

## BOARD OF SUPERVISORS MEETING

April 2, 2019

The regular meeting of the Campbell County Board of Supervisors was held on the 2<sup>nd</sup> day of April 2019 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Eddie Gunter, Jr., Chairman, Presiding	Concord Election District
James A. Borland	Spring Hill Election District
Bob Good	Sunburst Election District
Jon R. Hardie	Rustburg Election District
Susan R. Hogg	Timberlake Election District
A. Dale Moore	Altavista Election District
Charlie A. Watts II	Brookneal Election District

Also present were:

Frank J. Rogers, County Administrator  
Clifton M. Tweedy, Deputy County Administrator  
F. E. "Tripp" Isenhour, III, County Attorney  
Kristin B. Wright, Staff Attorney  
Catherine H. Moore, Clerk

Chairman Gunter called the meeting to order at 6:00 p.m. Following the Pledge of Allegiance, a moment of silence was observed.

### // APPROVAL OF MINUTES

On motion of Supervisor Borland, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the February 19, 2019 work session, March 5, 2019 Broadband Authority and the March 5, 2019 regular meeting as presented.

The vote was: Aye: Borland, Good, Gunter, Hardie, Hogg, Moore, Watts  
Nay: None  
Absent: None

### // COUNTY EMERGENCY RADIO SYSTEM STATUS REPORT

Tracy Fairchild, Director of Public Safety, provided an update on the radio system and the challenges ahead to keep the system operating efficiently. The last update in 2015 moved the system to a five site analog VHF simulcast system. While it improved coverage, the first responders were receiving a lot of interference and the system was limited in that it was difficult to receive calls inside buildings. In addition, repairing the aging equipment and locating parts was also a challenge.

While Mrs. Fairchild assured the Board that calls were being answered, she wanted them to know the radio system would need to be addressed in the next few years. There were two strategies available. One was to remain a "County-only" operation and move to an 800 MHz based system that would require additional towers and equipment or join the Regional Radio Board. Joining the regional system would provide seamless interoperability with the other users already on the system. While new radios would still be required, the County might realize a reduction in tower sites and utilize regional maintenance contracts.

In answer to questions from the Board, Administrator Rogers did not know the exact cost to join the Regional Radio Board, but estimated it could be as much as \$1 million dollars spread over time along with annual maintenance costs. Chairman Gunter encouraged Mrs. Fairchild to not delay in keeping the Board apprised of issues with the radio system.

### // HIGHWAY MATTERS

Clif Tweedy, Deputy County Administrator, provided an update on the status of previous highway concerns from the Board. Don Austin, VDOT Residency Engineer, was present.

On the topic of litter, Mr. Austin advised that litter was a statewide problem, and they were making efforts to clean up litter using Department of Corrections forces especially along the main roads in advance of mowing season. VDOT would be promoting a statewide campaign to encourage that citizens not litter.

Mr. Austin announced that VDOT would be holding a public hearing on the Six Year Improvement Plan Budget for primary roads on April 11, 2019 at 4 p.m. at the Holiday Inn on Main Street, Lynchburg. Mr. Tweedy added this year the Commonwealth Transportation Board (CTB) would be considering Smart Scale projects. The County had a project on Route 29/Route 699 at Perky's Restaurant that was funded. He encouraged Board members to speak at the public hearing on behalf of a regional project on Route 501/Route 221 interchange at Billy Craft Honda. A public hearing would be scheduled on the County's Six Year Plan on May 7<sup>th</sup>.

Mr. Tweedy briefed the Board on two bridge projects that would impact travel in 2020. The two bridges on Route 460 East of Lynchburg would be replaced next year. VDOT indicated it would keep at least one lane open in both directions for travelers. The second project was replacement of the bridge on Route 29 North near the airport slated for later in 2020.

Mr. Austin advised the project on Lynbrook Road would be advertised this year. The Timberlake Road study was not yet finalized. Also, due to all the new development on English Tavern Road, VDOT planned to look at that area to determine if any improvements were needed. April was declared by the Governor as Highway Safety Month to increase awareness of pedestrian safety, and VDOT would also be promoting next week as Work Zone Safety Week.

Mr. Austin announced this would be his last meeting before his May 1<sup>st</sup> retirement date. He introduced Robert Brown, a 32-year employee with VDOT, who would succeed him as Residency Administrator. He added it had been great to work with the many Board of Supervisors members over the years and the excellent County staff. He believed a lot had been accomplished in the County.

#### Simons Run Roadway Improvement Project

In 2018, the revenue sharing application for the extension of Simons Run from Airport Road to Leesville Road was approved. Centra Health has provided the 50% match for the revenue sharing portion of the project and 100% of the project's non-eligible cost (water/sewer lines and street lights) and development of the plan by Hurt & Proffitt. The project was advertised and three firms were interviewed to provide the Quality Assurance materials, testing and inspections services representing the County during the life of the project, a requirement of VDOT for all revenue sharing projects. Staff recommended the contract be awarded to Counts & Dobyns Construction Company in the amount of \$2,332,304.36 which was well below the engineer's estimated costs of more than \$3 million.

Several actions were required by the Board of Supervisors in addition to award of the construction contract related to acceptance of the right of way, contract award to ECS Mid-Atlantic for the Quality Assurance and awarding a contract for the purchase of nutrient credits as required by the Department of Environmental Quality. The contract for the purchase of nutrient credits would be under \$10,000, and although Board approval was not required, confirmation of the next steps was preferred.

On motion of Supervisor Borland, it was resolved the Board of Supervisors authorizes staff to move forward with:

1. The award of a construction contract to Counts & Dobyns Construction Company for the construction of the Simons Run Road Improvements project in the amount of \$2,332,304.36;
2. The award of a contract to ECS Mid-Atlantic, LLC for the Quality Assurance materials testing & inspection services as required for all VDOT Revenue Sharing projects;
3. Accepting the right of way dedicated by Centra Health needed for the construction of the Simons Run roadway improvements project; and

4. The award of a contract to the successful bidder for 0.88 nutrient credits that would satisfy the Department of Environmental Quality requirements as part of the project's storm water management plan.

Supervisor Good confirmed only two bids were received for the project and questioned if staff made every effort to solicit bids. Mr. Tweedy indicated staff reached out to several contractors, and was aware of one contractor who did not submit a proposal in a timely manner. He added it was increasingly difficult to receive quotes on bid work as opposed to negotiated work. It was noted the funds for the revenue sharing project was shared by the State and the private entity. Administrator Rogers indicated he would make sure staff made every effort to go above and beyond to request bids, all within the constraints of the Virginia Procurement Act.

The vote was: Aye: Borland, Good, Gunter, Hardie, Hogg, Moore, Watts  
Nay: None  
Absent: None

From the Board:

- Supervisor Hogg requested the status of Greenwell Court. Mr. Austin indicated the work should be completed in two to three weeks.
- Supervisor Hogg requested VDOT look into an area on 121 Laurel Lane where the rain puddles suspecting it could be a clogged drain or needs a drain.
- Supervisor Hardie appreciated the entire litter cleanup that had taken place and noted there was excessive litter on Lawyer's Road.
- Supervisor Borland reported a soft spot in the pavement at 101 Russell Woods Drive due to a lot of heavy equipment travel.
- Supervisor Borland complimented VDOT on the excellent patching work completed on Rainbow Forest Drive.
- Chairman Gunter reported ruts on Crews Shop Road and Doss Road.

#### Recognition of Don Austin

At this time Chairman Gunter, on behalf of the Board of Supervisors and staff, read the following in honor of Mr. Austin's contributions to Campbell County.

*"Don Austin has served Campbell County well since 1992 as VDOT's Assistant Administrator and Resident Administrator for our area. Through numerous projects, plans, developments and even local disasters over the years, Don has remained a steadfast partner, liaison, and advocate in meeting our locality's transportation needs. His approachability, availability and willingness to always guide and connect our County to funding resources and technical support has made a significant impact to move our community's roadways forward and more importantly to keep them safe.*

*As Campbell County grew and developed, Don's consistent presence and expertise helped to successfully chart our course through often complex regulations and processes. His optimistic approach and leadership were instrumental in seeking and securing opportunities to improve Campbell County's roadway systems. His collaborations with our County teams led to notable accomplishments, including: the paving of many rural roads; safer intersections, turning lanes and overpasses; paved park access lanes; and projects often completed in a timely manner as well as under budget. During times of crisis Don was crucial in securing VDOT's assistance for Campbell County residents during recovery efforts.*

*It is for Don's outstanding and continued leadership, friendship, guidance and support of Campbell County's transportation needs that we recognize him today and commend him on his service. On behalf of the Board of Supervisors we extend our best wishes toward his retirement journey."*

Mr. Austin indicated his appreciation for the recognition.

// CONSENT AGENDA

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

a) Appropriations –

1. General Fund, Clerk of the Court, deleting \$1,500 from Office Supplies and appropriating \$1,000 to Furniture and Fixtures, and \$500 to Other Professional Services, for a new desk for probate room and shredding of election records;
2. General Fund, Maintenance of Building & Grounds, deleting \$1,790.97 from Storm Water Facility Maintenance and \$385.55 from Maint/Repair Buildings, and appropriating \$862.17 to Snow Removal, \$928.80 to Tires, Tubes, Parts and \$385.55 to Tools, to cover expenses incurred during winter season and true up lines for remainder of FY 2019;
3. General Fund, Non-Departmental, deleting \$12,500 from Budget Set Aside and appropriating the same to Public Safety, M/R – Building, to complete FY 2019 building maintenance and repair of Station 6;
4. General Fund, Non-Departmental, deleting \$2,800 from Budget Set Aside and appropriating the same to Street Lights, Electrical Service, to cover the costs for the remainder of FY 2019;
5. General Fund, Planning/Zoning, deleting \$1,000 from Maintenance Contracts and appropriating the same to Travel – Subsistence & Lodging, to fund travel expenses for additional professional training of the GIS staff;
6. School Operating Fund, Title II – Improving Teacher Quality, deleting \$5,000 from Stipends, \$7,382 from Employer Cost VRS Hybrid and \$290 from Employer Cost Disability Insurance, and appropriating \$4,470 to Employer Cost FICA, \$7,700 to Employee Cost VRS and \$502 to Employer Cost Health Ins, to match OMEGA budget;
7. General Fund, Public Safety, appropriating \$75,000 to E911 Equipment Replacement, and raises estimated revenue E911 Equipment Replacement, by \$75,000, funds from VITA grant;
8. General Fund, Violence Against Women Grant, appropriating \$28,863 to Comp – P/T Help, \$2,191.49 to Employer Cost – FICA and \$710.19 to Workers Comp, and raises estimated revenue, VSTOP Violence Against Women Grant, by \$31,764.68, continuation of grant;
9. Capital Improvement Fund, Sheriff's Dept., appropriating \$60,549.44 to County Replace Vehicles and \$2,815.58 to Vehicle Equipment, and raises estimated revenue, Insurance Recovery by \$63,365.02, to help purchase two additional replacement fleet vehicles and equipment that were totaled this year;
10. General Fund, Public Assistance, appropriating \$2,355 to Adoption Incentive, and increases estimated revenue, Public Assistance/Admin-State by \$2,355, additional funding to recognize adoptive families for the fiscal year;
11. General Fund, Sheriff's Office, appropriating \$6,358.90 to Special Investigation Fees, and raises estimated revenue, Special Investigation Restitution by \$6,358.90, restitution from defendants in drug cases;
12. School Operating Fund, Title III Part A – Limited English Proficient, appropriating \$16.57 to Materials & Supplies, and increases estimated revenue, Title III Part A – ESL by \$16.57, additional funds received;
13. School Cafeteria Fund, School Food Service, appropriating \$2,707.50 to Purchase Service – VANCO, and increases estimated revenue, VANCO – Conv Funds by \$2,707.50, convenience fees collected from VANCO for student meal accounts during January 2019;

b) County Attorney invoice –

Approves payment to the County Attorney in the amount of \$18,384.53 for services rendered from February 20, 2019 through March 19, 2019.

The vote was: Aye: Borland, Good, Gunter, Hardie, Hogg, Moore, Watts  
Nay: None  
Absent: None

// MATTERS FROM THE BOARD

- Supervisor Hardie congratulated Don Austin upon his retirement and commented that Don and his wife, Barbara, were outstanding citizens in the community.
- Supervisor Hogg indicated she would be requesting permission to participate through electronic communications should the Board meet in a work session on Thursday, April 11<sup>th</sup>.

// CLOSED MEETING

On motion of Supervisor Watts, it was resolved the Board of Supervisors enters into a closed meeting at 6:45 p.m. to discuss the acquisition of real property for a public purpose, in accordance with the exemption §2.2-3711 (A)(3) of the Code of Virginia, as amended; and to discuss information subject to the exclusion in subdivision 11 of Section 2.2-3705.6, in accordance with §2.2-3711 (A)(29) of the Code of Virginia, as amended.

The vote was: Aye: Borland, Good, Gunter, Hardie, Hogg, Moore, Watts  
Nay: None  
Absent: None

// The Campbell County Board of Supervisors entered into a closed meeting on this 2<sup>nd</sup> day of April, 2019 at 6:45 p.m. to discuss the acquisition of real property for a public purpose, in accordance with the exemption §2.2-3711 (A)(3) of the Code of Virginia, as amended; and to discuss information subject to the exclusion in subdivision 11 of Section 2.2-3705.6, in accordance with §2.2-3711 (A)(29) of the Code of Virginia, as amended.

// On motion of Supervisor Watts, it was resolved the meeting return to open session at 7:04 p.m.

The vote was: Aye: Borland, Good, Gunter, Hardie, Hogg, Moore, Watts  
Nay: None  
Absent: None

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

**CERTIFICATE OF CLOSED MEETING**

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 2<sup>nd</sup> day of April, 2019 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: Borland

Aye: Good  
Aye: Gunter  
Aye: Hardie  
Aye: Hogg  
Aye: Moore  
Aye: Watts  
Nay: None  
Absent During Meeting: None  
Absent During Vote: None

// PUBLIC HEARING – SPECIAL USE PERMIT ON BROWNS DRIVE

The first public hearing was opened at 7:04 p.m. on:

PL-19-14 Request by Stephen Young for a special use permit to construct one additional dwelling unit in the primary home for use by an immediate family member. The property is located at 91 Browns Drive and is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Paul Harvey, Community Development Director, explained this was a request for a special use permit to add an additional dwelling unit to an existing single-family dwelling for use by an immediate family member. The property was located at 91 Browns Drive, Lynchburg in the Timberlake Election District and contained 6.43 acres. The additional dwelling would be used by the owner's mother and consist of a living room, den, kitchen, bedroom, ADA bathroom, closet with laundry and a one-car garage. The additional would meet setback requirements for the Residential – Single Family zoning district. The property would be served by an existing entrance onto Browns Drive and the request would have no impact on daily traffic counts. The property was served by public water and a private septic system that would be upgraded, if necessary, to accommodate the addition. The Planning Commission recommended approval of the request with the condition the applicant utilizes the site in conformance with the use described in the narrative by a vote of 7-0 citing good zoning practice.

**Steve Young**, 91 Browns Drive, Lynchburg, requested approval of the request. His wife's mother had suffered a stroke and building the addition would give her mobility and independence and keep her close to the family.

No one spoke in opposition to the proposed special use permit. The public hearing was closed at 7:05 p.m.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice **APPROVES** Request PL-19-14 by Stephen Young for a special use permit to construct one additional dwelling unit in the primary home for use by an immediate family member on property located at 91 Browns Drive with the condition the applicant utilizes the site in conformance with the use described in the narrative submitted with the request.

Before the vote was taken, Supervisor Borland indicated he represented the Board at the Planning Commission meeting, confirmed the application was well vetted, and he supported the recommendation.

The vote was: Aye: Borland, Good, Gunter, Hardie, Hogg, Moore, Watts  
Nay: None  
Absent: None

// PUBLIC HEARING – REZONING REQUEST ON ENGLISH TAVERN ROAD

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

PL-19-16 Request by Laura Kinzer, agent for Gibson Park Importers, Inc., to rezone property located at 2595 English Tavern Road from Business – General Commercial, Conditional to Business – General Commercial with a concurrent special use permit to allow for the operation of a cosmetology trade school. The

property is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Mr. Harvey reviewed the staff report explaining this request was to rezone 1.653 acres of the parcel from Business – General Commercial, Conditional to Business – General Commercial in order to remove existing proffers. There was also a concurrent special use permit to allow for the operation of a cosmetology trade school. The property was located at 2595 English Tavern Road in the Spring Hill Election District. The applicant was already operating a hair salon which was allowed by right, but the current proffers established in 1986 would not include the use of a school. The cosmetology school would employ seven (7) individuals at first with a projected student body of eight to ten students starting every eight (8) weeks for course duration of 50 weeks. The hours of operation would be 9 a.m. – 3:30 p.m. Monday through Friday. The school would expand into the entire building within three years with the potential for up to 15 employees.

An existing entrance on English Tavern Road would serve the property along with a second entrance onto Tavern Grove Lane (private road off English Tavern Road). The request would not significantly impact the traffic flow, but it was recognized that VDOT planned to study the road due to recent development to determine any future enhancements. The existing facility was served by public water and sewer. The Planning Commission recommended approval of the request with the condition the applicant utilizes the site in substantial conformance with the use described in the narrative submitted with the request.

**Laura Kinzer**, 606 Wexford Place, Lynchburg, opened her new salon “The Salty Blonde” at 2595 English Tavern Road just that day. This was a re-location of her business from 396 Village Highway. She requested approval of the rezoning and the removal of the proffers to establish a cosmetology school in the back portion of her building. Each class would be limited to ten (10) students with a new class starting every eight (8) weeks. It would take approximately 11 months to complete the required 1500 hours needed for state certification. Should she receive Board approval, she would move forward with developing a curriculum which would have to be approved by the State. After 24 months, she planned to apply for federal accreditation.

Chairman Gunter called for comments in favor of or in opposition to the proposed rezoning.

**Steve Kinzer**, 606 Wexford Place, Lynchburg, was the husband of Laura Kinzer and commented his wife was a master educator in the profession. Several students were present at the meeting who had trained under her. The program was offered in high school, but this may not be available to those who decide to go to cosmetology school later in life. The classes would be structured to provide the best training for the students.

**Wanda Saunders**, Village Terrace, indicated she and Laura had worked together for about 13 years and complimented Laura on how far she had grown as a hair stylist and educator. Laura was really good at what she did and was willing to teach others.

**Ashley Wilson**, 122 Brookneal Highway, Gladys, commented that Laura was an amazing hairdresser and she had learned so much from her. Learning to be a hairdresser had given her an occupation that allowed her to support her family and her disabled daughter. Mrs. Wilson believed it was a great opportunity for all Campbell County residents.

**Lakeisha Johns**, 158 Hillcrest Drive, Concord, stated she and Laura went to school together. When she changed careers from a Certified Nursing Assistant to a massage therapist, Laura gave her an opportunity to be an independent business owner in her salon. She was always pushes people to do more and be better.

**Cheyenne Crews**, 788 Long Island Road, was currently looking to be one of the students at the cosmetology school if approved. Ms. Crews had witnessed Laura grow in her skills, and she would like to see her be able to teach which was something she loved to do.

No one spoke in opposition to the rezoning request. The public hearing was closed at 7:20 p.m.

Supervisor Hardie thanked Mrs. Kinzer for making this investment in the community. Mrs. Kinzer called him when she was looking into the prospect of a cosmetology school, and he complimented her on wanting to change lives through the trades and in her profession. Supervisor Hardie was the Principal of the Campbell County Technical Center that had a cosmetology program for high school students, and he hoped his school would be able to partner with her and her future students. In fact, the Technical Center would be hosting state testing for their students later this month, and this may be another area to partner together.

Supervisor Borland represented the Board on the Planning Commission when this request was approved 7-0. He offered the following motion:

On motion of Supervisor Borland it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice **APPROVES** Request PL-19-16 by Laura Kinzer, agent for Gibson Park Importers, Inc., to rezone property located at 2595 English Tavern Road from Business – General Commercial, Conditional to Business – General Commercial with a concurrent special use permit to allow for the operation of a cosmetology trade school with the condition the applicant utilizes the site in substantial conformance with the use described in the narrative submitted with the request.

The vote was: Aye: Borland, Good, Gunter, Hardie, Hogg, Moore, Watts  
Nay: None  
Absent: None

// ADJOURNMENT

On motion of Supervisor Hogg, the meeting was adjourned at 7:25 p.m. to April 9, 2019 at 6:00 p.m. for a work session on the FY 2020 Budget in the Multi-Use Room of the Haberer Building, Rustburg, Virginia.

The vote was: Aye: Borland, Good, Gunter, Hardie, Hogg, Moore, Watts  
Nay: None  
Absent: None

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EDDIE GUNTER, CHAIRMAN

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