

BOARD OF SUPERVISORS MEETING

August 4, 2020

The regular meeting of the Campbell County Board of Supervisors was held on the 4th day of August 2020 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Charlie A. Watts II, Chairman, Presiding	Brookneal Election District
Kenneth R. Brown	Spring Hill Election District
Matt W. Cline	Concord Election District
Jon R. Hardie	Rustburg Election District
Susan R. Hogg	Timberlake Election District
A. Dale Moore	Altavista Election District
Steve W. Shockley (remote participation)	Sunburst Election District

Also present were:

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

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

// REQUEST FOR ELECTRONIC PARTICIPATION

Prior to this meeting, Supervisor Shockley requested permission to participate from South Carolina in this meeting. His request was approved by Chairman Watts.

// INCENTIVES FOR SONNY MERRYMAN, INC.

Sarah Johnson, Economic Development Specialist, presented a supplemental appropriation for approval. On August 6, 2019 the Board approved during a closed meeting to offer an incentive package to Southern Landscape Group, Inc., for an expansion of its current operations. Southern Landscape Group, Inc. plans to add a new building to its Evington site. The capital investment in the new building was \$768,792, and the new business personal property capital investment was \$271,952. They have hired sixteen (16) new employees during this process. Based upon the County's adopted incentive policy, Southern Landscape was eligible for an amount not to exceed \$14,900. A Performance Agreement would be required and the disbursement of incentive funding would be implemented in no more than two payments.

On motion of Supervisor Moore, it was resolved the Board of Supervisors authorizes the County Administrator to sign any and all agreements necessary, and approves a supplemental appropriation in the General Fund, Economic Development appropriating \$14,900 to Incentives Southern Landscape Group, Inc.; and lowers the General Fund Assigned Balance Economic Development Incentive by \$14,900, for incentive funding to Southern Landscape Group, Inc. for the project to expand its operations at the Evington site.

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

// B2X ONLINE, INC., WIRELESS BROADBAND PROPOSAL

On June 2nd of this year, the County received more than \$4.7 million in CARES Act funding to offset local impacts of the COVID-19 pandemic. Pursuant to guidance received for use of the funds, \$95,769 is earmarked for the Town of Brookneal and \$297,160 is earmarked for the Town of Altavista. The remainder would be available to the County.

At the June 16th meeting of the Board of Supervisors, the Board concurred with staff's recommendation that these funds be applied as follows:

- \$1 million for business assistance grants to assist local businesses who had experienced a disruption due to the pandemic;
- \$1 million for County expenses recognized in response to the pandemic; and
- \$2.3 million to expand broadband internet capabilities to enable distance learning and telework.

On June 4, 2020 Warren Kane, CEO of B2X Online, Inc. corresponded with Board members expressing an interest in assisting Campbell County with applying CARES Act funds to expand internet access. Upon receipt of that correspondence, staff initiated contact with Mr. Kane to develop a proposal for the Board's consideration.

At the July 21st meeting of the Campbell County Broadband Authority, Mr. Kane presented a proposal to expand wireless internet in the County by using six (6) existing towers, two (2) water tanks and constructing one (1) monopole. The estimate for equipment, rental costs, equipment for the first 1,000 customers, and a 10% contingency was \$1,430,005. For further explanation, the proposal includes \$440,000 to offset installation costs for the first 1,000 customers and provides a reduced rate of \$25 per month for two years for those customers for the gold tier package. B2X Online offers a tiered level of packages at a rate of \$55 per month up to \$110 per month.

There was a lengthy discussion concerning the proposal. Mr. Kane committed to having the project completed by the end of the year in order to utilize the CARES Act funding. Chairman Watts asked if this project could impact the County being eligible for future funding for a fiber network. Administrator Rogers indicated it could if the funds were for unserved areas and the targeted areas no longer qualified.

Supervisor Cline voiced some concerns the proposal would not help some areas within the Concord Election District while the Holiday Forest area was already served by fiber. Mr. Kane indicated this project would be the backbone of the network, and it could be further expanded by adding more towers in needed areas. Unfortunately, they did not find any other available structures in the Concord area. Mr. Kane also advised that once a study was made of each structure site, more would be known as to availability. Chairman Watts suggested it may be advantageous to purchase an additional tower for the Concord area. Administrator Rogers and County Attorney Isenhour indicated this would be appropriate and within the guidelines of the CARES Act. Mr. Kane recommended a steel tower of at least 140 foot tall. Administrator Rogers suggested staff work with Mr. Kane to determine an appropriate location and proceed with purchasing a tower at that time within the guidelines of the proposal.

There was a consensus to proceed with the proposal as it would be beneficial to the citizens of the County.

On motion of Supervisor Cline, it was resolved the Board of Supervisors authorizes the County Administrator enter into a contract with B2X Online, Inc., to provide the services as reflected in the Proposal for Campbell County Broadband Expansion Project and to execute any and all necessary documents, subject to review as to form by the County Attorney.

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

// PERMISSION TO ADVERTISE – BUDGET AMENDMENT CARES ACT

Virginia State Code Section 15.2-2507 requires that localities hold a public hearing whenever a budget amendment exceeds 1% of the total expenditures shown in the adopted budget. In June, the County received \$4,755,505 in CARES Act funding. The County just learned that was the first half, and the County would receive almost \$9.8 million in total. The CARES Act funding must be expended by December 30, 2020.

Staff recommended a public hearing be advertised for the Board's August 18, 2020 meeting.

On motion of Supervisor Hardie, it was resolved the Board of Supervisors authorizes staff advertise a public hearing for the August 18, 2020 meeting to receive public comment on the additional funding received from the CARES Act that exceeds one (1%) percent of the total expenditures shown in the adopted FY 2021 Budget.

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

// HIGHWAY MATTERS

Clif Tweedy, Deputy County Administrator, reported the status of items previously requested by the Board. Mr. Tweedy advised he should have the Smart Scale application completed within the next two week.

From the Board:

- Supervisor Cline reported the residents on Ford Terrace were pleased with the drainage work that was completed.
- Chairman Watts noted contract crews that were providing trash cleanup around the County.

// CONSENT AGENDA

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

a) Appropriations –

1. School Operating Fund, Transportation, appropriating \$10,143.54 to Gas, Oil, Lube, and increases estimated revenue Gasoline Recovered Cost by \$10,143.54, fuel payment from Campbell County for January – June, 2020;
2. School Operating Fund, Adult Ed/Other, \$220,588.05 to Payment to Joint Operations, and increases estimated revenue, Tuition Laurel, by \$220,588.05, for payment from Lynchburg City Schools;
3. School Operating Fund, Adult Ed/Other, appropriating \$3,358.20 to Telecommunications, and increases estimated revenue, Sale of Other Equipment, by \$3,358.20, for revenue from telecommunications recycling items;
4. General Fund, Public Safety, appropriating \$38,445.02 to Medical Equipment, and increases estimated revenue, Rescue Squad Assistance Grant, by \$38,445.02, grant funds received as part of a 50% matching grant for medical equipment;
5. General Fund, Economic Development, appropriating \$14,900 to Incentives Southern Landscape Group, Inc., and lowers the General Fund Assigned Balance, Economic Development Incentives, by \$14,900, incentive funds to Southern Landscape Group, Inc.;

b) County Attorney invoice –

Approves payment to the County Attorney in the amount of \$12,757 for services rendered from June 24, 2020 through July 22, 2020; and

c) Bid Award – Public Safety Cardiac Monitor/Defibrillator Purchase -

Accepts the lowest, responsive and responsible bid from ZOLL Medical for \$29,861.10 to purchase one (1) new manual cardiac monitor/defibrillator to replace outdated monitor through a 50/50 grant match from the Rescue Squad Assistance Fund.

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

// PUBLIC HEARING – SPECIAL USE PERMIT ON HAT CREEK ROAD

The first public hearing opened at 7:01 p.m. on:

PL-20-100 Request by Carla Sheehan, agent for Edward S. Turner III Trs, for a special use permit to use an existing single family dwelling as a rooming and tourist house on property zoned Agricultural. The property is located at 627 Hat Creek Road and is located in an area designated as rural per the current Comprehensive Plan.

Paul Harvey, Director of Community Development, reviewed the staff report indicating the applicant would like to use an existing single family dwelling to rent on a short-term basis as a rooming and tourist house on property zoned Agricultural. The property is located in the Brookneal Election District and contains more than 112 acres. The applicant may live in the dwelling and manage it as a rooming house or the applicant may live off-site and manage it as a tourist house. The house has four bedrooms and two full bathrooms. A sign would be placed on Hat Creek Road to help travelers find the property.

Hat Creek Road serves the property, and the change in traffic caused by this request would be minimal; a traffic impact analysis was not required. The property is served by private water and a private septic system. The area is mostly rural in nature. The Planning Commission recommended approval of the request by a vote of 7-0 citing good zoning practice with the condition the applicant utilize the site in conformance with the use described in the narrative submitted with the request.

Carla Sheehan, 627 Hat Creek Road, Brookneal, was working with Edward Turner, III, the property owner, on the project. She was currently renovating the property and would be taking care of the business. She anticipated the property would be rented less than 100 nights per year.

No one else spoke in favor of or in opposition to the request for a special use permit. The public hearing was closed at 7:04 p.m.

On motion of Chairman Watts, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission, and citing good zoning practice **APPROVES** Request #PL-20-100 by Carla Sheehan, agent for Edward S. Turner III Trustee, for a special use permit to use an existing single family dwelling as a rooming and tourist house on property zoned Agricultural located at 627 Hat Creek Road with the condition the applicant utilizes the site in conformance with the use described in the narrative submitted with the request.

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

// PUBLIC HEARING – SPECIAL USE PERMIT ON WARDS ROAD

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

PL-20-101 Request by Blue Ridge Autism and Achievement Center, agent for Hyland Heights Baptist Church Incorporated, for a special use permit to operate a private school on property zoned Business – General Commercial. The property is located at 11452 Wards Road in an area designated as medium to high density commercial per the current Comprehensive Plan.

Mr. Harvey provided the staff report indicating the applicant was seeking to operate a private day school for students with special needs at Hyland Heights Baptist Church, 11452 Wards Road, Rustburg, in the Spring Hill Election District. Blue Ridge Autism and

Achievement Center had signed a lease agreement with the church to use a portion of the existing church building for operation of the school. The school serves children from pre-school through 12th grade. The school operated for over seven (7) years at another location in the area and was licensed through the Virginia Department of Education.

Wards Road, Leland Road and English Tavern Road served the property, and the request would not have any additional impact beyond that of the existing church. A traffic impact analysis was not required. The property was served by public water and public sewer. The Planning Commission recommended approval of the request by a vote of 7-0 citing good zoning practice with the condition the applicant utilize the site in conformance with the use described in the narrative submitted with the request.

Christina Giuliano, Executive Director, Blue Ridge Autism and Achievement Center, indicated the center was previously located in the City of Lynchburg, but would like to relocate to Hyland Heights Baptist Church. The space at the church would be significantly larger to serve the students with special needs. They currently served 21 students and had 28 staff members.

No one else spoke in favor of or in opposition to the request for a special use permit. The public hearing was closed at 7:07 p.m.

On motion of Supervisor Brown, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission, and citing good zoning practice **APPROVES** Request #PL-20-101 by Blue Ridge Autism and Achievement Center, agent for Hyland Heights Baptist Church Incorporated, for a special use permit to operate a private school on property located at 11452 Wards Road, with the condition the applicant utilize the site in conformance with the use described in the narrative submitted with the request.

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

// PUBLIC HEARING – PIGEON RUN SOLAR EAST OF BROOKNEAL

The next public hearing was opened at 7:07 p.m. on:

PL-20-102 Request by Pigeon Run Solar, LLC for a special use permit to construct a solar energy facility on property zoned Agricultural and Business – Heavy Commercial. The property is located on tax map parcels 74-15-2, 74-15-3, 74-15-4, 74-A-52, 74-A-69, 74-A-70, 74-A-71, and 74-A-72 to the east of Brookneal Highway in Gladys and is located in an area designated as medium to high density mixed, transitional, and rural per the current Comprehensive Plan.

In his staff report Mr. Harvey explained Pigeon Run Solar, LLC has applied for a special use permit to construct a solar energy facility on property zoned Agricultural and Business – Heavy Commercial located east of Brookneal Highway, Gladys, in the Brookneal Election District. On January 7, 2020, the Board approved a special use permit for a solar energy facility for Pigeon Run Solar, LLC. Since that time, the proposal was revised and several parcels were removed with others added. The addition of the new parcels would require a special use permit.

Continuing, Mr. Harvey indicated the revised proposal has the panels concentrated in one area and no longer includes panels off of Bear Creek Road, adjacent to the airport property, and removes the proposed underground power line. The applicant proposes to construct, operate and maintain a 60 MWac solar energy facility on approximately 500 acres of the over 611 available acres. The facility would connect to an existing Dominion Virginia Power 69kV transmission line that runs through the property. The project includes a 100-foot setback on all sides, a 300-foot setback from residences for substantial equipment, and a 500-foot setback from residences for inverters. A fence would surround the project, and the applicant states the project would be screened from public roads and residences. A decommissioning plan was included in the request. The Project Evaluation Committee met on November 19, 2019 on the original plan.

The project would be accessed from entrances onto Brookneal Highway, Pigeon Run Road and Mollies Creek Road. A Traffic & Route Evaluation Study was included with the

application. The study concludes the roadway facilities had the available capacity to accommodate traffic both during construction and operation/maintenance activities. No occupied structure was proposed, therefore, water and sewer facilities were not applicable. The Planning Commission determined the project was substantially in accord with the Comprehensive Plan and recommended approval of the request with several conditions by a vote of 6-0 citing good zoning practice. One member abstained due to a conflict of interest.

Charlie Falter, representing Pigeon Run Solar, explained this request changed from January due to a landowner not agreeing to an easement for the underground power line that would connect two sections of the project. After several efforts to reroute the power line, Pigeon Run Solar decided to reconfigure the project that would not require a power line, but still provide 60 MWac of energy. The revised project would reduce the solar panels by 25%, would utilize a maximum of 500 acres instead of 800 acres in the previous plan and the panels would be concentrated in one area closer to the point of interconnection and further from the airport. Because two of the parcels were not part of the original proposal, it required a second special use permit.

In answer to several questions by Chairman Watts, one additional landowner joined this project. If Pigeon Run Solar wants to provide more than 60MWac, another permit would be required. They plan to retain the other property, but if they wanted to do a power line or change the routing of the power line, that too would require additional approval.

No one else spoke in favor of or in opposition to the proposed special use permit. The public hearing was closed at 7:16 p.m.

Chairman Watts asked Mr. Harvey if the applicant would have to come back to the Board if Pigeon Run Solar wanted to connect the permitted parcels together. Mr. Harvey indicated he would not if the project included parcels already approved.

Chairman Watts offered the following motion:

On motion of Chairman Watts, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission, and citing good zoning practice **APPROVES** Request #PL-20-102 by Pigeon Run Solar, LLC for a special use permit to construct a solar energy facility on property zoned Agricultural and Business – Heavy Commercial and located on tax map parcels 74-15-2, 74-15-3, 74-15-4, 74-A-52, 74-A-69, 74-A-70, 74-A-71, and 74-A-72 to the east of Brookneal Highway in Gladys, Virginia.

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

// PUBLIC HEARING – REZONING ON DODSON DRIVE

The last public hearing was opened at 7:20 p.m. on:

PL-20-103 Request by Collin Watkins, agent for Willow Estate LLC, to rezone property located at 1211 Dodson Drive from Agricultural to Residential – Single Family for use as a single-family subdivision. The property is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Chairman Watts read the following statement into the record:

“In order to further the purposes of good and open government, and to comply with the provisions of Virginia Code Section 2.2-3112, I am disclosing that I am associated with Willow Estate LLC, a business with a principal office at 7661 Wards Road. There is today pending an application at 1211 Dodson Drive, Rustburg, VA 24588, Tax Map 12-A-190B, and the request of Willow Estate to rezone the same, Rezoning #PL-20-103. Because of my interest in Willow Estate, I am disqualifying myself from the hearing on this application, meaning that I will not participate in any way in the discussion or consideration of this application, and I will not vote on the application.”

Mr. Harvey advised the request was to rezone 1.000 ± acre from Agricultural to Residential – Single Family for use as a single-family subdivision on property located at 1211 Dodson Drive in the Concord Election District. A previous rezoning of 28.891 acres of the parcel to Residential – Single Family was approved on October 1, 2019. The proposed lot would have frontage on Dodson Drive and meet the required minimum lot area and lot width for the Residential – Single Family zoning district.

Dodson Drive serves the property, and the area is mostly residential in nature. The parcel would be served by a private well and on-site septic system. The Planning Commission recommended approval of the request by a vote of 6-0 citing good zoning practice.

Jason Watts, 1479 Wards Road, Rustburg, indicated they planned to add a residential home to the property.

No one else spoke in favor of or in opposition to the proposed rezoning. The public hearing was closed at 7:22 p.m.

On motion of Supervisor Cline, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission, and citing good zoning practice **APPROVES** Request #PL-20-103 by Collin Watkins, agent for Willow Estate LLC, to rezone property located at 1211 Dodson Drive from Agricultural to Residential – Single Family for use as a single-family subdivision.

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

// APPOINTMENTS

Two appointments were made at this meeting.

Economic Development Commission/VASAP Board

On motion of Supervisor Hardie, it was resolved the Board of Supervisors appoints Dean Monroe, 14286 Brookneal Highway, Gladys, Virginia to fulfill the remainder of a term until December 31, 2022 as the Planning Commission representative on the Economic Development Commission, and appoints Cindy Caldwell, P. O. Box 758, Rustburg, Virginia to a three-year term until August 31, 2023 on the Central Virginia Alcohol Safety Action Program (VASAP).

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

// MATTERS FROM THE BOARD

- Supervisor Hardie extended heartfelt sympathy to Dr. Lisa Linthicum, Director of Social Services, on the recent loss of her husband.
- Chairman Watts advised it was his understanding the General Assembly would reconvene on August 18th to discuss the budget impacts from the coronavirus and criminal justice reform. He asked the Board to join him in reaching out to their local elected officials to support continued funding for local law enforcement and object to any reduction in State funding for a critical and necessary service and emphasize the Board is in full support of our local law enforcement to the fullest.

// CLOSED MEETING

On motion of Supervisor Hardie, , it was resolved the Board of Supervisors enters into a closed meeting at 7:28 p.m. to discuss matters related to 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 property exemption §2.2-3711 (A)(3) of the Code of Virginia, as amended, and to consult with legal counsel pertaining to possible or pending litigation regarding the Region 2000 Services Authority, in accordance with the legal exemption §2.2-3711 (A)(7) of the Code of Virginia, as amended.

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

// The Campbell County Board of Supervisors entered into a closed meeting on this 4th day of August, 2020 at 7:28 p.m. to discuss matters related to 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 property exemption §2.2-3711 (A)(3) of the Code of Virginia, as amended, and to consult with legal counsel pertaining to possible or pending litigation regarding the Region 2000 Services Authority, in accordance with the legal exemption §2.2-3711 (A)(7) of the Code of Virginia, as amended.

// On motion of Supervisor Moore, it was resolved the meeting return to open session at 8:25 p.m.

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

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 4th day of August, 2020 pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3711 of the Code of Virginia requires a certification by the Campbell County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Campbell County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Campbell County Board of Supervisors.

The roll call vote was: Aye: Brown
Aye: Cline
Aye: Hardie
Aye: Hogg
Aye: Moore
Aye: Shockley
Aye: Watts
Nay: None
Absent During Meeting: None
Absent During Vote: None

// ADJOURNMENT

On motion of Supervisor Hogg, the meeting was adjourned at 7:26 p.m.

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

CHARLIE A. WATTS, II, CHAIRMAN

Approved: _____