsmith passed along a compliment from one of his constituents who was pleased at the customer service he received in reviewing his recent reassessment. Overall, it appeared the number of requests for office hearings was down 65% from the previous reassessment, and the number of requests for the Board of Equalization was expected to be the same. The overall increase in real estate values in the County was less than one (1) percent.
- Supervisor Falwell passed along a complaint that the driver of a truck spreading biosolids on a farm in Appomattox County dragged the debris on his tires along the roadways into

Campbell County. Administrator Laurrell indicated staff would pass this information along to the Department of Environmental Quality (DEQ).

- Supervisor Pendleton recognized Reginald Herndon, President of the NAACP, who was attending the meeting.
- There were no public hearings scheduled for the March 7, 2011 meeting, and it was recommended the meeting be canceled. It was the consensus of the Board to cancel that meeting. If there were no pending items, the committee meetings would be canceled as well.
- The Board was invited to a dinner with the Campbell County Farm Bureau on March 31st.

// CLOSED MEETING

On motion of Supervisor Gunter, it was resolved the Board of Supervisors enters into a closed meeting at 2:55 p.m. to discuss the annual evaluation of the County Administrator, in accordance with §2.2-3711 (A)(3), (A)(7) and (A)(30) of the Code of Virginia of 1950, as amended, to discuss matters related to the acquisition of real property, legal and contracts for public purpose.

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 22nd day of February, 2011 at 2:55 p.m. to discuss the annual evaluation of the County Administrator, in accordance with §2.2-3711 (A)(3), (A)(7) and (A)(30) of the Code of Virginia of 1950, as amended, to discuss matters related to the acquisition of real property, legal and contracts for public purpose.

// On motion of Supervisor Gunter, it was resolved the meeting return to open session at 3:35 p.m.

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

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 22nd day of February, 2011 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

// RESOLUTION – CAMPBELL COUNTY VS. JOYCE ENGINEERING

Supervisor Goldsmith offered the following motion based on the discussion in closed session to settle the current litigation against Joyce Engineering.

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

WITNESSETH:

WHEREAS, there is currently pending in the Circuit Court for the County of Campbell, Virginia, a Complaint alleging negligence against Joyce Engineering, Inc. styled Campbell County, Virginia, Plaintiff v. Joyce Engineering, Inc., a Virginia Corporation, Defendant, Case Number CL07000351-01; and

WHEREAS, the parties have entered into negotiations which have resulted in an Agreement to settle that action and any related matters pertaining to the provision of engineering services to Campbell County in connection with its municipal solid waste landfill.

NOW, THEREFORE, be it resolved that Campbell County, Virginia, agrees to accept the sum of \$700,000 in full and final settlement of the above stated action.

BE IT FURTHER RESOLVED that R. David Laurrell, County Administrator, shall be, and he hereby is, authorized to execute on behalf of Campbell County, Virginia, a release of any and all liability of any kind or nature of Joyce Engineering, Inc. to Campbell County, Virginia whether arising out of the matters raised in the aforesaid action or otherwise, said release to be executed upon receipt by the County Attorney in trust, of the full settlement amount and entry of an Order dismissing the above entitled action agreed with prejudiced.

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

// ADJOURNMENT

On motion of Supervisor Rosser, the meeting was adjourned at 3:38 p.m.

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

 STEVEN M. SHOCKLEY, CHAIRMAN

Approved: _____