

BOARD OF SUPERVISORS MEETING

July 16, 2019

The regular meeting of the Campbell County Board of Supervisors was held on the 16th day of July 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
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

Absent was:

Bob Good	Sunburst Election District
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Also present were:

Frank J. Rogers, County Administrator
Clifton M. Tweedy, Deputy County Administrator
Kristin B. Wright, Staff Attorney
Catherine H. Moore, Clerk

Chairman Gunter called the meeting to order at 6:03 p.m. Following the Pledge of Allegiance, a moment of silence was observed.

// APPROVAL OF MINUTES

On motion of Supervisor Hardie, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the May 21, 2019 meeting, and the June 4, 2019 meeting as presented.

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

// PRESENTATION OF RESOLUTION – RETIRED JUDGE JOHNSTON

At the June 4th Board of Supervisors meeting the Board adopted a resolution recognizing Judge J. Samuel Johnston, Jr. for his service and authorizing staff to work with VDOT on dedicating a portion of Route 501 in his honor. Judge Johnston served for nearly 31 years, first in the Campbell County General District Court and then in the Campbell County Circuit Court from 1981 until his retirement in June of 2008.

Administrator Rogers read the following resolution into the record. Chairman Gunter along with Supervisor Watts presented Judge Johnston with a framed copy of the resolution.

At the regular meeting of the Campbell County Board of Supervisors held on the 4th day of June 2019 in the Board of Supervisors Meeting Room of the Haberer Building, Rustburg, Virginia, on motion of Supervisor Watts, the following resolution was adopted:

**RESOLUTION IN HONOR OF
RETIRED JUDGE J. SAMUEL JOHNSTON, JR.**

WHEREAS, Retired Judge J. Samuel Johnston, Jr. served Campbell County with great distinction as a Campbell County District and Circuit Court Judge from 1977 until his retirement on June 1, 2008; and

WHEREAS, Judge Johnston received his bachelor's degree from the University of Alabama and a law degree from the University of Virginia School of Law; and

***WHEREAS**, after practicing law for five years was appointed a judge of the Campbell County General District Court at the age of 30, making him the youngest Judge in the State; and*

***WHEREAS**, in 1981, Judge Johnston was named Judge of the Campbell County Circuit Court as the youngest Circuit Court Judge in Virginia, where he presided over hundreds of trials that impacted thousands of lives and was known for his thoughtfulness, fairness and commitment to justice; and*

***WHEREAS**, during his tenure as the Circuit Court Judge advocated for a new courthouse to not only protect victims and witnesses in criminal cases, but to have the proper facilities to conduct fair and audible hearings and trials, and a new Courthouse was dedicated on June 20, 1991; and*

***WHEREAS**, following retirement Judge Johnston remained active in the legal community as a substitute Judge for the 24th Judicial Circuit, participating in a statewide mediation group, performing numerous speaking engagements where he served as inspiration to other Judges and attorneys and authoring a book entitled “Why Judges Wear Robes,” a humorous account of life in the courtroom.*

***NOW, THEREFORE, BE IT RESOLVED**, the Campbell County Board of Supervisors hereby recognizes Judge Johnston for his many years of faithfulness and dedication to the citizens of Campbell County; and*

***BE IT FURTHER RESOLVED**, the Campbell County Board of Supervisors authorizes staff to work with the Virginia Department of Transportation and local Virginia delegation to prepare the appropriate resolution and documentation to have a portion of Route 501 in Campbell County dedicated to Judge J. Samuel Johnston, Jr.*

Judge Johnston was accompanied by several members of his family including his wife, Liz, two children and two grandchildren. He commented that he served 31 years in Rustburg and always tried to be a fair Judge. This honor meant a lot to him. There was no finer place than Campbell County with good people and good citizens. Whenever he crossed into the County, he always felt like he was back with “his people.”

// DEVAULT VINEYARD – UPCOMING ROCK FESTIVAL AND SUP REQUEST

Again this year DeVault Vineyards would be the host site for the Blue Ridge Rock Festival the weekend of September 7-8, 2019 beginning at noon each day. Sharon DeVault was present to advise the Board on the upcoming festival and the pending permit requests.

In February 2011 Mrs. DeVault received a special use permit to hold special events not related to normal winery functions subject to several conditions including the condition that all events would end by 10:00 p.m. Mrs. DeVault through her representative has filed for an amendment to the special use permit to allow all events to end at 11:00 p.m. The Planning Commission would consider the permit at its meeting on July 22, 2019 and the Board would consider the permit at its meeting on September 3, 2019. Because this approval was very close to the event dates, Mrs. DeVault requested an appearance at this evening’s meeting to ascertain the position of the Board on approval of the permit.

A special entertainment permit was currently in circulation for the Blue Ridge Rock Festival along with an application to extend the time from 10:00 p.m. to 11:00 p.m. The time extension would also be considered by the Board at its meeting on September 3rd.

A number of concerns were expressed by the Board as to the number of participants, parking and security. Mrs. DeVault indicated 3,000 advance tickets had been sold and the event would be held on her property in Campbell County. All of the parking and camping would be on property owned or leased in Appomattox County. A permit application was also pending in Appomattox County. Mrs. DeVault explained that last year she took ownership of the rock festival and the event ended at 10 p.m. Because of substantial losses, she was only renting her venue this year. Chairman Gunter recalled complaints in past years of the foul language that could be heard from the musicians. Mrs. DeVault indicated she did not anticipate that problem

this year due to the security firm she had hired that was experienced with large events such as the Lockn Festival and NASCAR events.

Supervisor Borland expressed concern the permit process was not initiated sooner. Mrs. DeVault apologized, but was only recently made aware of the need to amend the special use permit. She added that since she was only renting her venue, it was the festival promoter's responsibility to request the permit. Mrs. DeVault also stated she would not want to lose this opportunity for guaranteed revenue for her business.

Chairman Gunter shared concerns from neighbors on continuing the music past 10 p.m. and the language by the musicians. Mrs. DeVault indicated musicians and bands preferred to play at night, but she did not anticipate the problems with language as the bands were not heavy metal this year. Chairman Gunter commented that unless something changed from last year, he would have a hard time favorably considering the permit application. In an effort to be community minded, Mrs. DeVault would donate a portion of the alcohol sales to Providence Farms in light of the event's impact on the community.

Supervisor Watts viewed the festival as part of agricultural tourism that would bring people into the community. He suggested an effort be made to negotiate the 11 p.m. time on Sunday. Mrs. DeVault indicated she would discuss the time on Sunday since it was a school night.

Administrator Rogers noted the security plan would require approval by the Sheriff. Also, there may be some concerns by VDOT regarding access to and from the event.

// PUBLIC SAFETY - EMERGENCY RADIO SYSTEM FUNDING STRATEGIES

At the April 2nd Board meeting, staff provided background information on the County's existing public safety radio system. This information included a summary of the existing technology as well as challenges being faced as the system ages and components become increasingly difficult to repair and/or replace. During the May 21st work session, staff, along with technical experts from Harris, again presented information on the radio system. At the June meeting, staff was authorized to proceed with negotiations with the Regional Radio Board for the purpose of clarifying the viability and cost of that strategy. At the same time, staff was asked to develop a Request for Proposals (RFP) and solicit options for a "county-only" system replacement. The Board also directed that the County's financial advisors (Davenport and Company) be engaged to identify strategies to fund the radio system replacement.

As noted at the June meeting, replacing the radio system would be a major capital investment. Based upon preliminary estimates, anticipated costs to join the regional system were:

- Approximately \$3.6 million for equipment including but not limited to items such as: dispatcher consoles, tower structural analysis and antennae installations; RF site equipment; radio equipment and services.
- Approximately \$200,000/year for up to seven years as part of the negotiated "buy-in" fee to reflect each member's share of the bonded debt incurred to establish the regional radio system; and
- Approximately \$175,000/year for the annual operations fee. This annual fee is set based upon the annual budget of the Radio Board and Campbell's percentage of radios operating on the system.

It was important to note from the onset that, if the County elected to join the Regional Radio Board, the estimated annual expenses would be approximately \$400,000/year until such time as the debt was retired (in 2027) and approximately \$200,000/year thereafter based on present estimates. The costs of a "County-only" system were as yet unknown, but were anticipated to approximate the capital costs estimated for the regional radio system. Either option would require debt to fund.

Roland Kooch of Davenport & Company, the County's financial advisors, along with Dan Siegel of Sands Anderson, recommended the County consider implementing the first phase of a multi-year plan of finance. This plan would create a short-term line of credit in the

approximate amount of \$7.5 million which would be enough for the Public Safety Radio System and preliminary costs related to the School Capital Projects. If approved, Davenport would issue a Request for Proposals (RFP) for a banking institution. Once the financing option was approved, Davenport would assist the County with implementing the funding by coordinating the process through the local Industrial Development Authority.

Having a line of credit would not impact cash reserves and minimize cash flow expenses by only incurring interest expense on the actual monies spent. Short-term borrowing rates were estimated between 2.2% to 3.5%. The line of credit could be secured as early as September, but the funds would not be expended until the radio system project was authorized. Staff would release the RFP for the radio system later this week. The line of credit allows flexibility to combine other project costs such as a school capital project to reduce borrowing costs. Administrator Rogers indicated more than \$2 million was budgeted in the FY 2020 budget to cover debt service costs for the multi-year plan of finance as discussed with the financial advisors on February 19, 2019. Once the proposals have been received from the banking institutions, more costs would be known as to interest rates, the costs of borrowing and the impact on debt service.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors authorizes staff to proceed with the steps necessary to secure a line of credit for future capital expenditures.

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

// REQUEST FOR PUBLIC HEARING – GLADYS PRECINCT

For the past several years, the Community Impact Building in Gladys has been used as a polling location. Due to deterioration of that facility, the Registrar had to relocate voters for the April 2019 special election to the Gladys Volunteer Fire Department located on Route 501. Alternative locations have not been identified for a precinct location, so staff proposes to permanently relocate the precinct to the fire department facility. A public hearing would be required.

On motion of Supervisor Watts, it was resolved the Board of Supervisors authorizes a public hearing for the August 6, 2019 meeting to receive citizen comment on relocating the Gladys Precinct Polling Place to the Gladys Volunteer Fire Department building.

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

// REQUEST FOR PUBLIC HEARING – BOUNDARY LINE ADJUSTMENT WITH TOWN OF ALTAVISTA

In March of 2018, the Town of Altavista corresponded with the County to ask that the Town staff and County staff work together to identify growth opportunities in areas around the Town. The Board of Supervisors concurred with that request and since that time the two jurisdictions have been in discussion regarding possible options.

Over time, the discussion turned to the County's Dearing Ford Business and Manufacturing Center (Center). The site represents a total of 50 acres, zoned for Heavy Industrial use. The Center includes 28 acres adjacent to the Wal-Mart, as well as an additional 21.75 acres on Dearing Ford Road, off of Route 29. The County purchased 71 acres in 1987 and another 11 acres in 1998. The County spent \$1,075,614 to purchase and develop the original 82 acre site. Of that, \$562,152 was grant funded. The majority of the property ultimately developed as the Wal-Mart Shopping area was subsequently brought into the Town of Altavista. The remaining 50 acres of the property that is located in the County is currently assessed at \$389,300.

Despite owning the property for many years and making a significant financial investment in improving, marketing and maintaining the property, there had been limited interest

in locating a business or industry in the Center. The Town on the other hand has expressed an interest in obtaining the property for future industrial development. Given the Dearing Ford Center's location immediately adjacent to Town, the property provides a unique opportunity.

If the County were to transfer ownership of the property to the Town, the Town would assume primary responsibility for marketing the site. The Town would also assume responsibility for maintaining the property. In addition, by locating the Center within the Town, any business that may wish to locate in the Center would be eligible for Town *and* County incentives. Presently, only County incentives were available, as the property was located outside of the Town's corporate limits. The Boundary Line Adjustment proposed here includes only the industrial property that was presently undeveloped. No existing residential uses or existing businesses would be affected by the proposed boundary change.

It was also important to note that, should any business locate in the park once it was incorporated within the Town, the County would still receive tax benefits from any future development. Just as the County presently received tax revenue from property taxes, machinery and tools taxes etc. for existing business in Altavista, so too would the County benefit from any future development at the Center—even once it was in the Town of Altavista.

During the staff discussions, the matter of the annual payment of meals tax from the Town of Altavista to the County also came up. Pursuant to the last boundary line adjustment agreement, the Town was obligated to pay fifty percent (50%) of the proceeds of the meals tax revenue on the gross sale of meals in excess of \$2,500,000 per fiscal year collected in the area of the 2006 Boundary Adjustment. The County on the other hand annually appropriates funds in the County's General Fund budget to be paid to the Town of Altavista. Since the 2006 boundary adjustments, those payments have been as follows:

Year	Meals Tax From Town	Payment to Town	Net to County
2006	-	\$55,000	(\$55,000)
2007	-	\$55,000	(\$55,000)
2008	-	\$55,000	(\$55,000)
2009	-	\$55,000	(\$55,000)
2010	-	\$55,000	(\$55,000)
2011	-	\$50,000	(\$50,000)
2012	-	\$50,000	(\$50,000)
2013	-	\$50,000	(\$50,000)
2014	\$30,845	\$50,000	(\$19,155)
2015	\$28,916	\$50,000	(\$21,084)
2016	\$54,992	\$50,000	\$4,992
2017	\$60,291	\$25,000	\$35,291
2018	\$81,064	\$25,000	\$56,064
2019	\$78,005	\$25,000	\$53,005
Total	\$334,113	\$650,000	(\$315,887)

While the Boundary Adjustment was approved in 2006, Meals Tax gross receipts did not reach the \$2,500,000 threshold to trigger the revenue sharing until 2015. Staff proposed that this annual payment from the Town be discontinued. In its place the Town of Altavista would make a one-time payment to the County in the amount of \$1,000,000. The County would discontinue annually budgeting funds for the Town in the Fiscal Year 2020 budget.

To summarize:

- Dearing Ford Business and Manufacturing Center would be drawn into the corporate limits of the Town of Altavista via a voluntary boundary line adjustment.
- The County would transfer ownership of the Dearing Ford Business and Manufacturing Center to the Town of Altavista.
- The County would receive \$1,000,000 from the Town of Altavista.
- The Town would cease payment of a portion of meals tax revenues to the County.
- The County would cease appropriating funds to the Town of Altavista in the annual General Fund budget.

In order to proceed with the boundary line adjustment and property transfer, the Town Council and Board of Supervisors must conduct a public hearing. Accordingly, staff was requesting permission to advertise a public hearing on both matters to be held at the Board's August 6th meeting.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors authorizes staff to advertise a public hearing for the August 6, 2019 meeting for the purpose of receiving citizen comment on the proposed boundary line adjustment with the Town of Altavista and property transfer to the Town of Altavista as discussed.

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

// HIGHWAY MATTERS

Clif Tweedy, Deputy County Administrator, updated the Board on highway matters. Robert Brown, VDOT Residency Engineer, was also present.

- Repairs were made at the corner of Waterlick Road and Leesville Road to fill the trench at the end of the road.
- It would be difficult to provide a turn lane off Route 501 at Eastbrook Road due to the lack of shoulder width.
- A draft Timberlake Road study has been received and should be ready to be presented mid-August.
- Supervisor Hardie requested a meeting with Mr. Brown for the intersection of Route 24 and Route 501 in the Village of Rustburg to discuss the traffic concerns especially when school reopens.
- Chairman Gunter reported trees blocking the view at 89 Mt. Athos Road. Mr. Brown indicated they were cut that day.

// PUBLIC HEARING – SPECIAL USE PERMIT REQUEST AT 229 RIVIERA DRIVE

The first public hearing was opened at 7:05 p.m. on:

PL-19-58 Request by Mitchell Shorter for a special use permit to use an existing townhouse as a tourist house on property zoned Residential – Single Family. The property is located at 229 Riviera Drive Apt. 3 and is located in an area designated as medium to high density mixed per the current Comprehensive Plan.

Paul Harvey, Community Development Director, explained this request was for a special use permit to use an existing townhouse to rent on a short-term basis as a tourist house. The property was located in the Concord Election District and was owned by Mitchell Shorter who made significant improvements to the townhouse and wanted to rent it through services such as Airbnb. The applicant lived close to the property and was readily available to address any problems in a timely manner.

The Zoning Office received a complaint that the unit was being used on a short-term rental basis and was being advertised on the internet. This property was not properly zoned for that use. Staff informed the owner that a special use permit would be required, thus prompting the application for a special use permit. The Planning Commission after hearing from the neighboring residents denied the request by a vote of 6-0 citing that the use was not consistent with the neighborhood.

In answer to a question by Chairman Gunter, Mr. Harvey indicated he had not talked with Mr. Shorter and to the best of his knowledge, nothing had changed since the Planning Commission meeting.

Chairman Gunter called for comments from the applicant, Mitchell Shorter. He was not present.

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

Geraldine Staples, 229 Riviera Drive, Apt. 1, Concord, lived in the townhome complex. The applicant started renting the townhome in March, but did not apply for a special use permit until April. She kept detailed records of the various renters during the month of April who came and went at various times of the day, blocked the parking areas, approached one tenant to borrow item, and trespassed on her property leaving her gate open. She had lived there for 39 years since 1979 and asked the Board for consideration to keep the area nice and quiet. Mrs. Staples understood that Mr. Shorter had now rented the property to someone requiring a one-year lease, and there had been no further problems.

The public hearing was closed at 7:13 p.m.

On motion of Chairman Gunter, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **DENIES** Request PL-19-58 by Mitchell Shorter for a special use permit to use an existing townhouse as a tourist house on property zoned Residential – Single Family at 229 Riviera Drive, Apt 3, Concord, Virginia.

Supervisor Borland concurred with the Planning Commission recommendation and believed Mr. Shorter determined the special use permit would not be approved and has moved in a different direction.

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

// PUBLIC HEARING – UPDATES TO THE COUNTY CODE

The last public hearing opened at 7:15 p.m. on mandated and discretionary changes to the County Code. Kristin Wright, Staff Attorney, indicated those changes were reviewed by the Board at its June 4th meeting.

The Planning Commission conducted a public hearing at its meeting on June 24th on the proposed amendments to Chapters 21 and 22 of the County Code. They voted 5-0 in favor of all of the changes recommended by staff. They also recommended approval on removing a section of Route 29 from the Transportation Corridor Overlay District agreeing the 50-foot front setback imposed on business zoning in the corridor overlay was a disadvantage to those businesses as compared to others not in the overlay where the setback was 10 feet.

On the four amendments recommended by Supervisor Watts to reduce the minimum lot size in an A-1 District from 3 acres to 2 acres, to reduce the minimum road frontage in an A-1 District from 200 feet to 100 feet, to allow the separation of a parcel greater than 5 acres into 2 parcels if each parcel contained a residence and no streets were required and to allow the creation of lots greater than 20 acres in the A-1 District that do not have frontage on a state-maintained road were all recommended for denial. The reasons cited for the denial were they all tended to encourage development in rural areas which was not consistent with the goals and objectives stated in the Comprehensive Plan. Also, the Commissioners were opposed to any changes that would reduce or eliminate state-maintained road frontage requirements because of problems known to be associated with private roads (lack of maintenance, private property disputes, etc.)

Chairman Gunter called for comments in favor of or in opposition to the proposed amendments to the County Code.

Russ Nixon, 172 Jump Creek Lane, commented he had come before the Board several times to speak on behalf of reducing lot sizes and setback requirements in the A-1 District. He worked as a land surveyor, and it was difficult to tell people they could not do what they wanted with their property. The lot sizes was a deterrent to subdividing property. Mr. Nixon recommended Campbell County move to lower setback and acreage requirements like Appomattox, Amherst and Bedford counties. He believed the minimum lot size of 3 acres was really hurting the rural property owners and recommended a 1 acre or 1 ½ acre lot size and 150 foot setback requirement that would be enough to accommodate drain fields, wells and septic

systems. Mr. Nixon recommended the Comprehensive Plan be reviewed and adjust the vision to allow growth in the County.

Mrs. Wright reminded the Board the advertisement was to lower the lot sizes from 3 acres to 2 acres and decrease the minimum road frontage requirements from 200 feet to 100 feet. Any requirement lower than those minimums would require a subsequent public hearing.

Hearing no further comments, the public hearing was closed at 7:27 p.m.

Supervisor Watts initiated a discussion of the amendments proposed by him indicating the Planning Commission may not have completely understood the amendments such as the one that would allow subdividing a parcel greater than 5 acres into two parcels. He had experienced situations where a property owner wanted to subdivide, but could not under the current requirements. He suggested the Board meet with the Planning Commission to review zoning and subdivision requirements more closely. Supervisor Watts recommended a compromise to reduce the minimum lot size from 3 acres to 2.5 acres and the minimum road frontage from 200 feet to 150 feet in an A-1 District. It was decided by the Board to vote separately on the proposed amendments.

On motion of Supervisor Hardie, it was ordained by the Board of Supervisors to adopt the following new ordinances and amendments to the Campbell County Code as advertised and recommended by staff:

CHAPTER 4 – Animals and Fowl.

- §4-2.1 Revises definition of cruelty: cruelty can occur on one’s own or any other animal, adds infliction of serious bodily injury to companion dogs and cats to list of Class 6 felonies.
- §4-4 Revises definition of “adequate shelter” to require shade in hot weather and in cold weather, a windbreak at the entrance and bedding sufficient to keep animals warm and definition of “adequate space” to include length and materials descriptions for tethering.
- §4-7.1 Allows court to defer dangerous dog determination without adjudication but with conditions on continued ownership of dog, allows charge as Class 6 felony where owner or custodian shows reckless disregard for human life and is proximate cause of animal attack causing serious bodily injury to any person.
- §4-8.1 Corrects cross-reference.
- §4-17.1 Provides civil penalty of \$100 per dog found running at large in a pack as defined, exceptions for hunting dogs.

CHAPTER 5 – Buildings.

- §5-3 Requires that most building permit fees be used to support operations of office of Building Official.
- §5-4 Requires written reason when building permit is denied, opportunity for re-submission of application addressing reasons, and new review of revised portions of the application.

CHAPTER 8 – Erosion and Sediment Control and Stormwater Management.

- §8-1 Incorporates by reference applicable state code and establishes primacy of state law.
- §8-2 Revises definitions to match state code: “Applicant,” “Certified inspector,” “Certified plan reviewer,” “Certified plan administrator,” “District or Soil and water conservation district,” “Land disturbance or Land-disturbing activity,” “Land-disturbing approval,” “Owner,” “Peak flow rate,” “Permittee,” “Person,” “Regulations,” “Virginia Erosion and Sediment Control Program or VESCP,” “Virginia Erosion and Sediment Control Program authority or VESCP authority,” and “Virginia Stormwater Management Act or Act,” deleted definition of “General permit”.
- §8-4 Allows filing of general erosion and sediment control standards and specifications for wetland mitigation or stream restoration banks annually for a stream restoration project for purposes of reducing nutrients or sediment entering state waters.

CHAPTER 9 – Finance and Taxation.

- §9-9 Revises definition of “dwelling” to include exempt improvements to real estate and land upon which it sits if improvement is used principally for other than a

business purpose and houses any motor vehicle classified pursuant to §58.1-5303, household goods classified pursuant to subdivision §58.1-5303, or household goods exempted from personal property tax pursuant to §58.1-5304.

§9-15 Provides that tax exemption for pollution control equipment applies only to onsite sewage systems serving 10 or more households, use nitrogen-reducing processes and technology, and are constructed, wholly or partially, with public funds.

CHAPTER 10 – Public Safety

§10-26.1 Revises definition of “Permissible fireworks” to mean “fountains that do not emit sparks or other burning effects to a distance greater than 5 meters (16.4 feet); wheels that do not emit a flame radius greater than 1 meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than 2 meters (78.74 inches); and sparkling devices or other fireworks devices that (i) do not explode or produce a report, (ii) do not travel horizontally or vertically under their own power, (iii) do not emit or function as a projectile, (iv) do not produce a continuous flame longer than 20 inches, (v) are not capable of being reloaded, and (vi) if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than 4 seconds and not more than 8 seconds”.

CHAPTER 21 – Subdivision of Land

§21-17.2 Clarifies that plats shall indicate intended source of water and sewer service and subdivider assumes responsibility for ensuring proposed lot is suitable for intended source for lots of 20 acres or more.

CHAPTER 22 – Zoning

§22-28 Allows Zoning Administrator to use certified mail as well as registered to send his written order to last known address or usual place of abode of property owner or its registered agent, if any.

§22-32 Rewrites requirements for solar energy facilities site plans to require owner to submit a written decommissioning plan allowing County to enter property if owner fails to decommission and requiring financial guarantees based on estimates of an experienced professional engineer.

§22-37 Requires Board of Supervisors to hold at least one public hearing on a proposed reduction below 100 days of the Planning Commission's review period and notify public.

CHAPTER 23 – Appendix of Fees

- Includes “trades” for accessory structures at the \$0.12 building permit rate
- Includes “Utility-Scale Solar Energy Projects” and established fee of \$650 per Megawatt of rated capacity
- Includes “trades” for residential alterations at the \$25 minimum rate
- Includes “trades” for commercial alterations at the \$50 minimum rate

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

On motion of Supervisor Watts, it was ordained by the Board of Supervisors to adopt the following new ordinance and amendment to the Campbell County Code as advertised and recommended by the Planning Commission:

§22-16.4 Shortens length of Transportation Corridor Overlay District by moving southern boundary from Gladys Road at Hwy 29 to Calohan Road at Hwy 29.

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

On motion of Supervisor Watts, it was ordained by the Board of Supervisors to adopt the following new ordinances and amendments to the Campbell County Code as follows as a compromise to the advertised amendments:

§21-12 Would change language to allow subdivision of lots into 2.5-acre parcels instead of 3-acre.

§22-16 In A-1, adds “bulk storage and sale of mulch, gravel, rock, sand, soil, and other similar landscaping materials” as a special use; would change minimum lot size from 3 acres to 2.5 acres and decrease minimum lot width from 200 feet to 150 feet.

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

On motion of Supervisor Watts, it was resolved the Board of Supervisors tables action on the following amendments to allow an opportunity to discuss the amendments further with the Planning Commission.

§21-22 Would allow separation of a parcel of land greater than 5 acres into 2 parcels if each new parcel contains an existing and habitable residence and if no new streets are required.

§21-23.1 NEW - Would allow creation of lots of greater than 20 acres in the A-1 zone that do not have frontage on any state-maintained road if such new parcel is served by a sufficient easement to a state-maintained or other dedicated right-of-way.

Administrator Rogers indicated there may be a need to discuss the topic in broader terms with the community suggesting another open forum at Hyland Heights Baptist Church was currently being organized. A joint work session with the Planning Commission would also be scheduled in the near future. Supervisor Watts offered a motion to withdraw his motion in order to allow additional discussion with the citizens and Planning Commission.

On motion of Supervisor Watts, it was resolved the Board of Supervisors withdraws the motion to table action on Sections §21-22 and §21-23.1 of the Campbell County Code.

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

// 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, Maintenance, deleting \$2,000 from Comp – Maintenance Employee and appropriating the same to Comp – P/T Help, to provide part-time help for Maintenance staff for the remainder of fiscal year;

2. Solid Waste Fund, deleting \$900 from Electrical Service, and in LF Phase II Gas/Water Remediation, deleting \$4,100 from Groundwater Disposal, and appropriating in Transfer Sites, \$900 to Telephone and \$4,100 to Fuel Subsidy, to true up lines before the end of FY 19;

3. General Fund, Non-Departmental Expenses, deleting \$1,800 from Budget Set Aside and appropriating the same to Highway Services, Other Equipment, to cover expenses for remainder of fiscal year;

4. General Fund, Registrar, deleting \$1,075 from Furniture/Fixtures and appropriating \$250 to Personal Vehicle Mileage, \$275 to Travel – Election Officials, \$400 to Travel – Board Members and \$150 to Travel – Sustenance & Lodging, expenses related to April and June elections and state conference;

5. General Fund, Legal Services, deleting \$10,643.25 from Delinquent Land Purchase, \$300 from Court Appointed Attorneys, \$264 from Telephone and appropriating \$3,076.89 to Legal Fees and \$8,130.36 to Delinquent Tax Collection Fees, to cover legal and delinquent tax collection fees;

6. General Fund, Information Technology, deleting \$835 from Electronic Network Charges and appropriating the same to Network Client Printers, to cover cost of 12 printers budgeted and purchased in FY 2018;
7. General Fund, Information Technology, deleting \$39,078 from Comp – e-Business Specialist and appropriating the same to Network Client Personal Computers, to cover partial cost of 16 Toughbooks for use by the Sheriff’s Department (budgeted in FY 2020 but purchase required sooner due to implementation date change);
8. School Operating Fund, Title VI, deleting \$8,566.62 from Comp Special Ed Teachers, and appropriating the same to Stipends;
9. School Operating Fund, Voc Ed CB Perkins, deleting \$1,700 from Stipends and \$8,104.09 from Other Cost – Miscellaneous and appropriating \$5,175 to Purchased Services and \$4,629.09 to Capital Outlay Replacement, to allow for spending down of the grant within allowable timeframe;
10. General Fund, Non-Departmental Expenses, deleting \$7,918.85 from Budget Set Aside and appropriating the same to Information Technology, Network Client Personal Computers, to cover remaining cost of 16 Toughbooks for use by the Sheriff’s Department;
11. General Fund, Non-Departmental Expenses, deleting \$5,578.92 from Budget Set Aside and appropriating the same to Legal Services, Legal Fees, to cover excess legal fees above budgeted amount;
12. Capital Improvement Fund, Sheriff’s Department, appropriating \$2,298.55 to Vehicle Equipment; and raises estimated revenue, Insurance Recovery, by \$2,298.55, to help purchase replacement equipment for vehicles involved in accidents;
13. General Fund, Sheriff’s Office, appropriating \$430 to Special Investigation Fees; and raises estimated revenue, Special Investigation Restitution by \$430, restitution in narcotic cases;
14. General Fund, Economic Development, appropriating \$950 to Seneca Maintenance, and raises estimated revenue, Seneca Maintenance, by \$950, to pay for maintenance to Seneca sign;
15. Solid Waste Fund, Transfer Sites, appropriating \$9,800 to Transfer Site Improvements, and raises estimated revenue, Sale of Salvage & Surplus Property by \$9,800, funds from sale of landfill’s trackhoe to be encumbered for transfer site gate installation pending Board approval;
16. School Operating Fund, Special Ed, appropriating \$5,000 to Stipends, and raises estimated revenue, IDEA 611 Flow Thru-Spec Ed by \$5,000, per grant award;
17. School Cafeteria Fund, School Food Service, appropriating \$3,015 to Purchase Service – VANCO, and raises estimated revenue, VANCO-Conv Funds by \$3,015, fees collected from VANCO for funds placed on student breakfast/lunch accounts during April 2019;
18. School Operating Fund, Adult Ed/Other, appropriating \$46,092 to Payment to Joint Operations SEC, and raises estimated revenue, Revenue from Use of Property by \$46,092, general property revenue received from CVCC for Dual Enrollment;
19. School Cafeteria Fund, School Food Service, appropriating \$3,500 to Purchase Service – VANCO, and raises estimated revenue, VANCO-Conv Funds by \$3,500, fees collected from VANCO for funds placed on student breakfast/lunch accounts during May 2019;
20. Revenue Sharing Fund, Public Works, deleting \$997,045.17 from Liberty Mountain Drive Revenue Sharing Exp, and lowers estimated revenue, Liberty Mountain Drive – VDOT Revenue Sharing by \$997,045.17, funds not received since cost was not incurred due to Liberty Mountain Drive project coming in under budget;
21. General Fund, Economic Development, appropriating \$9,991.91 to Tobacco-Pastures/Crops/Livestock Grant, and raises estimated revenue, Tobacco-

Pastures/Crops/Livestock by \$9,991.91. funds from Tobacco Commission for the Central Virginia Pasture, Crops and Livestock Grant;

b) County Attorney invoice –

Approves payment to the County Attorney in the amount of \$13,016.28 for services rendered from May 23, 2019 to June 25, 2019;

c) Network Infrastructure Equipment –

Approves the purchase of \$25,806 for Network Infrastructure Equipment and the 3-year support costs of \$5,957.76 from SyCom Technologies using VASCUPP VCU Contract #7365172JC to purchase network infrastructure equipment to provide connectivity between the primary and backup data centers to move forward an initiative to implement a Disaster Resilience plan during Fiscal Year 2020 which funding was available in the Network Infrastructure Equipment line; and

d) William Campbell Tennis Court Project –

Accepts the lowest, responsive and responsible bid from Boxley Corp, Lynchburg, Virginia in the lump sum amount of \$98,511.30 to provide maintenance repairs to the William Campbell High School tennis courts.

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

// APPOINTMENTS

Two appointments were made at this meeting.

Building Code Board of Appeals/Board of Fire Prevention Code Appeals

On motion of Chairman Gunter, it was resolved the Board of Supervisors reappoints Phillip Burleigh, Burleigh Construction Company, Concord, Virginia to a five year term until May 5, 2019 on the Building Code Board of Appeals and Board of Fire Prevention Code Appeals representing commercial construction.

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

Community Policy and Management Team

On motion of Supervisor Borland, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Health Department to designate Ruby Jones as the Health Department Representative – Alternate on the Community Policy Management Team in case the voting member could not attend.

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

// MATTERS FROM THE BOARD

- Supervisor Borland suggested the Board might discuss a dress code for the Board members as he had observed a more business casual dress lately.
- Supervisor Hogg received a request for a basketball court at Timbrook Park. There were courts available at Leesville Road Elementary for use in the evenings and summer. At her request, staff would receive estimates for a basketball court for consideration in the

next budget. Chairman Gunter also requested a price be estimated to improve the basketball courts at Rustburg Middle School.

- Supervisor Hogg has been asked about the legality of gambling machines in Campbell County. She had an update that Charlottesville had banned the machines. Administrator Rogers indicated he would look into the Charlottesville ordinance and talk with Paul McAndrews, the Commonwealth's Attorney.

// CLOSED MEETING

On motion of Supervisor Hogg, it was resolved the Board of Supervisors enters into a closed meeting at 7:55 p.m. 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 the acquisition or disposition of public property exemption §2.2-3711 (A)(3) of the Code of Virginia, as amended; and to discuss a prospective existing business or industry expansion, in accordance with the prospective business exemption §2.2-3711 (A)(5) of the Code of Virginia, as amended.

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

// The Campbell County Board of Supervisors entered into a closed meeting on this 16th day of July, 2019 at 7:55 p.m. 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 the acquisition or disposition of public property exemption §2.2-3711 (A)(3) of the Code of Virginia, as amended; and to discuss a prospective existing business or industry expansion, in accordance with the prospective business exemption §2.2-3711 (A)(5) of the Code of Virginia, as amended.

// On motion of Supervisor Hogg, it was resolved the meeting return to open session at 8:20 p.m.

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

// 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 16th day of July, 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: Gunter
Aye: Hardie
Aye: Hogg
Aye: Moore

Aye: Watts
Nay: None
Absent During Meeting: Good
Absent During Vote: Good

// ADJOURNMENT

On motion of Supervisor Borland, the meeting was adjourned at 8:21 p.m.

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

EDDIE GUNTER, CHAIRMAN

Approved: _____