

BOARD OF SUPERVISORS MEETING

May 2, 2023

The regular meeting of the Campbell County Board of Supervisors was held on the 2nd day of May 2023 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Matt W. Cline, Chairman, Presiding	Concord Election District
Kenneth R. Brown	Spring Hill Election District
Justin A. Carwile	Timberlake Election District
Jon R. Hardie	Rustburg Election District
A. Dale Moore	Altavista Election District
Steve W. Shockley	Sunburst 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
Brooke S. Wright, Administrative Assistant

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

// BROOKVILLE HIGH SCHOOL UNSOLICITED PPEA PROJECT REQUEST

Clifton Tweedy, Deputy County Administrator, indicated staff had recently received an unsolicited Public-Private Educational Facilities and Infrastructure Act (PPEA) proposal. The Board agreed at its meeting on March 28, 2023 to accept only the portion of the unsolicited PPEA proposal from English Construction for the renovation of Brookville High School. The Board had authorized advertisement for competing proposals under the PPEA process. Mr. Tweedy noted the Board must make a determination that renovating Brookville High School was a qualifying project. In addition, using competitive negotiation as outlined in the PPEA process would likely be advantageous to the County due to the complexity or priority of need. It was also recommended that the Board authorize County staff familiar with construction to take a leadership role as Project Manager, in close coordination with the Superintendent and his staff.

There were three primary reasons for deciding to use the PPEA proposal process for renovating Brookville High School. First, it would allow close coordination between the Schools staff and the contractor's team to prioritize improvements to the existing facility while occupied by students. Second, the process would allow the cost, quality, and schedule to be negotiated prior to signing the comprehensive agreement. Third, and possibly the most compelling reason for utilizing the PPEA process for Brookville High School, was the amount of time that could be saved between the decision to start the design process and actually beginning construction. Eliminating the procurement of an Architectural & Engineering firm and implementing a condensed design period would expedite the start of construction by approximately nine (9) months. By adopting an aggressive timeline through the PPEA process, construction could start in the spring of 2024.

Supervisor Hardie had reflected on the PPEA process for the new Rustburg Middle School, and neither he nor Chairman Cline were members of the Joint Committee for that project. He wanted to ensure that at least one member of the Joint Committee was a supervisor from the Brookville attendance zone. He also suggested asking the Schools to appoint at least one School Board member from the Brookville attendance zone to the Joint Committee.

Administrator Rogers suggested that if the Board concurred with Supervisor Hardie's request, it would be appropriate to assign the supervisors to the Joint Committee at the time the committee needed to be formed.

On motion of Supervisor Carwile, it was resolved the Board of Supervisors adopts the following, with an amendment to item four (4) to approve the Joint Committee, to include at least one (1) representative of the Board that represents the Brookville attendance zone:

1. Determine that renovating Brookville High School is a qualifying project under the Public Private Educational and Infrastructure Act of 2002, as amended, particularly since it will cost up to \$50 million and will be utilized for many years for a specific educational purpose;
2. Determine that using competitive negotiation as outlined in the PPEA process is likely to be advantageous to the County due to the complexity or priority of need. These advantages include planning for construction to start adjacent to and inside of an existing school and continue while students occupy the existing facilities;
3. Determine that using the PPEA process will allow close coordination between parties in negotiating scope, quality, costs, and schedule to save time during the design portion of the project. This will also allow the selection of a contractor with a proven record of success with a project of this type and scope;
4. Approve the Joint Committee, to include at least one (1) representative of the Board that represents the Brookville attendance zone, to serve as the overarching group responsible for the overall direction of the PPEA selection process, design review, contract negotiations, and construction oversight. Also determine the Schools and County have staff with sufficient qualifications to evaluate the proposals;
5. Approve Clifton Tweedy to serve as project coordinator over the PPEA process and construction Project Manager with close coordination with representatives from the Schools;
6. Request the School Board appoint an individual to work closely with Mr. Tweedy to coordinate the management activities of the Brookville High School Renovation Project;
7. Authorize staff to begin preliminary work to support the project such as site surveys, detailed hazardous materials inventory, utility and soils investigations. Authorize an appropriation for this preliminary work that will be reimbursed from future loan funds;
8. Authorize the advertising of a public hearing to allow the public to offer comments on the proposed project.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

Administrator Rogers understood there was a consensus from the Board for staff to request the School Board to consider similar representation on the Joint Committee.

// HIGHWAY MATTERS

Mr. Tweedy indicated Robert Brown, VDOT Residency Administrator, was present to answer questions from Board members. Mr. Tweedy updated the Board on highway matters.

In a report on previous highway matters, Mr. Tweedy stated the following:

- Supervisor Shockley had requested signage warning drivers of the construction work at the Waterlick Road/Timberlake Road intersection, and had asked when the construction would be completed. VDOT indicated the work was scheduled to be completed on May 12, 2023. Supervisor Shockley thanked Mr. Brown for the signage that was installed.
- Supervisor Hardie indicated a citizen was concerned about a section of Depot Road that may be getting ready to fall away because of water damage. In the bottom, there was a sharp curve where repair had been done before, but it was getting worse again and they feared it would wash out or give away eventually. There was also a concern about some concrete close to the side of Depot Road that needed to be picked up. Mr. Brown stated he had visited the area and improvements would be made along Depot Road.

Pending Matters:

- Supervisor Hardie asked if changes could be made in the vicinity of the crosswalk in front of the Historic Courthouse due to the recent fatal accident. Mr. Tweedy indicated a meeting between VDOT and County officials would be scheduled soon.
- Chairman Cline requested that VDOT continue to monitor the intersection of Route 460 and Doss Road. VDOT was looking into installing a mountable curb to provide greater separation between the travel lanes and the through lanes. Mr. Brown indicated that if all

other improvement measures were unsuccessful, VDOT may propose eliminating the crossover at the intersection and restricting Doss Road access to right in, right out only.

- Supervisor Shockley requested a speed study along Leesville Road from Leesville Estates to the City Limits, due to increased development along the corridor. Mr. Brown did not have the results of the study.

From the Board:

- Supervisor Moore asked for improvements at the intersection of Bishop Creek Road and Bedford Highway to relieve standing water.
- Supervisor Watts requested additional work to the ditch along Route 501 near 2890 Brookneal Highway.
- Supervisor Watts asked about drainage work previously requested at the entrance to Kelly Field, along Route 501 in Rustburg. Mr. Brown indicated VDOT could not proceed any further due to environmental restrictions. Supervisor Watts requested the ditch lines in the area of Kelly Field be revisited to see if more work could be done to improve drainage.
- Chairman Cline requested crash data for the intersection of Route 460 and Route 24. He noted there had recently been a significant accident in the area of Sheetz.
- Supervisor Brown requested shoulder improvements in the vicinity of Route 29 and the north end of English Tavern Road to eliminate standing water ponding in the roadway.

// ROBERTSON VILLAGE SUBDIVISION

On motion of Supervisor Carwile, it was resolved the Board of Supervisors adopts the following resolution and Changes to the Secondary Road System form to bring the streets of Robertson Village subdivision into the State system for maintenance:

WHEREAS, the Robertson Village subdivision has been completed; and

WHEREAS, the streets of Robertson Village meet the public service criteria of the Secondary Street Acceptance Requirements; and

WHEREAS, the development sketch and VDOT Form AM 4.3, attached and incorporated herein as part of this resolution, define additions required in the Secondary System of State Highways as a result of construction; and

WHEREAS, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways.

NOW THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705 of the *Code of Virginia*, for which segments this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

BE IT FINALLY RESOLVED, that this Board guarantees a minimum unrestricted 50-foot right of way with additional widths as may be necessary for cuts, fills and drainage together with easements on adjacent properties.

Recorded in Plat Cabinet "C" Slide 185 Pages 1847-1848 on September 12, 2018.
Instrument No. 180000808

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

// CONSENT AGENDA

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

a) Appropriations –

1. General Fund, Finance & Strategic Initiatives, deleting \$620 from Other Professional Services, and appropriating \$282 to Office Supplies, \$37 to Dues & Association Memberships, \$123 to Management Services Office Supplies, and \$178 to Management Services Furniture & Fixtures; to true-up GL lines to prepare for the fiscal year end close;
2. General Fund, Economic Development, appropriating \$90,656.95 to Precision Ag Grant Expenditures; increases estimated revenue line Tobacco Precision Ag by \$90,656.95; funds represent amount to be paid out as administrators of the Tobacco Precision Ag grant for Vouchers 1 & 2;
3. General Fund, Public Safety, appropriating \$8,731.45 to Maint/Repair – Vehicles; increases estimated revenue line Insurance Recoveries by \$8,731.45; reimbursement for damaged generator replacement;
4. General Fund, Public Safety, appropriating \$100 to Food Supplies; increases estimated revenue line Gifts & Donations – Public Safety by \$100; donation to Campbell County Public Safety;
5. General Fund, Public Safety, appropriating \$350 to Maint/Repair – Vehicles; increases estimated revenue line Insurance Recoveries by \$350; reimbursement for damages to Animal Control vehicle, 3/15/23;
6. General Fund, Fuel Services, appropriating \$30,000 to Gas, Oil, Grease; decreases Beginning Fund Balance by \$30,000; to cover the cost of fuel for the remainder of FY23, due to the continued fluctuation in gas prices;
7. Capital Improvement Fund, Public Works, appropriating \$31,187.51 to Facility Upgrades; decreases Beginning Fund Balance by \$31,187.51; in conjunction with the new lease for the USDA office space, the Federal Government is requesting new flooring and paint to be included in the overall upgrades. These improvements were not factored into the new lease. This is considered a request, and the Federal Government will reimburse the County for these expenses in one lump sum upon completion of the project;
8. Capital Improvement Fund, Sheriff's Department, appropriating \$32,439.09 to Vehicles & Equipment; increases estimated revenue line Insurance Recoveries by \$32,439.09; funds will be used to help purchase replacement vehicle equipment for vehicles involved in accidents;
9. General Fund, Sheriff's Department, appropriating \$2,317.69 to Special Investigation Fees; increases estimated revenue line Special Investigation Restitution by \$2,317.69; defendants are ordered through Circuit Court to reimburse the Sheriff's Office for the narcotic funds used in their case.

b) County Attorney Invoice –

Approves payment to the County Attorney in the amount of \$27,904.85 for services provided from March 21, 2023 through April 19, 2023.

c) Revision of FY2024 Capital Improvement Plan –

Authorizes the submission of applications for Revenue Sharing Funds to cover up to 50% of the costs to construct Fox Ridge Lane and Springfield Road, and approves the projects to be added to the County's FY2024 Capital Improvement Plan.

d) VDOT Recreational Access Program Grant Application –

Approves the following resolution for Recreational Access Programs funding for Long Island Park:

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
CAMPBELL RELATING TO THE SUPPORT OF THE VIRGINIA RECREATIONAL
ACCESS PROGRAM GRANT FOR LONG ISLAND PARK**

WHEREAS, Long Island Park is owned and is to be developed as a recreational facility serving the residents of Campbell County and adjoining localities; and

WHEREAS, the property on which this facility is located has access to a public street or roadway and will require the resurfacing of the roadway which will connect to Long Island Park; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section 33.2-1510 of the *Code of Virginia* requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of an access road to a publicly-owned recreational area; and

WHEREAS, the Board has duly adopted a zoning ordinance pursuant to Article 7 (Section 15.2-2280 et seq), Chapter 22, Title 15.2 of the *Code of Virginia*; and

WHEREAS, it appears to this Board that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate Long Island Park as a public recreational facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation/historical area in accordance with Section 33.2-1510 of the *Code of Virginia*; and October 2014 Recreational Access Program Guide Appendix C – 1; and

WHEREAS, the Board agrees, in keeping with the intent of Section 33.2-405 of the Code of Virginia, to use its good offices to reasonably protect the aesthetic or cultural value of this road leading to or within the recreational area; and

WHEREAS, the County of Campbell acknowledges that no land disturbance activities may occur within the limits of the proposed access project without the permission of the Department of Transportation as a condition of the use of the Recreational Access Fund; and

WHEREAS, the County of Campbell hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Campbell County hereby requests the Director of the Department of Conservation and Recreation to designate Long Island Park as a public recreational area and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an adequate access road to serve said park area; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described; and

BE IT FURTHER RESOLVED, that the County Administrator and/or his designee(s) be authorized to act on behalf of the Board of Supervisors, to execute any and all documents necessary to secure the funding sought through the Recreational Access Program up to, but not exceeding \$275,000 state funds.

e) Memorandum of Understanding between U.S. Marine Forces, Special Operations Command and the Campbell County Sheriff's Office –

Authorizes the County Administrator to execute the following Memorandum of Understanding between the U.S. Marine Forces, Special Operations Command and the Campbell County Sheriff's Office:

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
U.S. MARINE FORCES, SPECIAL OPERATIONS COMMAND (MARFORSOC)
AND
THE COUNTY OF CAMPBELL, VA AND THE CAMPBELL COUNTY SHERIFF'S OFFICE
SOUTHERN CROSS #23-13

1. Purpose. The purpose of this memorandum is to memorialize the approval by the municipal leadership of the County of Campbell, VA and Campbell County Sheriff's Office for MARFORSOC to conduct training in Campbell, VA. MARFORSOC requests that the County of Campbell, VA grant MARFORSOC the authority to periodically conduct required training within the County of Campbell, VA. All such training will be coordinated under the guidelines set forth in this agreement. All personnel involved in these exercises will be consenting military personnel, government civilian workers, or contractors; no private citizens will be part of or involved in the training exercises in any manner.

2. Agreement Creation or Renewal. This is a new agreement.

3. Approval. The County of Campbell, VA and Campbell County Sheriff's Office hereby agrees to permit members of MARFORSOC (to include all military, civilian, and contractor support personnel) to conduct military training, to include surveillance, advanced communications, raid, reconnaissance, Convoy, Foot Movement of troops and Equipment, Drop Zone, Landing or Pick up Zone, other helicopter operations, and other required training necessary to develop special operations skills within the boundaries of the County of Campbell, VA. Training and informal meetings will be restricted specifically to commercial/restaurant and public gathering areas of the above stated city and will not involve direct contact with the local populace. Any training to be conducted on private property in the above-mentioned city will be coordinated with and approved by the property owners involved. This approval is subject to the following:

a. This MOU becomes effective upon execution by the County of Campbell, VA and Campbell County Sheriff's Office and MARFORSOC and will run for five (5) years from the date of execution of the last signing party unless sooner terminated under the provisions of paragraph 10(b). This MOU recognizes that MARFORSOC intends to conduct training in the County of Campbell, VA on multiple occasions over that time period. Prior to conducting any training, MARFORSOC will provide advance written notice to civilian leadership and law enforcement officials. The notice will include current contact information, training personnel points of contact, type of training to be conducted, areas to be utilized during training and dates of intended usage (see enclosures (1) and (2)). The information will be provided in order to give the County of Campbell VA the maximum possible visibility over training and to provide notice to law enforcement activities of our presence in the area. MARFORSOC shall provide written notice at least thirty (30) days in advance of any training in order to allow sufficient time for both parties to mutually resolve any outstanding issues and address any concerns. During the conduct of any training, MARFORSOC will conduct daily liaison with the designated law enforcement personnel.

b. MARFORSOC shall not knowingly use any commercial/public gathering areas in any unlawful way.

c. MARFORSOC and the County of Campbell, VA are responsible to bear its own personnel costs. MARFORSOC and the County of Campbell, VA are responsible for the supervision and management of its respective personnel.

d. 31 U.S.C. Sect. 1341, "The Anti-Deficiency Act", prohibits open-ended indemnification and "hold harmless agreements" by the U.S. Government. However, sovereign immunity is waived if any damages do occur, in order to hold the federal government liable. The U.S. Government is responsible, under the terms of the Federal Tort Claims Act (FTCA), 28 U.S.C. 1346(b), 2671-2680, or the Military Claims Act (MCA) 10 U.S.C. 2733, as applicable, for any injury to persons

or damage to property proximately caused by acts or omissions of Government employees acting within the scope of their employment. The FTCA, and supporting case law, provides several means of recovery for negligent acts of Government personnel. The injured party may submit a claim directly against the U.S. Government; a defendant may implead the U.S. Government as a third-party tortfeasor; or a defendant may later pursue the U.S. Government in a separate indemnity action or claim submission, for any amounts paid to the injured party due to negligence of the U.S. Government. A perfected claim requires a completed U.S. Government Standard Form 95 and proof substantiating the claimed amount. Other documentation may be required on a case-by-case basis. Claims packages may be submitted to the below offices by email, fax, or standard mail. For required documents, see http://www.jag.navy.mil/organization/code_15_packets_forms.htm. Claims packages may be submitted to the Camp Lejeune Office by standard mail.

Commanding General
LSSS-E (Claims)
PSC Box 20005
MCIEAST-MCB
Camp Lejeune, NC 28542-0005

4. For all training exercises, MARFORSOC, via the officer in charge (OIC) of the exercise, will ensure that local law enforcement is informed of all areas, times, and dates that will be utilized for training. All activities conducted at these venues will be appropriate for the intended training objective. Additionally, MARFORSOC staff will embed a liaison element within the Campbell County Sheriff's Office that will notify the requisite elements of the Campbell County Sheriff's Office of any activity within each district. MARFORSOC instructors will either be on site or in the vicinity of training in order to critique training as well as function as an on-site liaison to ensure training is conducted in accordance with this agreement. In the event a situation presents itself involving local law enforcement, an Exercise Participant Card will be provided that includes contact information of the MARFORSOC leadership responsible for the training and the MARFORSOC Public Affairs Office. The Campbell County Sheriff's Office will intervene and act as they deem necessary to handle and resolve any situation.

5. Unless otherwise agreed upon in writing, MARFORSOC training activities in the County of Campbell, VA will be low-impact and low-visibility. MARFORSOC activities are not likely to attract undue attention nor should the conduct of activities alert any civilians/members of the establishment who are in the immediate area. In the event that a civilian/non-law enforcement official or uniformed member of local law enforcement approach and begin to question any personnel conducting training about their activities, the personnel conducting training will provide an Exercise Participant Card and Military Identification Card. The personnel conducting training will contact their OIC in any situation where civilians or law enforcement personnel intervene in the training. In this instance, all personnel conducting training will comply with instructions from local law enforcement officials and will immediately inform their OIC.

6. Prior to the start of the exercise, MARFORSOC members will receive classes and be thoroughly briefed on the safety plan and rules of training. No personal vehicles are authorized for use by the Marines conducting this training. Tactical vehicles, Rental and/or government plated vehicles consisting of sedans, mini-vans, and sport utility vehicles will be utilized during this training.

7. MARFORSOC personnel conducting training will not conduct concealed carry of firearms at any time during training. MARFORSOC personnel will not conduct open carry of firearms, simulated firearms, or pyrotechnic devices during the course of active training in the County of Campbell, VA without advance notice to the County of Campbell, VA.

a. "Active training" does not include transportation of weapons between training locations.

b. MARFORSOC may be permitted to carry firearms, simulated firearms, or pyrotechnic devices on a case-by-case basis. In such instances, MARFORSOC will provide a description of the desired activity to the County of Campbell, VA in the required notification letter four weeks prior to commencement of the exercise. MARFORSOC will coordinate with Campbell County Sheriff's Office detailing the starting and ending point of each movement, time of movement, activities to be exercised, make/model/license plate of vehicles, and number of personnel executing activity. The County of Campbell, VA maintains the right to refuse to permit the desired

activity. Any refusal will be provided by the County of Campbell, VA in writing in response to the notification within two weeks of receipt of the notification of training.

8. All MARFORSOC personnel will be in civilian attire or military uniforms; however, they will be able to produce an Exercise Participant Card and a government identification card at all times. All MARFORSOC personnel conducting training and exercise staff will obey all traffic laws and posted speed limits. At no time will MARFORSOC personnel engage in any activity that will put themselves or others in danger, and they will obey all orders from civilian law enforcement agencies. The training exercise will culminate when all exercise participants have departed the County of Campbell, VA area. The MARFORSOC OIC will notify the Campbell County Sheriff's Office upon completion of the exercise. The MARFORSOC OIC will provide the Campbell County Sheriff's Office a signed copy of this document and a copy of the notification for each training event for the record.

9. Non-Disclosure. County of Campbell, VA agrees not to disclose any MARFORSOC tactics, techniques, procedures, methods of training, or exercise concepts or scenarios that County of Campbell VA may learn during discussions with MARFORSOC about exercises or by observation during the conduct of an exercise. Additionally, County of Campbell, VA agrees not to disclose the identity of MARFORSOC personnel conducting training or, if not active-duty Marines, their affiliation with MARFORSOC (e.g., contracted civilian role players or members of other armed services). Furthermore, County of Campbell, VA agrees not to disclose the locations or dates of the MARFORSOC exercises beyond those with a need to know within the County of Campbell, VA's affiliation.

10. Modification or Termination

a. Modifications to this MOU must be in writing and signed by authorized representatives of the County of Campbell, VA and MARFORSOC. The representative for MARFORSOC can be contacted at MARFORSOC ATTN: Office of the Staff Judge Advocate, PSC Box 20116, Camp Lejeune, NC 28542-0116 or via phone at 910-440-0928. The representative for the office of the Campbell County Sheriff's Office can be contacted at Campbell County Sheriff's Office is Winston W. Clark, III or via phone at (434) 332-9580, via email at sheriff@campbellcountyva.gov and by postal mail 87 Courthouse Lane P.O. Box 280 Rustburg, VA 24588.

b. This MOU shall remain in effect for five (5) years from the date of execution of the last signing party. Agreement must be reviewed and validated by both parties at the mid-point from the agreement effective date. Review may be conducted through informal coordination with the respective parties. Proposed amendments to this agreement must be submitted to the MARFORSOC Office of Staff Judge Advocate prior to signature. Both the County of Campbell, VA and MARFORSOC retain the right to terminate this MOU at any time, with ninety (90) days written notice to the other party, for any reason.

11. Point of Contact.

- a. The primary point of contact for MARFORSOC is: Name: Martin Domaradzki
Position: Exercise Planner; Office Identification Marine Raider Regiment – Raider Training and Education Group; Phone Number: (910)440-3964 Email: martin.domaradzki.ctr@socom.mil.
- b. The secondary point of contact for MARFORSOC is: Name: GySgt Derek Mast
Position: Exercise Chief Office Identification Marine Raider Regiment – Raider Training and Education Group; Phone Number: (910)440-3964; Email: derek.mast@socom.mil.
- c. The primary point of contact for the Campbell County Sheriff's Office is: Name: Winston W. Clark III; Position: Sheriff; Department; Phone Number: (434) 332-9580; Email: sheriff@campbellcountyva.gov.
- d. The primary point of contact for Campbell County is: Name: Frank J. Rogers, IV; Position: County Administrator; Phone Number: (434) 332-9525; email fjrogers@co.campbell.va.us.

12. Entire Agreement. It is expressly understood that this MOU embodies the entire agreement between MARFORSOC and County of Campbell, VA regarding the MOU's subject matter, thereby merging and superseding all prior agreement and representations by MARFORSOC and County of Campbell, VA with respect to such subject matter.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

// APPOINTMENTS

Several appointments were made at this meeting.

Economic Development Commission

On motion of Chairman Cline, it was resolved the Board of Supervisors reappoints Dean Monroe, Planning Commission representative member at large; Kevin Davis, member at large; George Rosser, Industrial Development Authority member at large; and Jeff Wells, CCUSA representative member at large, to four-year terms until December 31, 2026 on the Economic Development Commission.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

Recreation Advisory Council

On motion of Supervisor Shockley, it was resolved the Board of Supervisors appoints Jason Woodward, 200 Bridge Tree Court, Evington, to fulfill the remainder of a three-year term until December 31, 2024 on the Recreation Advisory Council for the Sunburst Election District.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

// MATTERS FROM THE BOARD

Chairman Cline asked everyone in attendance to remember Anne Blair, Director of Information Technology, in their prayers. She was in the hospital recovering from a serious accident.

Supervisor Hardie thanked the Rustburg Dixie Softball organization for the new ballpark facility on Red House Road. He appreciated all of the local businesses and volunteers who helped make the facility a reality, and noted that the Fray Family Trust had made significant donations to the organization over the past several years.

Supervisor Watts asked when items had to be submitted for the next Code Update. Tripp Isenhour, County Attorney, indicated he would need all suggested changes by the middle of May.

// CLOSED MEETING

On motion of Supervisor Brown, it was resolved the Board of Supervisors enters into a closed meeting at 6:42 p.m. to discuss a prospective existing business or industry expansion, in accordance with §2.2-3711 (A)(5) of the Code of Virginia, as amended; and to discuss matters related to personnel, in accordance with §2.2-3711 (A)(1) of the Code of Virginia, as amended.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

// The Campbell County Board of Supervisors entered into a closed meeting on this 2nd day of May, 2023 at 6:42 p.m. to discuss a prospective existing business or industry expansion, in

accordance with §2.2-3711 (A)(5) of the Code of Virginia, as amended; and to discuss matters related to personnel, in accordance with §2.2-3711 (A)(1) of the Code of Virginia, as amended.

// On motion of Supervisor Shockley, it was resolved the meeting return to open session at 7:02 p.m.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 2nd day of May, 2023 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: Brown
Aye: Carwile
Aye: Cline
Aye: Hardie
Aye: Moore
Aye: Shockley
Aye: Watts
Nay: None
Absent During Meeting: None
Absent During Vote: None

// PUBLIC HEARING – SPECIAL USE PERMIT AT DEPOT ROAD & SAWPIT ROAD

PL-23-040 Request by Jason Sparks, agent for Charles Arthur III and William Arthur, for a special use permit to amend the previous special use permit condition for the vegetative buffer at a solar energy project. The property is located on Depot Road, including the parcel intersected by Sawpit Road, and is located in an area partially designated as transitional and partially designated as medium to high density mixed per the current Comprehensive Plan.

Paul Harvey, Community Development Director, explained that the applicant wanted to amend the condition for the vegetative buffer as part of the approval for a special use permit for a solar energy project on November 8, 2018. Two of the conditions for the special use permit were:

- 1) The applicant utilizes the site in conformance with the use described in the narrative and shown on the site plan submitted with the request;
- 2) The applicant show additional vegetative buffer along Depot Road on the final site plan and the County inspect the vegetative buffer and require further screening if the County determines additional screening is necessary.

The site plan submitted with the request and the final approved site plan showed that the buffer would be “8’ evergreen trees, two rows, spaced 20’ apart. (Planted at 6’ and managed to 8’ tall)”. A vegetative buffer was planted on the site; however, the majority of trees were not planted at 6’ and therefore did not meet the conditions of the previous special use permit approval. The

Zoning office received a complaint and after inspections and measurements, a notice of violation of the Zoning Ordinance was issued. Mr. Harvey added that once the Board approved a condition on a special use permit it became part of the Zoning Ordinance that was applicable to that piece of property. He indicated that one way to resolve the zoning violation was for the Board to approve a different condition. The other way to resolve the violation was to replant the trees to meet the minimum standard of 6' tall. The applicant was asking to revise the landscape plan on the site plan to read "8' evergreen trees, two rows, spaced 20' apart. (Planted between 4' and 6' and managed to be 8' tall)". If the Board chose to approve the revised condition, the project would be in compliance with the Zoning Ordinance.

The area was mostly residential in nature. Zoning in the vicinity was Residential – Multi Family; Industrial – General; Industrial – General, Conditional; and Agricultural. The property was accessed by an existing entrance onto Depot Road (Route 622). The request would have no impact on daily traffic counts. The Planning Commission recommended denial of the request by a vote of 7-0. Mr. Harvey added that the opinion of the Planning Commission was that the vegetative buffer was an important part of the original special use, because it integrated the solar facility into the neighborhood while mitigating the visual impact to nearby residents. The expectation of the original condition was clear, and amending the condition would not be respectful to the people living in the neighborhood.

Jason Sparks represented hep Petra Construction, LLC. He indicated the company was committed to being a good neighbor to area residents and wanted to find the best solution for the community. Mr. Sparks stated that in early 2022, hep engaged with Halifax Supply Solutions to find trees that would satisfy the vegetative buffer condition of the special use permit. After searching for several months, the supplier was not able to locate trees that would meet the criteria. The trees that were available at 6' tall would grow to much larger than 8-10' tall, which would create a shading problem on the solar farm. Trees that would not exceed 8-10' tall were not sold on a commercial scale at 6' tall. The best solution was to purchase 600 trees that were 5-6' tall, with a few of those trees being 4-5' tall. Construction of the solar farm was completed in the summer of 2022 and trees needed to be planted in the fall, so hep chose to purchase the shorter trees and planted them in October 2022. Mr. Sparks indicated that hep hired an arborist who believed all trees would reach at least 6' tall within two growing seasons, and recommended mulching and fertilizer in the spring and summer. Over 90% of the planted trees were already over 5' tall. He added that it was suggested at the Planning Commission meeting that the 600 trees may need to be removed because they were not all 6' tall. New trees would not be able to be planted until the fall of 2023, and there was no guarantee that 6' tall trees would be available for purchase. Although not every tree met the 6' height requirement, hep felt the level of visual screening originally anticipated by the special use permit was satisfied.

Mr. Sparks presented images to the Board showing various aspects of the solar farm. The actual footprint of the solar farm was 31% smaller than the original anticipated footprint. Landscaping berms between 12-36" tall were installed throughout the solar farm, which were not required by the special use permit. The berms increased the effective height of the trees to 6' or more, which is what the special use permit intended. He indicated that additional trees were planted around the solar farm, over and above what the special use permit required. Mr. Sparks noted that while the current trees vary in height, they were all purchased in the same container size, indicating a uniform level of maturity. He added that hep had made a good-faith effort to comply with the special use permit; however, he understood that it may not look favorable for the Board to grant an exception to the rules. He proposed the following conditions on the acceptance of the revision:

- 1) Installing a top coat of asphalt on the existing paved section of Sawpit Road, and replacing the rusted out drainage culvert under Sawpit Road;
- 2) Installing a third row of trees parallel to Sawpit Road;
- 3) Putting in place a landscaping bond to cover the cost of additional planting, until such time that all trees were over 6' tall.

Mr. Sparks hoped the Board would agree that the removal of the trees would be wasteful and counterproductive to establishing the visual buffer. He assured the Board that hep was not trying to evade the requirements of the special use permit, and asked for guidance as to how to proceed.

Chairman Cline asked Mr. Sparks to elaborate on the contact made with County officials when he realized the trees would be below 6' tall. Mr. Sparks stated an email was sent to Austin Mitchell, Zoning Administrator, to advise that he was having trouble finding 6' tall trees. He added that originally only 2-3' tall trees were available. Mr. Mitchell indicated that an internet search revealed 6' tall trees were available, but Mr. Sparks countered they were not available in large quantities. Mr. Mitchell added that if a mixture of tree heights was necessary, a landscaping bond would be required to cover the cost of additional planting until the time that the trees met the required standards. Chairman Cline asked if Mr. Sparks interpreted the conversation with Mr. Mitchell as the green light to plant shorter trees en masse. Mr. Sparks commented that conversation took place in June 2022 so he still continued to search for taller trees, and finally found trees ranging from 4-6' tall. The decision was made to move forward with planting the trees because it would only take a couple of growing seasons for all of the trees to reach the minimum height requirement, and he had received a threat of notice of violation if trees did not get planted.

Supervisor Brown stated he was not in favor of solar farms, but now that this one was established, he did not think it was practical to remove the trees and start over. He wanted the solar farm to be hidden from nearby residents as best as possible and asked Mr. Sparks to elaborate on how the site was maintained. Mr. Sparks indicated the site was mowed five times a year, for maintenance not aesthetics, but he was willing to consider adding more mowing along Sawpit Road.

Supervisor Hardie advised the Board that he had purchased the solar project from the original company who made the proposal. He asked Mr. Sparks if 6' tall trees could be purchased for the proposed third row of buffering parallel to Sawpit Road. Mr. Sparks believed it would be possible to purchase 50 or fewer 6' tall trees from his supplier. If it was not possible, he knew 4-6' tall trees could be purchased, or he might be able to purchase a different species of tree at the 6' height. Supervisor Hardie thought it was wasteful to pull up trees, but the original intent of planting 6' tall trees was to save time when growing the vegetative buffer. The company was forcing the viewshed problem by not planting trees of the correct height. Supervisor Hardie was concerned that if projects were not built to the original standards set forth by a special use permit, it could become common for applicants to ask the Board to revise the standards in the future. He referenced a picture of the proposed viewshed from Depot Road that was presented at the September 2018 Planning Commission meeting, noting that the current vegetative buffer looked very different. Mr. Sparks countered that it looked like the trees were around 12' tall in the picture from 2018, and the original condition stated trees were to be managed to 8' tall.

Chairman Cline opened the public hearing at 7:41 p.m.

John Skirvin, Sawpit Road, Rustburg, spoke in favor of the proposed special use permit. He indicated he had a background in landscaping and wanted the existing trees to remain in place. The trees had a rapid growth rate and would provide an adequate buffer. Mr. Skirvin added that in conversations with neighbors on Sawpit Road, he had not heard any complaints about the trees. Residents of the road had lived in a construction zone for the past two years and were happy to finally see trees in the ground. In answer to a question by Supervisor Shockley, Mr. Skirvin did not believe it would be advantageous to remove the current trees and plant new, taller trees. Mr. Skirvin clarified that he did not have a contract with he to mow the solar farm grounds, but he had mowed the area for construction purposes. Mr. Sparks verified that there was no contract with Mr. Skirvin, but they were in discussion to secure a contract with him.

Hearing no further comment, the public hearing was closed at 7:50 p.m.

Supervisor Brown reiterated that he was generally not in favor of solar farms, but he did not think it would be beneficial to the residents of Sawpit Road to remove the existing trees. Supervisor Shockley indicated that while perhaps communication could have been better between he and County staff, it was time to move forward and take advantage of the extra conditions Mr. Sparks had offered in his presentation. It was not worthwhile to remove the established trees and replace them with new trees that may or may not survive. Supervisor Hardie stated he was troubled that an applicant was allowed to operate without being fully compliant with a special use permit. He was not convinced there was enough room for another row of trees along Sawpit Road as Mr. Sparks had suggested, which was upsetting since a resident on the road had likened their commute to driving through a penitentiary on a daily basis. Supervisor Moore indicated his agreement with

Supervisor Hardie, adding that the solar company had not conducted itself in a manner that was fair to the citizens. In answer to Supervisor Brown's question of shutting down the solar facility until the company was in compliance, Mr. Isenhour stated that once staff determined that the trees were insufficient according to the special use permit, a notice of violation was sent. The enforcement of that notice had been paused while the current petition was before the Board. If the Board chose not to change the conditions of the original special use permit, the next step would be to go to court to enforce the conditions. Mr. Isenhour added the Board could consider removing the special use permit for non-compliance, which would be a separate action that would come before the Board at a separate public hearing. If the Board chose to change conditions of the original special use permit, the next step would be to determine if the company is in compliance, when it needs to be in compliance, and to send a notice of violation if it is not in compliance. Depending on how the Board treated the current petition, there may be different ways of enforcing compliance.

A lengthy discussion ensued regarding additional vegetative buffering along Sawpit Road and repairing damage to the road brought on by construction of the solar facility. Supervisor Watts wanted Mr. Sparks to have a contractor properly condition Sawpit Road so an asphalt overlay could successfully be installed on top of the existing pavement. Based on the conversation among Board members, Mr. Isenhour outlined the following conditions that he must agree to in order for the Board to consider approving the special use permit request:

1. Applicant will provide additional visual screening by virtue of a vegetative buffer consisting of an additional row of same species and variety of trees currently installed along both sides of Sawpit Road for the full length of the project boundary, and along the side of Depot Road from its intersection with Sawpit Road in a South easterly direction to the end of the project boundary. The additional trees shall be interspersed between the rows of the current trees and planted at 20' apart from one another. All additional trees shall be planted at 6' and managed to be 8' tall, and no allowance shall be made for any size variance at the time of planting.
2. There will be an additional vegetative buffer shielding the project viewshed from the address of 151 Sawpit Road, along the entire outer boundary of the project and parcel 34-A-1B, being 151 Sawpit Road. This additional vegetative buffer shall be composed of 8' evergreen trees of the same species currently installed, planted in three rows, spaced 20' apart, planted at 6' and managed to be 8' tall, and no allowance shall be made for any size variance at the time of planting.
3. Applicant will investigate the erosion and drainage issues caused by the installation of the berm upon which the current row of trees has been planted, and shall grade and/or cut as is necessary to allow for proper stormwater drainage and to prevent excess erosion in the area of the intersection of Depot and Sawpit Roads.
4. Applicant shall re-condition, repair, and then repave Sawpit Road from its intersection with Depot Road to the end of the currently paved section of Sawpit Road.
5. Applicant shall replace the damaged culvert along and/or under Sawpit Road.
6. Applicant shall post a landscaping bond in the amount determined by County staff to be sufficient to plant and manage the required number of trees to the full height required by the conditions of Special Use Permit PL-18-103 and PL-23-040.

Chairman Cline asked Mr. Sparks if he understood and agreed to the additional conditions that were presented. After additional discussion regarding proper spacing of the vegetative buffer, Mr. Sparks was agreeable to the conditions and Supervisor Hardie offered the following motion:

On motion of Supervisor Hardie, it was resolved the Board of Supervisors **APPROVES** Request #PL-23-040 by Jason Sparks, agent for Charles Arthur III and William Arthur, for a special use permit to amend the previous special use permit condition for the vegetative buffer at a solar energy project, located on Depot Road, including the parcel intersected by Sawpit Road, subject to the additional conditions that:

1. Applicant will provide additional visual screening by virtue of a vegetative buffer consisting of an additional row of same species and variety of trees currently installed along both sides of Sawpit Road for the full length of the project boundary, and along the side of Depot Road from its intersection with Sawpit Road in a South easterly direction to the end of the project boundary. The additional trees shall be interspersed between the rows of the current trees and planted at 20' apart from one another. All additional trees shall be planted

at 6' and managed to be 8' tall, and no allowance shall be made for any size variance at the time of planting.

2. There will be an additional vegetative buffer shielding the project viewshed from the address of 151 Sawpit Road, along the entire outer boundary of the project and parcel 34-A-1B, being 151 Sawpit Road. This additional vegetative buffer shall be composed of 8' evergreen trees of the same species currently installed, planted in three rows, spaced 20' apart, planted at 6' and managed to be 8' tall, and no allowance shall be made for any size variance at the time of planting.
3. Applicant will investigate the erosion and drainage issues caused by the installation of the berm upon which the current row of trees has been planted, and shall grade and/or cut as is necessary to allow for proper stormwater drainage and to prevent excess erosion in the area of the intersection of Depot and Sawpit Roads.
4. Applicant shall re-condition, repair, and then repave Sawpit Road from its intersection with Depot Road to the end of the currently paved section of Sawpit Road.
5. Applicant shall replace the damaged culvert along and/or under Sawpit Road.
6. Applicant shall post a landscaping bond in the amount determined by County staff to be sufficient to plant and manage the required number of trees to the full height required by the conditions of Special Use Permit PL-18-103 and PL-23-040.

All additional conditions imposed by the Special Use Permit PL-23-040 shall be met in full by December 31, 2023.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

// PUBLIC HEARING – REZONING AT 1440 HAT CREEK ROAD

Request #PL-23-044 by Amy Seipp, agent for John and Elisha McGee, to rezone property located at 1440 Hat Creek Road from Agricultural to Industrial – General to allow for use as an office and storage warehouse for a wholesale and consulting business was withdrawn prior to the meeting.

// PUBLIC HEARING – SPECIAL USE PERMIT AT 212 WINDING WAY ROAD

PL-23-050 Request by Jeff and Anne Jensen for a special use permit to operate a rooming house and allow one additional dwelling unit within the existing single family dwelling for use by immediate family on property zoned Residential – Single Family. The property is located at 212 Winding Way Road in an area designated as medium to high density residential per the current Comprehensive Plan.

Mr. Harvey explained the owners wished to rent out a portion of the existing single-family dwelling for overnight guests using a platform such as Airbnb. The basement of the dwelling would be used as a short-term rental. The basement consisted of a bedroom, a bathroom, and a small dining area. There was off-street parking provided for guests. This was the primary residence of the owner. The applicants also sought to allow for an additional dwelling unit in the basement as a long-term rental option for their son.

The area was residential in nature. Zoning in the vicinity was Residential – Single Family. The property was accessed by two existing entrances onto Winding Way Road (Route 1560). The change in traffic caused by the request would be minimal, and a traffic impact analysis was not required. The property was served by a public water and private septic system. The Planning Commission recommended approval of the request with the condition that the applicant utilizes the site in conformance with the use described in the narrative submitted with the request by a vote of 7-0 citing good zoning practice.

Jeff Jensen, 212 Winding Way Road, Lynchburg, was the property owner. He and his wife planned to operate an Airbnb and wanted their son to be able to live with them in the future, if necessary.

Chairman Cline opened the public hearing at 8:34 p.m.

No one spoke in favor of or in opposition to the proposed special use permit and the public hearing was closed at 8:35 p.m.

On motion of Supervisor Carwile, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice, **APPROVES** Request #PL-23-050 by Jeff and Anne Jensen for a special use permit to operate a rooming house and allow one additional dwelling unit within the existing single family dwelling for use by immediate family on property zoned Residential – Single Family, located at 212 Winding Way Road, with the condition that the applicant utilizes the site in conformance with the use described in the narrative submitted with the request.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

// PUBLIC HEARING – SPECIAL USE PERMIT AT 10609 RICHMOND HIGHWAY

PL-23-052 Request by Susan Brown, agent for Stone Gate Farm LLC, for a special use permit to operate a wedding and special events venue on property zoned Agricultural. The property is located at 10609 Richmond Highway in an area designated as transitional per the current Comprehensive Plan.

Mr. Harvey explained the applicant would like to operate a wedding and special events venue on the property. There was an existing building on the property that held 75 to 100 guests that would be used for the venue. The venue had handicap restrooms and an existing area for parking.

The area was mixed use in nature. Zoning in the vicinity was Residential – Single Family; Residential – Multi Family; Residential – Multi Family, Conditional; Business – General Commercial; Industrial – Heavy; Industrial – Heavy, Conditional; and Agricultural. The property was accessed by an existing entrance onto Richmond Highway (Route 460). The request should not have an impact on daily traffic counts unless an event was taking place on the property, and a traffic study was not required. The property was served by private water and private septic systems. The Planning Commission recommended approval of the request with the condition that the applicant utilizes the site in conformance with the use described in the narrative submitted with the request, and a further condition that amplified noise would end by 10:00 p.m., by a vote of 6-0 citing good zoning practice.

Susan Brown, 20946 Timberlake Road, Lynchburg, owned Suzy Q Catering and indicated she would be managing the property for Mr. Ricky Thompson. Ms. Brown clarified for Supervisor Watts that the condition that amplified noise would end by 10:00 p.m. was self-imposed.

Chairman Cline opened the public hearing at 8:41 p.m.

No one spoke in favor of or in opposition to the proposed special use permit and the public hearing was closed at 8:41 p.m.

On motion of Chairman Cline, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice, **APPROVES** Request #PL-23-052 by Susan Brown, agent for Stone Gate Farm LLC, for a special use permit to operate a wedding and special events venue on property zoned Agricultural, located at 10609 Richmond Highway, with the condition that the applicant utilizes the site in conformance with the use described in the narrative submitted with the request, and a further condition that amplified noise would end by 10:00 p.m.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

// PUBLIC HEARING – SPECIAL USE PERMIT AT 1039 BROOKNEAL HIGHWAY

PL-23-055 Request by Jon Waters, agent for Patrick Henry Boys Home, for a special use permit to operate the existing equestrian center as a school use and to host events that will be open to the public on property zoned Agricultural. The property is located at 1039 Brookneal Highway in an area designated as transitional per the current Comprehensive Plan.

Mr. Harvey explained that the University of Lynchburg had entered into a long-term lease with Patrick Henry Family Services to operate its collegiate riding program on the property. The Zoning Ordinance allowed “off-site school athletic practice and training facilities, not open to the public and not intended to accommodate spectators” as a by-right use in the Agricultural zoning district. The desire to host events open to the public and offer academic coursework required approval of a special use permit.

The area was transitional in nature. Zoning in the vicinity was Residential – Single Family; Residential – Multi Family; Business – Limited Commercial; Business – General Commercial; and Agricultural. The property was accessed by an existing entrance onto Brookneal Highway (Route 501). The request would have a minimal impact on daily traffic counts unless an event was taking place on the property, and a traffic study was not required. The property was served by private water and private septic systems. The Planning Commission recommended approval of the request with the condition that the applicant utilizes the site in conformance with the use described in the narrative submitted with the request by a vote of 7-0 citing good zoning practice.

Jon Waters, 1501 Lakeside Drive, Lynchburg, was the Director of Athletics at the University of Lynchburg. He indicated the college had been given the unique opportunity to revitalize the farm and grow its equestrian program.

Chairman Cline opened the public hearing at 8:45 p.m.

No one spoke in favor of or in opposition to the proposed special use permit and the public hearing was closed at 8:46 p.m.

On motion of Supervisor Hardie, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice, **APPROVES** Request #PL-23-055 by Jon Waters, agent for Patrick Henry Boys Home, for a special use permit to operate the existing equestrian center as a school use and to host events that will be open to the public on property zoned Agricultural, located at 1039 Brookneal Highway, with the condition that the applicant utilizes the site in conformance with the use described in the narrative submitted with the request.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

// **PUBLIC HEARING – COMBINED ANNUAL SECONDARY ROAD HEARING**

The final public hearing was advertised as a joint public hearing with the Virginia Department of Transportation as required under Section 33.2-331 of the Code of Virginia. The purpose of the public hearing was to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2024 through 2029 and on the Secondary System Construction Budget for Fiscal Year 2024. Administrator Rogers advised the Board that funding for the projects was relatively sparse, as it had been for the last several years.

Robert Brown, VDOT Residency Administrator, advised the proposed Six Year Plan was provided to the Board. There were two types of funding in FY24 to be used for unpaved road projects. One was TeleFee Funds in the amount of \$151,594 that were collected from utilities using the VDOT right-of-way and distributed to localities through a formula. The second type of funding was District Grant – Unpaved in the amount of \$7,708 that was used specifically for unpaved roads. Mr. Brown indicated that Campbell County was fortunate to have less than 10 miles of unpaved roads.

The first project on the plan was Lynbrook Road (Route 622) that was completed, but was waiting on financial closure. The next project on the plan was Radio Road (Route 1149), which

met the criteria of 50 vehicles per day as an unpaved road. VDOT intended to make that road hard-surfaced this year. The last project was Tip Lane (Route 762), with an estimated construction cost of \$125,820. In the plan were line items for transportation services, traffic services and countywide engineering and survey, which allowed them to budget for speed zones, speed studies, new secondary signs and minor survey and preliminary engineering type work.

The public hearing was opened at 8:54 p.m. No one spoke in favor of or in opposition to the proposed Six Year Plan. The public hearing was closed at 8:54 p.m.

On motion of Chairman Cline, it was resolved the Board of Supervisors adopts the following resolution:

WHEREAS, Sections 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2024 through 2029) as well as the Construction Priority List (2024) on May 2, 2023 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Robert G. Brown, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2024 through 2029) and the Construction Priority List (2024) for Campbell County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Campbell County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2024 through 2029) and Construction Priority List (2024) are hereby approved as presented at the public hearing.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

// CLOSED MEETING

On motion of Supervisor Brown, it was resolved the Board of Supervisors enters into a closed meeting at 8:55 p.m. to discuss matters related to personnel, in accordance with §2.2-3711 (A)(1) of the Code of Virginia, as amended.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

// The Campbell County Board of Supervisors entered into a closed meeting on this 2nd day of May, 2023 at 8:55 p.m. to discuss matters related to personnel, in accordance with §2.2-3711 (A)(1) of the Code of Virginia, as amended.

// On motion of Supervisor Brown, it was resolved the meeting return to open session at 10:12 p.m.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 2nd day of May, 2023 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: Brown
 Aye: Carwile
 Aye: Cline
 Aye: Hardie
 Aye: Moore
 Aye: Shockley
 Aye: Watts
 Nay: None
Absent During Meeting: None
Absent During Vote: None

// ADJOURNMENT

On motion of Supervisor Shockley, the meeting was adjourned at 10:13 p.m.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
 Nay: None
 Absent: None

MATT W. CLINE, CHAIRMAN

Approved: _____