

BOARD OF SUPERVISORS MEETING

August 1, 2023

The regular meeting of the Campbell County Board of Supervisors was held on the 1st day of August 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.

// APPROVAL OF MINUTES

On motion of Supervisor Brown, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the June 6, 2023 regular meeting as presented.

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

// RECOGNITION OF VALEDICTORIANS AND SALUTATORIANS

Administrator Rogers presented a resolution adopted by the Board at its July 18th meeting to the 2023 Valedictorians and Salutatorians. Those in attendance were:

Hailey-Ann Essie Woodruff	Valedictorian	Altavista Combined School
Parents of Matthew Robert Wright	Valedictorian	Rustburg High School
Ethan Grayson Kerr	Valedictorian	William Campbell Combined School

// RECOGNITION OF TYLER MASON

Administrator Rogers presented the following proclamation honoring Tyler Mason, a recent graduate of William Campbell High School:

WHEREAS, Tyler Mason, a recent graduate of William Campbell High School, served the Generals varsity baseball team as a shortstop and pitcher; and

WHEREAS, Tyler was credited as the winning pitcher in all 10 of the Generals' wins during the 2023 baseball season; and

WHEREAS, Tyler's senior season statistics include an impressive 1.14 ERA with 121 strikeouts from the mound, a blistering .463 batting average, 27 runs scored, and 26 stolen bases; and

WHEREAS, in his senior season, Tyler was named Region 1B player of the year; and

WHEREAS, Tyler led the team to the VHSL Class 1 state tournament, and concluded his outstanding baseball career at William Campbell High School on June 6, 2023; and

WHEREAS, Tyler was the only baseball player from the Lynchburg area to be named to the 2023 VHSL Class 1 All-State Baseball Team, being chosen as an at-large selection on July 11, 2023; and

WHEREAS, Tyler also received the prestigious title of 2023 VHSL Class 1 Player of the Year; and

WHEREAS, Tyler will continue his baseball career at Ferrum College;

NOW, THEREFORE, BE IT PROCLAIMED, the Campbell County Board of Supervisors commends and congratulates Tyler Mason of William Campbell High School for these great athletic accomplishments.

// **PERMISSION TO SIGN MEMORANDUM OF UNDERSTANDING FOR ANIMAL CONTROL SERVICES IN THE TOWN OF BROOKNEAL**

Administrator Rogers indicated the Town of Brookneal had approached County staff about the possibility of aligning the Town's animal control laws with the County's in order to allow for the use of the County's animal control staff within Town limits. The Town lacked the staff to continuously monitor and update its Town Code to match State Code on animal control laws, and the Town did not employ any employee dedicated to enforcing the animal control laws.

The County Administrator and Town Manager met and discussed a proposed Memorandum of Understanding, which had been drafted by the County Attorney, to authorize the use of County Animal Control Officers within the Town, after the Town had amended its Town Code to adopt the animal control provisions of the County Code by reference. The Town would maintain its own dogs running at large ordinance (the leash law) within Town limits, but would otherwise adopt the County's Code in its entirety.

On motion of Supervisor Watts, it was resolved the Board of Supervisors approves the following Memorandum of Understanding (MOU) between Campbell County and the Town of Brookneal for the provision of Animal Control services within the town limits and authorizes the County Administrator to sign the MOU on behalf of the County:

MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF CAMPBELL AND THE TOWN OF BROOKNEAL CONCERNING THE PROVISION OF ANIMAL CONTROL SERVICES WITHIN TOWN LIMITS

This Memorandum of Understanding is entered into this 1st day of August, 2023, by and between the Board of Supervisors of the County of Campbell, Virginia (hereinafter the "Board" or the "County") and the Town Council for the Town of Brookneal, Virginia (hereinafter the "Council" or the "Town").

WHEREAS, the Town desires to provide for the provision of animal control services within the Town limits; and

WHEREAS, the County is willing to provide assistance in the provision of animal control services within the Town limits through the services of the County's appointed Animal Control Officers, who have been appointed by and are paid by the County pursuant to the provisions of Va. Code. 3.2-6555, et seq.

WHEREAS, the County has adopted a comprehensive animal control ordinance, Chapter 4 of the Campbell County Code, and the County Animal Control Officers are familiar with said ordinance, as well as with the animal control laws of the Commonwealth of Virginia; and

WHEREAS, the parties believe it is in the best interest of the Town and the County generally for the Town to have use of the County's Animal Control Officers, and that the Town adopt the County's ordinances by reference for continuity and convenience.

NOW, THEREFORE, the County and the Town acknowledge and agree to the following commitments:

1. The Town shall adopt the County's animal control ordinance by reference pursuant to the terms of Va. Code 3.2-6543(A), except as it relates to Town specific ordinances concerning dogs running at large (sections 90.01 and 90.02 of the Brookneal Town Code) which shall continue in effect, subject to any amendments as the Town Council may see fit; and

2. After the Town has adopted the County's Ordinance by reference as required by paragraph 1, the County shall, for and in consideration of the sum of \$1.00 per year, provide to the Town of Brookneal the services of its Animal Control Officer and deputy Animal Control Officers for the enforcement of animal protection and control laws of the Commonwealth of Virginia, Campbell County, and the Town of Brookneal.

3. The Campbell County Animal Control Officer and deputy Animal Control Officers shall have the same powers, rights, benefits, privileges, and immunities in the Town limits as they have in the County at large, including their investigative, enforcement, and seizure powers provided by State and County Code.

4. The services performed and expenditures made under this Memorandum of Understanding shall be deemed to be for public and governmental purposes and all immunities enjoyed by the Campbell County Animal Control Officer and deputy Animal Control Officers shall continue in full force and effect in the provision of services within the Town limits. All pension, disability, worker's compensation, life and health insurance, and other benefits enjoyed by the Campbell County Animal Control Officer and deputy Animal Control Officers shall continue in full force and effect in the provision of services within the Town limits.

5. This Memorandum of Understanding shall take effect on November 1, 2023, and shall continue in full force and effect until and unless either party withdraws from this Memorandum of Understanding. Either party shall have the right to withdraw, with or without cause, by giving written notice to the other party's chief administrative officer by certified mail, return receipt requested. Such withdrawal shall be effective 30 days following the receipt of the notice by the other party.

6. This Memorandum of Understanding represents the entire and complete agreement between the parties with regard to the provision of animal control services, and supersedes all prior negotiations or representations, written or verbal. This Memorandum of Understanding may be amended only by written document signed by the authorized representatives of the parties.

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed by their respective presiding officers and attested by their respective clerks.

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

// BROOKVILLE HIGH SCHOOL RENOVATION UPDATE

Administrator Rogers stated that on May 2, 2023, the Board accepted an unsolicited proposal from English Construction, Inc. to renovate Brookville High School, made under the Public Private Education Facilities and Infrastructure Act (PPEA). As required under the PPEA guidelines, the County published a request for additional proposals for the same scope of work. Two additional proposals were received from Blair Construction, Inc. and Jamerson-Lewis Construction, Inc.

The School Board met on June 7, 2023 to review the proposals and decided to interview the two top rated firms, English Construction and Blair Construction. The entire School Board, with participation of the Joint Committee, conducted interviews on June 26, 2023 at Brookville High School. After a thorough discussion, the School Board and the Joint Committee unanimously agreed to rank Blair Construction's proposal as the preferred option for renovation of Brookville High School. Administrator Rogers indicated that Tim Clark and Ken BeCraft from Blair Construction were in attendance to offer a presentation to the Board.

Mr. Clark was pleased to show the Board the site plan for the renovations to Brookville High School. He indicated that several additions shown on the plan would enhance school safety. Square footage would also need to be added to the existing building to meet school needs. Mr. Clark stated other renovations would include: overhauling the HVAC systems, renovating bathrooms, reconfiguring hallways, and updating classrooms.

Mr. Clark indicated the renovation schedule was aggressive. Blair would like to start constructing a new auxiliary gym in January 2024, and subsequently repurpose the current auxiliary gym. Mr. Clark would also like to have the new cafeteria functional by the beginning of the 2024-2025 school year. He added that the layout of the school allowed one section of classrooms to be worked on at a time, which would minimize disruptions to other areas of the school. Blair planned to finish the renovation project by the end of 2025.

Supervisor Shockley stated he was excited for Blair to be working on this project. Following a brief discussion about the multi-functionality of the auxiliary gym, Administrator Rogers indicated County staff and representatives from Blair were working toward a comprehensive agreement that would come before the Board for endorsement and action. Concurrently, staff was in conversation with Davenport & Company to determine how to best secure the necessary financing for the project.

// HIGHWAY MATTERS

Clifton Tweedy, Deputy County Administrator, 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 Hardie requested widening of the right turn lane at the intersection of Calohan Road and Route 29 in the north bound lane. Mr. Brown indicated this had not been completed.
- Supervisor Hardie requested stabilizing the gravel on the shoulders at the intersection of Wisecarver Road and Route 24. VDOT was still working on this project.
- Supervisor Hardie requested improvements to the intersection of English Tavern Road and Route 29, particularly lengthening the turn lanes due to increased development in the area. Mr. Brown indicated this project would take some time to complete.
- Chairman Cline requested a study to determine drainage improvements that could be done to Route 460 in the vicinity of Moore's Country Store to reduce flooding. Mr. Brown indicated that study was ongoing.
- Supervisor Shockley for Supervisor Watts requested a review of signage locations at the intersection of Long Island Road and Route 501 to improve visibility. Mr. Brown indicated the request was sent to the sign crew and may have already been completed.
- Supervisor Carwile requested an estimate of the cost to bring Destiny Lane up to standards to allow it to become part of the State system through the Revenue Sharing program. Mr. Tweedy had been in contact with the interested resident and would share the estimate with her when he received it from VDOT.

Pending Matters:

- Supervisor Hardie asked for a speed reduction on Greenhouse Road. Mr. Brown indicated that had not been looked at yet.
- Chairman Cline requested that VDOT continue to monitor the intersection of Route 460 and Doss Road. Mr. Brown indicated VDOT was proceeding with a design for a mountable curb to provide greater separation between the travel lanes and through lanes. He was not sure when it would be installed.
- 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:

There were no new highway matters reported at this meeting.

Mr. Brown reminded the Board of the recent serious flooding in the county. Sunnymead Road was currently closed to through traffic and Mr. Brown hoped repairs would take place over the next several weeks. He added that a pipe was replaced on Stage Road, and repairs were scheduled for parts of Town Fork Road and Oxford Furnace Road.

Hydaway Drive Increased Fines for Speeding

Administrator Rogers indicated the Board had been asked to consider additional fines for speeding on Hydaway Drive in the Timberlake Election District. VDOT collected the required data and the findings were ambiguous. To Administrator Rogers's understanding, the data did not technically meet the necessary specifications, but the inference was the County could proceed with imposing additional fines for speeding. He suggested the Board consider authorizing the adoption of a resolution, in keeping with the format prescribed by VDOT, for the inclusion of Hydaway Drive in an area of additional fine enforcement.

On motion of Supervisor Carwile, it was resolved the Board of Supervisors adopts the following resolution in keeping with the format prescribed by VDOT for the inclusion of Hydaway Drive in an area of additional fine enforcement for speeding:

**A RESOLUTION IN SUPPORT OF ADDITIONAL FINES FOR SPEEDING ON
ROUTE 1529, HYDAWAY DRIVE**

WHEREAS, Hydaway Drive in Campbell County is an important route for the safe transportation of County residents and commerce; and

WHEREAS, residents along Hydaway Drive have identified a problem of excessive speeds along this important roadway; and

WHEREAS, the Virginia Department of Transportation has collected radar data affirming the problem of speeding along Hydaway Drive; and

WHEREAS, Virginia Department of Transportation (VDOT) policy provides for additional fines of \$200 for speeding along certain roadways; and

WHEREAS, , in order to assess these additional fines, the Board of Supervisors must first adopt a resolution requesting that VDOT install the appropriate signs as stipulated in §46.2-878.2 of the Code of Virginia;

NOW, THEREFORE, BE IT RESOLVED that:

the Campbell County Board of Supervisors does hereby request signage enacting an additional \$200 fine for speeding on Hydaway Drive.

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

// CONSENT AGENDA

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

- a) Appropriations –
 - 1. General Fund, Environmental Management, appropriating \$2,700 to Stormwater Mgmt. Fees - State; increases estimated revenue Stormwater Mgmt. Fees – State by \$2,700; the County is required to pay certain stormwater management fees collected to the Commonwealth of Virginia. The expenditure is offset by the revenue received; however, periodically expenditure and revenue estimates are revised to align with the permit activity during the year. Plans have been approved for additional projects that exceed the original budgeted amounts.
- b) County Attorney Invoice –

Approves payment to the County Attorney in the amount of \$18,150.25 for services provided from June 21, 2023 through July 18, 2023.

c) Line of Duty Act (LODA) for Private Police Officers –

Adopts the following resolution in support of Nelson County’s requested amendment to State Code regarding LODA benefits for private police officers:

WHEREAS, Mark Christopher Wagner II served for seven years with the Massanutten Police Department, beginning his law enforcement career as a Gate Attendant and in May of 2019, earned Police Officer status following his graduation from Central Shenandoah Police Academy; and

WHEREAS, Officer Wagner joined the Wintergreen Police Department in August of 2020 and diligently served the Wintergreen Community with unwavering honor and commitment; and

WHEREAS, Officer Mark Christopher Wagner II was killed in the line of duty on June 16, 2023, in his capacity as a law enforcement officer employed by the Wintergreen Police Department, a private police department; and

WHEREAS, the Line of Duty Act, Virginia Code § 9.1-400 *et seq.*, excludes private Police Officers from the benefits of that Act; and

WHEREAS, by definition under the Code of Virginia private Police Officers are law enforcement officers; and

WHEREAS, private Police Officers, just as their counterparts employed by a police department or sheriff’s office which is a part of or administered by the Commonwealth or any political subdivision thereof, are responsible for the prevention and detection of crime and the enforcement of the penal laws and are exposed to the same risks of injury or death; and,

WHEREAS, it is the sense of the Campbell County Board of Supervisors that the Line of Duty Act should be amended to afford private Police Officers the benefits available under the Act.

NOW, THEREFORE, BE IT RESOLVED, the Campbell County Board of Supervisors hereby honors Officer Mark Christopher Wagner II of Wintergreen Police Department for his heroism and honorable service to the citizens of Wintergreen and the County, for whom he made the ultimate sacrifice, and

BE IT FURTHER RESOLVED, the Campbell County Board of Supervisors hereby calls upon the General Assembly to amend the Code of Virginia to afford private Police Officers the benefits available under Virginia Code § 9.1-400 *et seq.*, Line of Duty Act, and

BE IT FINALLY RESOLVED, said Board hereby directs that a copy of this Resolution requesting these State Code amendments be delivered forthwith to representatives in the General Assembly.

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

// APPOINTMENTS

One appointment was made at this meeting.

Horizon Behavioral Health Board of Directors

On motion of Supervisor Hardie, it was resolved the Board of Supervisors reappoints Robert Merryman to a three-year term until December 31, 2025 on the Horizon Behavioral Health Board of Directors.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts

Nay: None
Absent: None

// MATTERS FROM THE BOARD

Chairman Cline congratulated Jordan Welborn and her staff on the successful Summer Reading Grand Finale Street Fair held on Saturday, July 29th.

Supervisor Hardie agreed with Chairman Cline and especially appreciated that law enforcement was monitoring the roads during that event.

// Chairman Cline called for a recess at 6:51 p.m.

// Chairman Cline reconvened the meeting at 7:00 p.m.

// PUBLIC HEARING – REZONING ON PINE HAVEN DRIVE

PL-23-121 Request by Norm Walton, agent for Jacob B. and Kristen P. Moore, to rezone property located on Pine Haven Drive and further identified as tax map parcel 21-A-48 from Residential – Manufactured Housing to Residential – Multi Family in order to construct a townhouse development. The property is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Paul Harvey, Community Development Director/Assistant County Administrator, explained the request was to rezone 6.50 +/- acres from Residential – Manufactured Housing to Residential – Multi Family in order to construct a townhouse development. The concept plan showed a development of 71 townhouse units and associated parking. The PEC met on June 13, 2023 to discuss the plan. The request was not proffered, so the concept plan and proposal were conceptual and non-binding.

The area was residential in nature. Zoning in the vicinity was Residential – Single Family; Residential – Multi Family; Residential – Multi Family, Conditional; Business – Limited Commercial, Conditional; and Business – General Commercial. The property would be accessed by an existing entrance onto Pine Haven Drive. A traffic impact narrative was included with the application. According to the narrative, the project was expected to generate 479 vehicle trips per weekday. VDOT was reviewing the traffic impact narrative and improvements to Pine Haven Drive may be required. The property would be served by public water and public sewer systems. The Planning Commission recommended approval of the request by a vote of 6-0 citing good zoning practice.

In answer to a question by Supervisor Carwile, Mr. Harvey indicated there was currently enough right-of-way to perform the necessary roadwork without interfering with neighboring properties. There was a consistent 50-foot right-of-way and 18 feet of pavement with shoulders on both sides, which provided ample room to work.

Norm Walton, Perkins and Orrison, spoke on behalf of the property owner. He stated the construction of the townhomes was dependent upon a sewer expansion from CCUSA. Mr. Walton indicated that after meeting with VDOT, Pine Haven Drive would have to be widened to at least 20 feet for public safety purposes. He believed all work could be completed in the existing right-of-way and he was not proposing to encroach on neighboring properties. A neighborhood informational meeting was held subsequent to the Planning Commission meeting. Mr. Walton empathized with the residents, but it was a good opportunity to explain why this was an attractive piece of property for a townhouse development. He believed the proposed development would be better long term than what was allowed by-right with the current zoning of Residential – Manufactured Housing.

Chairman Cline opened the public hearing at 7:07 p.m.

Vickie Barrett, 506 Rolfe Avenue, Lynchburg, spoke in opposition to the rezoning request. She grew up at 141 Pine Haven Drive and her niece's family currently lived there. She was disappointed the request was not to rezone the property to Residential – Single Family or

Agricultural, which was how the landowner was using the property. To her knowledge there was no bid to buy the land for manufactured housing, but that threat had been stated repeatedly. None of the residents wanted manufactured housing in their neighborhood, and that threat had deterred other residents from speaking against this request. Ms. Barrett acknowledged that the developer and land owner would likely succeed in getting the request approved. A longtime resident of the neighborhood, now deceased, purchased the property in 1988 for \$46,000. It was preserved for many years and in 2023 was assessed at \$82,000. His widow sold the property to the current owner for \$30,000. While Ms. Barrett realized she did not receive notification of the rezoning request because she was not an adjoining property owner, she was dissatisfied with the lack of communication with residents who lived so close to the property. She was unhappy that the townhouse development would not provide any benefit to the private homeowners on Pine Haven Drive.

Liz Smith, 2211 Conte Drive, Midlothian, spoke in opposition to the rezoning request, indicating she also grew up at 141 Pine Haven Drive. Ms. Smith stated this process had been eye-opening and depressing. She stated the developer, landowner, and the County were months into planning the townhouse development before residents were made aware of the rezoning request. She believed that the letters sent to adjoining property owners were insufficient, and thought it would have been appropriate to place an informative sign on the property for everyone to see. She was aware the townhouse development would be using a new pump station, which was not expected to be constructed until 2025. She was unhappy with the information in the plan from VDOT, claiming that 430 vehicles came down Pine Haven Drive every day. It was her understanding that was estimated data from two years ago, and she did not believe that was a proper traffic impact study. Ms. Smith had hoped the current private residences could connect to public sewer, but the developer indicated that would not happen. Residents had inquired about curbs, sidewalks, streetlights, and speed bumps with those requests being turned down, as well. Ms. Smith was disheartened that the citizens of Pine Haven Drive were being rewarded with a 71-unit townhouse development in their backyards, while the current property owner flouted the zoning regulations and established a pig farm on the property.

Kristen Moore, 210 Pine Haven Drive, spoke in favor of the rezoning request, indicating she was one of the property owners. Her husband wanted to be a pig farmer and purchased the property under the assumption that it was zoned Agricultural. When the couple was informed that they could not operate a pig farm on the property, they decided to move to an area where they were allowed to do so. Unfortunately, they needed to sell the property on Pine Haven Drive to make their dream happen. Ms. Moore believed a townhouse development would serve the area better than manufactured housing.

Mr. Walton stated to the best of his knowledge, all public notifications were in adherence to County and State regulations. The traffic study that was submitted was reviewed by VDOT, and was conducted in accordance to VDOT standards and policies. In answer to a question from Supervisor Shockley, Mr. Walton indicated it would be customary to provide a mechanism to extend sewer service further up Pine Haven Drive during the construction of the townhouse development. In answer to Supervisor Hardie's concern that there was no retention pond on the site plan, Mr. Walton stated while the design was not complete, the development would meet all State regulations for stormwater management.

Hearing no further comment, the public hearing was closed at 7:29 p.m.

Supervisor Shockley indicated he followed this rezoning request from the PEC meeting on June 13, 2023 to the Planning Commission meeting on June 26, 2023. He attended both meetings and heard the thoughts and concerns from County officials, Planning Commission members, and citizens. He had communicated with several citizens, visited the property in question, and met with Mr. Tim Wagner and Mr. Dan Richardson at the CCUSA office. Supervisor Shockley was happy to hear Mr. Walton had held a meeting with the neighbors to explain the plan and receive feedback. He understood that a townhouse development was not ideal for the neighborhood, but based on what several citizens expressed at the Planning Commission meeting, the current zoning of Residential – Manufactured Housing could cause a less favorable outcome in the future. Rezoning approval would offer the possibility of an additional water line to the area and keep water pressure adequate. It would also bring a sewer line close to Pine Haven Drive, which could be extended in the future.

On motion of Supervisor Shockley, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and citing good zoning practice, **APPROVES** Request #PL-23-121 by Norm Walton, agent for Jacob B. and Kristen P. Moore, to rezone property located on Pine Haven Drive and further identified as tax map parcel 21-A-48 from Residential – Manufactured Housing to Residential – Multi Family in order to construct a townhouse development.

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

// PUBLIC HEARING – LEASE OF BASEMENT LEVEL OF THE BROOKNEAL LIBRARY

Tripp Isenhour, County Attorney, indicated the next public hearing was advertised to receive public comment on the disposal of property owned by the County through lease. The property proposed to be leased would be a portion of the County's Brookneal Library building located at 204 Lynchburg Avenue, Brookneal, Virginia, tax map number 103C-10-2-1, more specifically the basement floor to include approximately 2, 985 square feet, to be occupied by a child daycare facility.

Brynn Simons, who operated the Altavista YMCA, had operated the existing daycare on the site since September 2022. Staff received a request from the Altavista YMCA to renew the lease of the basement level of the Patrick Henry Memorial Library for an additional term. The proposal from Ms. Simons was for a one-year lease with three (3) renewal option years. The current lease called for rent at \$5.00 per square foot. The renewal lease called for rent to escalate at a rate of \$.50 per square foot per year for all subsequent terms.

Chairman Cline opened the public hearing at 7:35 p.m.

No one spoke in favor of or in opposition to the proposed lease renewal and the public hearing was closed at 7:36 p.m.

On motion of Supervisor Watts, it was resolved the Board of Supervisors authorizes the lease of a portion of Campbell County's Brookneal Library building located at 204 Lynchburg Avenue, Brookneal, Virginia, tax map number 103C-10-2-1, more specifically the basement floor to include approximately 2,985 square feet, to be occupied by a child daycare facility through the Altavista YMCA.

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

// PUBLIC HEARING – PROPOSED EASEMENT OVER TAX MAP 32-A-65A

Mr. Isenhour indicated the next public hearing was advertise to receive public comment on the proposed granting of an easement over property owned by the County to Virginia Electric and Power Company, d/b/a Dominion Energy. The property over which the proposed easement would be granted was located at the corner of Wards Road (Route 29) and Colonial Highway (Route 24) in Rustburg, Virginia, being tax map number 32-A-65A. The property was being held by the County for future public use and Dominion Energy had requested a utility easement over the property. The proposed easement would provide a benefit both to the County property, as well as neighboring landowners.

Chairman Cline opened the public hearing at 7:38 p.m.

No one spoke in favor of or in opposition to the proposed easement and the public hearing was closed at 7:38 p.m.

On motion of Supervisor Hardie, it was resolved the Board of Supervisors authorizes the execution of the proposed easement over property owned by Campbell County, located at the

corner of Wards Road (Route 29) and Colonial Highway (Route 24) in Rustburg, Virginia, being tax map number 32-A-65A, to Virginia Electric and Power Company, d/b/a Dominion Energy.

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

// PUBLIC HEARING – SEMI-ANNUAL CODE UPDATE

The last public hearing was advertised to consider updates and amendments to the Campbell County Code. Mr. Isenhour indicated there were few substantive changes; most were mandated changes to mirror state law changes that were effective July 1st.

There was a brief discussion regarding Chapter 10, sections 100-102. Supervisor Carwile asked for clarification from Mr. Isenhour, who stated the General Assembly had granted Sheriffs the authority to declare curfews in cases of emergent need. If that authority was not adopted into the County Code, the presumption was the authority would not be utilized and the Board of Supervisors would still need to meet to declare a local curfew. If the authority was adopted into the County Code, the Sheriff would be able to declare a curfew for a 24 hour period without the Board's approval.

Chairman Cline indicated he held the current Sheriff in high regard and trusted him emphatically. He did not believe it would be a problem to grant the current Sheriff the authority to declare curfews, but was hesitant to approve this Code change when there was already a system in place to handle emergency situations.

Supervisor Watts agreed with Chairman Cline, and asked how the wording of the Code sections would change. Supervisor Carwile believed it would be appropriate to adopt the changes to the County Code with the exception of Chapter 10, sections 100-102. Mr. Isenhour clarified the change was discretionary, not mandatory.

Chairman Cline opened the public hearing at 7:44 p.m.

Jeremiah Melvin, 206 Village Terrace, Concord, was concerned that the documents for the public hearing were not available on the website. He also referenced some typos on the memorandum that he would like to see fixed. He asked the Board to consider excluding Chapter 10, sections 100-102 from the Code updates, and offered an alternative amendment that would grant the Board and the Sheriff the authority to declare that any state or federal curfew or lockdown would be an infringement on the rights of citizens in Campbell County. In Chapter 9, Section 1.4(A), it was stated that no exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, sexual orientation, gender identity, or national origin. Mr. Melvin was concerned about that wording, and thought that any conservative church could find itself quickly removed from exemption status.

Doug Barringer, 277 Holland Court, Rustburg, believed it would be a dangerous precedent to grant the Sheriff the authority to declare curfews. He thought the language in Chapter 9, sections 100-102 was vague, and wanted many aspects of the sections to be clarified.

Hearing no further comment, the public hearing was closed at 7:54 p.m.

Beginning with Chapter 9, section 1.4, Mr. Isenhour clarified that the language cited about organizations that may be granted a tax exemption came directly from the State Code and did not apply to churches.

Regarding Chapter 10, sections 100-102, Mr. Isenhour indicated that were the Board not to adopt an ordinance under the authority granted under Va. Code §15.2-925, State Code would require an in-person meeting of the Board of Supervisors to declare a curfew.

Regarding Chapter 8, section 2, Supervisor Watts believed that under current regulations a farmer could construct a farm building without an agreement in lieu of a stormwater plan. Brian Stokes, Director of Public Works, commented that in the State Code agricultural buildings were

not exempt from erosion control and stormwater regulations. However, it was typical for agricultural structures to be built without the County being made aware. Mr. Stokes believed the State Code changed to allow agricultural buildings to operate under an agreement in lieu of a stormwater plan, very similar to how certain properties could be developed in lieu of going through a formal permitting process. Mr. Isenhour stated this Code change did not affect the County's ability to enforce State law. He added this was a mandatory change, and the purpose was to reduce restrictions on agricultural buildings. Administrator Rogers indicated staff would prepare an informational item for the Board to review. He noted that the change, which was mandatory, was a lesser regulation on agricultural buildings and the County's practice was lesser even than the change.

Supervisor Hardie appreciated the valid points that were made when discussing Chapter 10, sections 100-102. He thought it would be prudent to meet with the Sheriff to discuss the matter further.

Supervisor Carwile moved that all of the amendments to the Campbell County Code which had been advertised for hearing and reviewed by the Board of Supervisor be adopted, with the exception of proposed new sections 100-102 of Chapter 10. On motion of Supervisor Carwile, it was **ORDAINED** the Board of Supervisors accepts the amendments to the Campbell County Code as follows:

CHAPTER 1 – General Provisions.

No substantive changes.

CHAPTER 2 – Administration.

§2-25 New section, added language requiring bonds for indefinite delivery contracts; **mandatory**; pursuant to change in statute by General Assembly.

CHAPTER 3 – Amusements.

No substantive changes.

CHAPTER 4 – Animals and Fowl.

§4-13.1 Clarifies that the local health director or his designee shall be granted access to any dog or cat seized under suspicion of rabies infection; **mandatory**; pursuant to change in statute by General Assembly.

CHAPTER 5 – Buildings.

No substantive changes.

CHAPTER 6 – Cemeteries.

No substantive changes.

CHAPTER 7 – Elections.

No substantive changes.

CHAPTER 8 – Erosion/Sedimentation, Stormwater Management.

§8-2 Adds a farm building or structure to the list of projects that may be completed using an agreement in lieu of a stormwater plan; adds definition for exempted small construction activities; **mandatory**; pursuant to change in statute by General Assembly.

CHAPTER 9 – Finance and Taxation.

§9-1.4 Added new section 9-1.4 to define the method of applying for a local tax exemption; **discretionary**; process was previously directed by and uncodified Board policy containing application deadlines inconsistent with twice a year tax collection, the new section codifies the policy with revised deadlines.

§9-7.1:1 Added a definition of “Real estate devoted to agricultural use”, “Real estate devoted to horticultural use, and clarified that noxious weeds or woody growth shall not be the sole basis for the denial of land use taxation; **mandatory**; pursuant to change in statute by General Assembly.

§9-7.2 Added an exemption to allow for continued land use taxation despite termination of compensation under the state or federal soil and water conservation program; **mandatory**; pursuant to change in statute by General Assembly.

§9-14.01 Added motor vehicles used primarily for agricultural purposes and privately owned agricultural trailers, and farm machinery and implements to the list of exempt property; **mandatory**; pursuant to change in statute by General Assembly.

§9-14.4(E) Added new section allowing for a 100 percent service-related disability veteran, or the veteran's surviving spouse, to apply for a prospective tax exemption prior to purchasing a new primary residence; **mandatory**; pursuant to change in statute by General Assembly.

§9-19 Clarified that the room charge is the basis of transient occupancy taxation; **discretionary**; pursuant to staff effort to modernize the Transient Occupancy Tax section of the County Code.

§9-22 Clarified and strengthened reporting, collection, and enforcement of transient occupancy taxation; **discretionary**; pursuant to staff effort to modernize the Transient Occupancy Tax section of the County Code.

CHAPTER 10 – Public Safety.

§10-8.1 Added a new section to designate primary response area for volunteer fire agencies; **mandatory**; pursuant to change in statute by General Assembly.

§10-21 Added provisions concerning the qualification of a Fire Marshal and his police powers, allows retired law enforcement officers to qualify without further re-qualification training; **mandatory**; pursuant to change in statute by General Assembly.

§10-62.1 Added a new section to designate primary response area for volunteer EMS agencies; **mandatory**; pursuant to change in statute by General Assembly.

CHAPTER 11 – Floodplain Management.

No substantive changes.

CHAPTER 12 – Garbage, Refuse and Weeds.

No substantive changes.

CHAPTER 13 – Health and Sanitation.

No substantive changes.

CHAPTER 14 – Licenses and Permits.

§14-3 Clarifies the information needed on business license bills; **mandatory**; pursuant to change in statute by General Assembly.

CHAPTER 15 – Motor Vehicles.

§15-33 Added language to allow for the County Code officer to remove vehicles from the roadway; **discretionary**; adoption of new authority in statute by General Assembly.

CHAPTER 16 – Offenses, Miscellaneous.

§16-11.3 Clarifies what constitutes a telephone call with the intent to harass or hinder emergency personnel, on which devices and through what medium the crime can be committed; **mandatory**; pursuant to change in statute by General Assembly.

§16-11.3 Added new code section 18.2-461.1 (false communication to emergency personnel) to the list of crimes for which the locality may charge for emergency response; **discretionary**; adoption of new authority in statute by General Assembly.

CHAPTER 17 – Personnel.

No substantive changes.

CHAPTER 18 – Utilities.

No substantive changes – language regarding individuals with disabilities was updated.

CHAPTER 20 – Cable Television.

No substantive changes.

CHAPTER 21 – Subdivision of Land.

§21-8.1:2 [Definitions] Conforms the language of the County code to the current extension language used in State code; **mandatory**; pursuant to change in statute by General Assembly.

CHAPTER 22 – Zoning.

§22-2(B)(2) [Definitions] Defines Accessory Dwelling Unit; **discretionary**; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.

§22-2(B)(3) [Definitions] Conforms the language of the County code to the current language for persons with disabilities used in State code; **mandatory**; pursuant to change in statute by General Assembly.

§22-2(B)(5) [Definitions] Conforms the language of the County code to the current language for persons with disabilities used in State code; **mandatory**; pursuant to change in statute by General Assembly.

§22-2(B)(123) [Definitions] Revises definition of Rooming House to include detached dwelling units located on the same parcel of the primary structure; **discretionary**; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.

§22-4.1 Conforms the language of the County code to the current language for advertising plans and ordinance changes; **mandatory**; pursuant to change in statute by General Assembly.

§22-9 Allows one Accessory Dwelling Unit by right, allows a Rooming House by right, reduces setbacks; **discretionary**; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.

§22-10 Allows one Accessory Dwelling Unit by right, allows a Rooming House by right, reduces setbacks; **discretionary**; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.

§22-11 Allows one Accessory Dwelling Unit by right, allows a Rooming House by right, reduces setbacks; **discretionary**; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.

§22-16 Allows one Accessory Dwelling Unit by right, allows a Rooming House by right, allows Tourist House by right for parcels of twenty-five acres, fifty feet from the roadway, and two hundred fifty feet from property line, reduces setbacks; **discretionary**; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.

§22-17 [Definitions] Conforms the language of the County code to the current language for persons with disabilities used in State code; **mandatory**; pursuant to change in statute by General Assembly.

§22-36 Deleted outdated language concerning stale permits.

§22-37 Conforms the language of the County code to the current language for advertising plans and ordinance changes; **mandatory**; pursuant to change in statute by General Assembly.

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

// ADJOURNMENT

On motion of Supervisor Brown, the meeting was adjourned at 8:24 p.m.

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

MATT W. CLINE, CHAIRMAN

Approved: November 9, 2023