

BOARD OF SUPERVISORS MEETING

May 7, 2019

The regular meeting of the Campbell County Board of Supervisors was held on the 7th day of May 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
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
Brooke S. Wright, Administrative Assistant

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 March 11-12, 2019 departmental budget meeting, the March 19, 2019 work session, the March 21, 2019 Campbell County Farm Bureau Dinner, and the April 2, 2019 regular meeting as presented.

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

// CONSTITUTIONAL OFFICER COMPENSATION

Administrator Rogers stated that both the sitting sheriff, Steve Hutcherson, and the sitting Treasurer, Robin Jefferson, have announced their plans to retire at the end of their present terms on December 31, 2019. With those announced openings, staff had received inquiries regarding the salaries of those positions. The State Compensation Board prescribes salaries for Sheriffs, Commonwealth's Attorneys, Clerks of the Circuit Court, Treasurers, and Commissioners of the Revenue based upon the population of a locality. In addition to State funding, over the course of time in office, the County has subsidized the salaries of the Constitutional Officers with local funds. Staff was requesting confirmation from the Board that the starting salary for any newly elected Constitutional Officer would be set at the minimum as prescribed by the State.

Supervisor Borland stated this policy would be fiscally responsible, as no newly elected Constitutional Officer should assume their position would be compensated the same as the outgoing or retiring elected official.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors confirms as policy that the starting salary for newly elected Constitutional Officers would be the same as the minimum prescribed by the State for such office.

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

// PERMISSION TO ADVERTISE PUBLIC HEARING – CONCORD VOLUNTEER FIRE DEPARTMENT FOR TAX-EXEMPT LOAN

Administrator Rogers stated the Concord Volunteer Fire Department was seeking a tax-exempt loan for approximately \$399,000 to aid in the construction of a new building. To complete the loan application, First National Bank was requiring the Board of Supervisors to conduct the appropriate public hearing and adopt a resolution. He noted this was not an uncommon request and the County had helped several local volunteer agencies with similar wishes in the past. If approved, the requested amount would be subtracted from the \$10 million in bank qualified debt the County received each year.

Supervisor Borland asked Administrator Rogers how much of the \$10 million would be needed for other purposes during the rest of the fiscal year. Administrator Rogers stated the Board had not made a decision to utilize those funds for a specific purpose.

Chairman Gunter stated his desire to assist organizations that support the County. Supervisor Borland was also in favor of the request.

On motion of Chairman Gunter, it was resolved the Board of Supervisors authorizes the required public hearing at the June 4, 2019 meeting to consider the request by the Concord Volunteer Fire Department to enter into a tax-exempt purchase agreement with First National Bank to borrow approximately \$399,000 to construct a new building.

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

// PERMISSION TO ADVERTISE PUBLIC HEARING – MEALS TAX ORDINANCE

Kristin Wright, Staff Attorney, stated that on April 9, 2019, the voters of Campbell County approved a referendum that indicated their desire for a meals tax of up to four percent (4%) to be implemented in Campbell County. Following the results of the referendum, staff prepared a proposed ordinance instituting a meals tax modeled on the language used in surrounding counties, specifically Bedford and Amherst, and mirroring the authorizing state statute, Va. Code Ann. § 58.1-3833, as closely as possible. That proposed language, if approved by the Board, would fit in Chapter 9 of the Campbell County Code, near the sections related to the transient occupancy tax. Because this would add a new ordinance to the County Code, a public hearing was necessary under Va. Code Ann. § 15.2-1427 prior to passage.

In answer to a question by Supervisor Hogg, Mrs. Wright stated the Board could advertise the meals tax rate up to four percent. After approving the rate in which to advertise, the Board could choose to decrease, but not increase, the tax rate.

Supervisor Good asked for clarification on several sections of the proposed ordinance, and expressed reservation about the section referring to legal action that could be taken against restaurant or food establishment owners who failed to collect or remit the meals tax.

Supervisor Borland stated his disapproval of the actions taken to put the question of a meals tax on a special election ballot. Due to low voter turnout in April, he believed the meals tax would be legitimized if it was voted on during the upcoming November election. Supervisor Hogg noted the meals tax was voted on in April because it was budget season, and all property owners did receive mail from the Commissioner of the Revenue notifying them of the special election.

In answer to a question by Supervisor Watts, Mrs. Wright stated some of the penalties outlined in the proposed ordinance could be changed if the Board so chose. Administrator Rogers noted that those penalties conform to the penalties related to failure to report the transient occupancy tax.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors authorizes the advertisement of a public hearing on the question of adding a meals tax ordinance to the Campbell County Code to be held at the June 4, 2019 Board of Supervisors meeting.

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

// PROPOSED CHANGES TO CHAPTERS 21 & 22 OF COUNTY CODE

Mrs. Wright stated that Chapter 21 (Subdivisions) and Chapter 22 (Zoning) were updated twice a year as part of the regular code update. Supervisor Watts had suggested several changes to the way property was subdivided in the County after encountering difficulties with the current code language while helping clients as a real estate agent. The Planning Commission reviewed the changes at its April meeting and requested additional information and time to consider the changes.

Supervisor Borland confirmed the Planning Commission needed the time to thoroughly discuss the proposed changes. When the Planning Commission met in April, he understood several of the members were initially not in favor of some of the changes.

Supervisor Watts stated the Planning Commission members were welcome to contact him and he would answer their questions about the proposed changes. Chairman Gunter suggested Supervisor Watts attend the next meeting of the Planning Commission to offer clarification on the changes he had proposed.

On motion of Supervisor Watts, it was resolved the Board of Supervisors authorizes the Campbell County Planning Commission to review the proposed changes to Chapters 21 and 22 of the Campbell County Code at its May 2019 meeting and consider them for public hearing.

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

// HANDBOOK AND POLICY UPDATES

Sherry Harding, Director of the Department of Public and Employee Relations, presented revisions and updates to the Campbell County Employee Handbook for the Board's consideration. Staff researched current handbook policies and identified areas that required language and policy adjustments toward legal compliance, organizational best practices, unified management in health insurance policy, and additional clarification on leave and benefits. Mrs. Harding expanded upon specific updates to general employment and leave policies, as well as language related to the Virginia Retirement System and insurance resources. She noted the changes presented were deemed to be in the County's and employees' best interest as they provided greater transparency to the County's processes. County employees were informed of the proposed changes and given the opportunity to provide feedback prior to Mrs. Harding's presentation.

Supervisor Borland commended Mrs. Harding and her staff for their hard work and thoroughness.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors approves the proposed revisions and updates to the Campbell County Employee Handbook, effective immediately, with official publication prior to or on July 1, 2019.

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

// HIGHWAY MATTERS

Clif Tweedy, Deputy County Administrator, updated the Board on highway matters. Items noted included:

- VDOT checked on Laurel Lane and could not find any flooding issues in the right of way. Supervisor Hogg stated heavy rain pooled on the roadway near 121 Laurel Lane.
- Trash had been picked up along Lawyers Road (Rt. 683).
- VDOT reported the soft pavement in the vicinity of 101 Russell Woods Drive (Rt. 679) was added to the pavement repair schedule and would be completed within two weeks.

From the Board:

- Supervisor Hardie noted potholes at the intersection of Wisecarver Road and Route 24. He also reported a tear in the pavement on Livestock Road.
- Supervisor Borland reported soft spots, potholes, and general disrepair on Russell Woods Drive due to heavy equipment being parked on the road for an extended period of time.
- Chairman Gunter stated grass needed to be mowed on Route 460, Crews Shop Road, and Doss Road. He noted ruts on Crews Shop Road and Doss Road, as well.

Mr. Tweedy noted several new Revenue Sharing Requests were being submitted, and he would bring more information to the Board about those projects at their July meeting. He stated weather had been a hindrance for the LU Ramp and Roundabout project, but crews would continue working to get the project completed in a timely fashion. Also, a preconstruction meeting for the Simons Run project would be held in June, with an estimated construction start date of July 2019.

// PUBLIC HEARING – COMBINED ANNUAL SECONDARY ROAD HEARING

The public hearing was opened at 7:00 p.m. and was advertised as a joint public hearing with the Board of Supervisors and the Virginia Department of Transportation (VDOT) to receive public comment on the proposed Secondary Six Year Plan for Fiscal Years 2020 through 2025 and on the Secondary System Construction Budget for Fiscal Year 2020.

Robert Brown, Residency Administrator, commented on two Smart Scale projects VDOT was focused on. First, construction on Lynbrook Road would begin September 2019, with an estimated completion date of September 2021. The construction on the railroad bridge replacement on Tardy Mountain Road was scheduled to be completed on November 13, 2019. Mr. Brown noted Wyndolm Road and Elliott Road were both rural rustic roads that were in the secondary system construction program. He noted Campbell County currently had 10.39 miles of unpaved roadway. The unpaved section of Radio Road was the only road in the county that qualified as rural rustic based on current traffic counts.

No one spoke in favor of or in opposition to the proposed six year plan. The public hearing was closed at 7:11 p.m. The following motion was offered:

On motion by Supervisor Watts, the following resolution was adopted:

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 (2020 through 2025) as well as the Construction Priority List (2020) on May 7th, 2019 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 of the Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2020 through 2025) and the Construction Priority List (2020) 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 (2020 through 2025) and Construction Priority List (2020) are hereby approved as presented at the public hearing.

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

// CONSENT AGENDA

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

a) Appropriations –

1. General Fund, Information Technology, deleting \$1,534 from Comp – e Business Specialist and appropriating the same to Comp – P/T Help, to cover the wages of a paid Information Systems Specialist I Intern, who began employment in February 2019, for the remainder of FY19;
2. General Fund, Legal Services, deleting \$2,000 from Nuisance Abatement, \$300 from Personal Vehicle Mileage, and \$800 from Travel – Sustenance & Lodging, and appropriating \$2,883 to Delinquent Tax Services and \$217 to Dues & Association Memberships, to cover fees for delinquent tax collection and increased membership dues;
3. General Fund, Sheriff’s Office, deleting \$2,482 from Budget Set Aside and appropriating the same to M/R – Buildings, to replace the flooring in four bathrooms at the Sheriff’s Office;
4. General Fund, Clerk of the Court, deleting \$2,000 from Office Supplies and appropriating the same to Postage, to cover postage costs;
5. General Fund, Real Estate, deleting \$1,050 from Advertising and appropriating the same to Maintenance Contracts, to fund rate increases in real estate software maintenance contracts;
6. General Fund, Registrar, deleting \$3,500 from Maint/Repair – Other Equipment and appropriating \$2,200 to Lease/Rent – Equipment, \$700 to Travel – Election Officials, \$300 to Travel – Board Members, and \$300 to Travel – Sustenance & Lodging, to cover costs for the Special Elections, June Primary, and state required conference to be held in June 2019 for Registrar, Deputy Registrar, and Electoral Board Members;
7. General Fund, Social Services Admin, deleting 3,500 from Postage and appropriating \$1,300 to Communications Equipment and \$2,200 to EDP Equipment, to purchase headset, replace broken headsets and telephones, and replace broken computer monitors, printers, and scanners;
8. School Operating Fund, Title IV, B 21st CCLC, deleting \$6,000 from Comp Psychologist, \$581.83 from Employer FICA, \$971.14 from Employer Cost VRS-Hybrid, and \$144.81 from Employer Cost Group Life Ins, and appropriating \$927.69 to Employer Cost Health Ins, \$4,000 to Purchased Services, and \$2,770.09 to Travel/Other, to match OMEGA budget;
9. School Operating Fund, Title I Part A Improving Basic Programs, deleting \$930 from Comp Title 1 Sub Teachers, \$23,160.43 from Purchased Services, \$2,454.08 from Travel, and \$4,732.58 from Instructional Supplies, and appropriating \$8,000 to Parental Involvement, \$216.12 to Internal Services, and \$23,060.97 to Parent Inv Supplies, to allow timely spend down of grant within grant deadline;
10. School Operating Fund, Adult Regional Ed Program, deleting \$7,842.54 from Supplemental Wages GED-ABE and \$100 from Purchased Services GED-ABE, and appropriating \$1,350 to Instructional Supplies GED-ABE and \$6,592.54 to Textbooks/Workbooks GED-ABE, to match OMEGA budget;

11. General Fund, Sheriff's Office, appropriating \$3,282.25 to E-Summons Equipment; raises estimated revenue line E-Summons Revenue by \$3,282.25, funds collected in General District Court to purchase E-Summons Equipment;
12. Sheriff's Forfeited Assets Fund, Expenditures, appropriating \$8,000 to Police Equipment Expense Fund; decreases Undesignated Sheriff Forfeited Assets Fund Balance by \$8,000, forfeited asset funds will be used to purchase e-citations printers and two fact authentication tokens that will be compatible with the new Records Management/CAD System;
13. General Fund, Legal Services, appropriating \$36,700 to Delinquent Tax Collection Fees; decreases Unassigned Fund Balance by \$36,700, to cover excess Delinquent Tax Collection Fees above FY19 budgeted amount;
14. General Fund, Registrar, appropriating \$15,000 to Comp – Elected Officials, \$1,600 to Advertising, \$1,900 to Lease/Rent – Buildings, and \$4,000 to Ballots & Election Supplies; decreases Unassigned Fund Balance by \$22,500, to cover expenses incurred in the Special Elections and the estimated costs of the upcoming June Primary;
15. CIP Fund, Public Works, appropriating \$26,217.02 to County Vehicle Replacement; raises estimated revenue line Insurance Recoveries by \$26,217.02, insurance reimbursement to County for damage done to Community Development vehicle. Reimbursement will be applied to cost of replacement vehicle;
16. School Cafeteria Fund, School Food Service, appropriating \$2,990 to Purchase Service – VANCO; raises estimated revenue line VANCO-Conv Funds by \$2,990, for Convenience Fees collected from VANCO for funds placed on student breakfast/lunch accounts during February 2019.

b) County Attorney Invoice –

Approves payment to the County Attorney in the amount of \$14,445.43 for services provided from March 20, 2019 through April 16, 2019;

c) Recordation of Abstract of Referendum Votes –

Per Section 24.2-675 of the Code of Virginia the abstract of referendum votes from the April 9, 2019 Special Election is made part of the regular meeting minutes:

Meals Tax

Yes	3,089
No	2,706

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

// APPOINTMENTS

Several appointments were made at this meeting.

Blue Ridge Regional Jail Authority

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

WHEREAS, the Blue Ridge Regional Jail Authority Service Agreement dated November 10, 1994, as amended, states that members of the Authority Board (other than sheriffs) shall be elected by their respective governing bodies; and

- Supervisor Good stated he would like to restore the funding for the Lynchburg Regional Business Alliance in the FY20 budget.
- Chairman Gunter commented on the poor condition of Rustburg Middle School and expressed his desire for the School Board to create a plan prioritizing areas that need to be fixed in the County schools.

// CLOSED MEETING

On motion of Supervisor Hardie, it was resolved the Board of Supervisors enters into a closed meeting at 7:35 p.m. to discuss legal matters relating to a public nuisance, in accordance with §2.2-3711 (A)(7) of the Code of Virginia, as amended; and to discuss the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, in accordance with §2.2-3711 (A)(3) 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 7th day of May, 2019 at 7:35 p.m. to discuss legal matters relating to a public nuisance, in accordance with §2.2-3711 (A)(7) of the Code of Virginia, as amended; and to discuss the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, in accordance with §2.2-3711 (A)(3) of the Code of Virginia, as amended.

// On motion of Supervisor Watts, it was resolved the meeting return to open session at 8:01 p.m.

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

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 7th day of May, 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

// On motion of Chairman Gunter, it was resolved the Board of Supervisors authorizes the Staff Attorney to file a complaint in the Campbell County Circuit Court to abate a public nuisance located at 58 Clair Lane Lynchburg, Virginia 24501, if the property owner has failed to comply in thirty (30) days.

The vote was: Aye: Borland, Good, Gunter, Hardie, Hogg, Moore, Watts

Nay: None

Absent: None

Supervisor Watts asked staff to prepare a resolution acknowledging retired Judge J. Samuel Johnston. Supervisor Watts expressed interest in having part of Route 501 named in Judge Johnston's honor. Administrator Rogers stated staff would prepare a resolution for the Board's consideration at the June meeting, and after the Board's approval, coordinate a presentation of the resolution to the Judge.

// ADJOURNMENT

On motion of Supervisor Borland, the meeting was adjourned at 8:04 p.m.

The vote was: Aye: Borland, Good, Gunter, Hardie, Hogg, Moore, Watts

Nay: None

Absent: None

EDDIE GUNTER, JR. CHAIRMAN

Approved: _____