

BOARD OF SUPERVISORS MEETING

September 3, 2019

The regular meeting of the Campbell County Board of Supervisors was held on the 3<sup>rd</sup> day of September 2019 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Eddie Gunter, Jr., Chairman, Presiding	Concord Election District
James A. Borland	Spring Hill Election District
Bob Good	Sunburst Election District
Jon R. Hardie	Rustburg Election District
Susan R. Hogg	Timberlake Election District
Dale Moore	Altavista Election District
Charlie A. Watts, II	Brookneal Election District

Also present were:

Frank J. Rogers, County Administrator  
Clifton M. Tweedy, Deputy County Administrator  
F.E. "Tripp" Isenhour, III, County Attorney  
Kristin B. Wright, Staff Attorney  
Brooke S. Wright, Administrative Assistant

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

// APPROVAL OF MINUTES

On motion of Supervisor Hardie, it was resolved the Board of Supervisors dispenses with the reading and approves the minutes of the July 16, 2019 regular meeting, the August 6, 2019 regular meeting, and the August 20, 2019 work session as presented.

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

// LINE OF CREDIT – AUTHORIZATION TO PROCEED

Administrator Rogers stated that representatives from Davenport and Company presented the responses that were received to the Line of Credit Request for Proposals (RFP) during the Board's August 20<sup>th</sup> work session. At that time, the Board directed that additional negotiation be undertaken with the top two respondents. R.T. Taylor with Davenport and Company and Dan Siegel, Bond Counsel, presented the results of the negotiations. First National Bank and BB&T provided the most competitive proposals based on the combination of interest rates and flexible terms, when compared to the other proposers. After further negotiations, both banks reduced their interest rates for the County's preferred terms, two (2) and three (3) year maturities. While BB&T improved their language with respect to prepayment provisions, First National Bank maintained their language which provided flexibility to the County. First National Bank also agreed to cover their costs for Lender's Counsel, whereas BB&T would pass those costs onto the County. Mr. Taylor indicated that based on analyses and discussions with County Staff, Davenport and Company recommended that the County proceed with the two (2) or three (3) year maturities as proposed by First National Bank. This proposal would allow the County to lock in one of the lowest fixed interest rates, only incur interest expense as funds were drawn down, preserve the most flexibility with respect to prepayment, and avoid costs associated with Lender's Counsel.

Supervisor Watts thanked Davenport & Company for going back to the two top responders and was pleased with the favorable results. He supported proceeding with the two (2) year maturity as proposed by First National Bank. Chairman Gunter agreed, commenting there were things the County needed to accomplish in the next two (2) years. He also liked that First National Bank was a local bank. He commented the Board should decide at this time whether to proceed with a 2 or 3 year financing term.

*On motion of Supervisor Borland, it was resolved the Board of Supervisors accepts the proposal from First National Bank for a Line of Credit to provide interim financing for a three (3) year term.*

Supervisor Hardie offered the following substitute motion:

*On substitute motion of Supervisor Hardie, it was resolved the Board of Supervisors accepts the proposal from First National Bank for a Line of Credit to provide interim financing for a two (2) year term.*

Supervisor Good confirmed Chairman Gunter's goal was to get the projects completed in two years, as opposed to having a smaller payment if the three-year term was selected. Supervisor Borland agreed there were a lot of projects on the Board's plate including the broadband initiatives, but the County might sell itself short if the two-year term was chosen. Supervisor Hardie supported the two-year option in order to complete the projects that had been thoroughly discussed and researched. He believed staff could complete those projects within the two-year window.

In answer to questions by Supervisor Hogg on the reality of completing the projects over a period of two years, Administrator Rogers indicated staff knew the radio replacement project would take 18 to 24 months to install. It would come down to when the Board was ready to borrow money for a school project. That would be the time when the \$7.5 million would be rolled over into permanent financing for the school project. The two-year period would be aggressive. Supervisor Watts added if the projects were not completed within two years, the Board could look at revising the terms of the line of credit for additional time. Mr. Taylor indicated there would be several options available under that scenario including locking in the permanent financing for the radio project and seeking separate financing for the school project.

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

Because the substitute motion passed, no vote was taken on the original motion.

Mr. Siegel presented the required resolution for the Board's approval to approve the interim financing plan which would be amended to reflect the new maturity date of the Note and interest rate.

*On motion of Supervisor Borland, it was resolved the Board of Supervisors adopts the following resolution, as amended:*

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF CAMPBELL COUNTY,  
VIRGINIA APPROVING A PLAN OF INTERIM FINANCING WITH THE  
INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF CAMPBELL,  
VIRGINIA, FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF  
PROPERTY IN THE COUNTY FOR CERTAIN COUNTY AND SCHOOL PROJECTS**

**WHEREAS**, the Board of Supervisors (**the "Board of Supervisors"**) of the County of Campbell, Virginia (**the "County"**), desires to undertake, in conjunction with the Industrial Development Authority of the County of Campbell, Virginia (**the "Authority"**), the interim financing of costs related to various County projects, including, but not limited to, a public safety radio system and various school capital projects in the County (**collectively, the "Project"**);

**WHEREAS**, the Board of Supervisors directed Davenport & Company LLC as Financial Advisor to the County (**the "Financial Advisor"**) and Sands Anderson, PC as Bond Counsel to the County (**"Bond Counsel"**) to distribute a request for proposals (**the "RFP"**) to various lenders to finance the Project;

**WHEREAS**, the Financial Advisor and Bond Counsel have evaluated the responses to the RFP, negotiated with potential lenders after Board of Supervisors evaluation and have recommended that the Authority issue on behalf of the County its revenue bond anticipation

note, Series 2019, in an amount not to exceed \$7,500,000 (**the “Note”**) to First National Bank (**the “Bank”**) based on its proposal dated August 14, 2019, as updated by the Bank (**the “Proposal”**);

**WHEREAS**, the Authority, pursuant to the Industrial Development and Revenue Bond Act (**the “Act”**) under which it is created, is authorized to exercise all the powers set forth in the Act, which include, among other things, the power to make loans to a county in furtherance of the Act, to finance or refinance facilities for use by a county, to issue its revenue bonds, notes and other obligations from time to time for such purposes and to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans by the Authority or from any source, as security for the payment of principal of and interest on any such obligations;

**WHEREAS**, the Board of Supervisors desires that the Authority issue its Note pursuant to the terms of a Note Purchase Agreement (as hereinafter defined), and loan the proceeds of the Note to the County to pay the costs of financing the Project, including all or a portion of the costs of issuing the Note pursuant to the terms of a Financing Agreement (as hereinafter defined) to provide interim monies pending a long-term financing for all or a portion of the Project;

**WHEREAS**, the Board, based on the recommendation of the County's Financial Advisor and County staff, has selected the Bank as the lender evidenced by its purchase of the Note on terms set forth in the Proposal; and

**WHEREAS**, there have been presented to this meeting drafts of the following documents (**collectively, the “Documents”**) in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

(a) Financing Agreement (**the “Financing Agreement”**) between the Authority and the County, pursuant to which the Authority will loan the proceeds of the Note to the County and the County agrees to repay such loan subject to annual appropriation by the Board of Supervisors;

(b) Note Purchase Agreement (**the “Note Purchase Agreement”**) among the Authority, the County and the Bank; and

(c) Form of Note.

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CAMPBELL, VIRGINIA:**

1. The following plan for financing the Project is approved. The Authority will issue the Note in an aggregate principal amount not to exceed \$7,500,000 as a drawdown note and request advances thereunder periodically. The Authority will loan the proceeds of the Note to the County pursuant to the terms of the Financing Agreement. The County will make Semi-Annual Payments and Additional Payments (each as defined in the Financing Agreement) to the Authority in amounts sufficient to pay debt service on the Note and to pay the fees or expenses of the Authority and the Bank. The obligation of the Authority to pay principal of and premium, if any, and interest on the Note will be limited to Semi-Annual Payments and Additional Payments received from the County. The obligation of the County to make Semi-Annual Payments and Additional Payments will be subject to the Board of Supervisors making annual appropriations in sufficient amounts for such purposes. If the Board of Supervisors on behalf of the County exercises its right not to appropriate money for such payments, the Bank shall have the right to declare immediately due and payable the entire unpaid balance on all Semi-Annual Payments due and thereafter to become due and to exercise any remedies provided in the Financing Agreement upon an event of non-appropriation. The plan of financing for the Project shall contain such additional requirements and provisions as may be approved by the County.

2. The Authority is hereby requested to undertake the issuance of the Note, to loan the proceeds of the Note for the Project and to secure the Note as set forth in the Documents.

3. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all Semi-Annual Payments and Additional Payments due under the Financing Agreement and

hereby recommends that future Boards of Supervisors do likewise during the term of the Financing Agreement. The Project is hereby declared to be essential to the efficient operation of the County and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the term of the Financing Agreement and the term of the Note.

4. The Chairman or Vice Chairman of the Board of Supervisors (**the “Chairman”**) is authorized and directed to execute or approve the Documents, which shall be in substantially the forms submitted to this meeting, which are approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

5. The Documents shall provide for payments of Semi-Annual Payments in amounts equivalent to the payments on the Note, which Note shall be sold to the Bank as evidence of its loan with the payments of Semi-Annual Payments (a) the Note maturing not later than December 1, 2021; (b) having an interest rate per annum of not to exceed 1.85%; and (c) being subject to optional redemption in whole or in part, at any time without any redemption premium. Following the sale of the Note, the Chairman shall evidence his approval of the final terms; including, but not limited to the interest rate and maturity date, and the purchase price of the Note by executing the Note Purchase Agreement. The actions of the Chairman in approving the terms of the Note by executing the Note Purchase Agreement shall be conclusive, and no further action shall be necessary on the part of the Board of Supervisors.

6. The Chairman, Clerk of the Board of Supervisors, County Administrator, the County Treasurer, the County Attorney and all other officers of the County are hereby authorized and directed to work with representatives of the Authority, the Financial Advisor, Bond Counsel, the Bank and its representatives to perform all services and prepare and execute all documentation necessary to accept the loan evidenced by the sale of the Note, including approving the final forms of the Documents, and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Note and the undertaking of the Project.

7. The County represents and covenants that it shall not take or omit to take any action the taking or omission of which will cause the Note to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (**the “Code”**) or otherwise cause the interest on the Note to be includable in gross income for Federal income tax purposes under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the Authority or the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds from the sale of the Note.

8. The County hereby designates the Note, and allocates to the Authority in relation to the issuance of the Note, such designation as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code. The County does not reasonably anticipate (nor do any of its subordinate entities reasonably anticipate) issuing more than \$10,000,000 in qualified tax exempt obligations during calendar year 2019 for the benefit of the County and the County (and any of its subordinate entities) will not designate more than \$10,000,000 of qualified tax-exempt obligations for the benefit of the County pursuant to Section 265(b)(3) of the Code during such calendar year.

9. The Board of Supervisors on behalf of the County hereby designates to the Note the “small issuer exception” to the rebate requirements of Section 148(f)(2) and (3) of the Code pursuant to Section 148(f)(D)(vii) of the Code, as the Authority is a subordinate entity of the County under Section 148(f)(4)(D) of the Code and the County is a governmental unit with general taxing powers, no bond which is a part of the Note will be a private activity bond, 95% or more of the net proceeds of the Note are to be used for local governmental activities of the County, and the aggregate face amount of all tax-exempt bonds, excluding private activity bonds to be issued by the County and the Authority during the calendar year 2019 is not reasonably expected to exceed \$5,000,000 increased by the lesser of \$10,000,000 or so much of the aggregate face amount of the Note as is attributable to financing the construction of public school facilities within the meaning of Section 148(f)(D)(vii). The Board of Supervisors on behalf of the County hereby allocates to the Authority a portion of its small issuer exemption

limitation in the amount of the Note for the calendar year 2019 to the Note for purposes of Section 148(f)(4)(D) of the Code.

10. All costs and expenses in connection with the undertaking of the Project and the issuance of the Note, including the Authority's fees and expenses and expenses of Bond Counsel, the County Attorney, the County's Financial Advisor, counsel for the Authority, and the Bank shall be paid from the proceeds of the Note or other legally available funds of the County. If for any reason the Note is not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

11. All other acts of the Chairman and such other officers of the County as designated by the Chairman that are in conformity with the purposes and intent of this Resolution and in furtherance of the plan of financing, the issuance and sale of the Note and the undertaking of the Project are hereby approved and ratified.

12. This Resolution shall take effect immediately.

The roll call vote was:           Aye: Borland  
  Aye: Good  
  Aye: Gunter  
  Aye: Hardie  
  Aye: Hogg  
  Aye: Moore  
  Aye: Watts  
  Nay: None  
          Absent During Meeting: None  
          Absent During Vote: None

// CARRYOVER REQUESTS FY2019 TO FY2020

Administrator Rogers presented a summary of the carryover requests and encumbrances for the Board's approval. Many of the carryover requests were either grants, funds dedicated for a specific purpose or for projects already started during the prior fiscal year.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors approves the carryover and encumbrance requests in the County Funds, along with encumbrances for the Schools, from FY2019 to FY2020 as follows:

***Carryover Requests Summary:***

**General Fund**

Expenditures	\$ 204,565.75
Revenues	<u>122,873.06</u>
Net Carryover	\$ 81,692.69

**School CIP Fund**

Expenditures	\$ 11,005.00
Revenues	<u>0.00</u>
Net Carryover	\$ 11,005.00

**CIP Fund**

Expenditures	\$ 2,850,777.48
Revenues	<u>0.00</u>
Net Carryover	\$ 2,850,777.48

**Solid Waste Management Fund**

Expenditures	\$ 43,896.14
Revenues	<u>0.00</u>
Net Carryover	\$ 43,896.14

**Revenue Sharing Road Fund**

Expenditures	\$ 5,796,619.08
Revenues	<u>3,880,341.94</u>
Net Carryover	\$ 1,916,277.14

**Sheriff's Forfeited Assets**

Expenditures	\$	9,975.34
Revenues		<u>0.00</u>
Net Carryover	\$	9,975.34

**Encumbrance Requests By Fund:**

<b>General Fund</b>	\$	914,742.69
<b>Solid Waste Management Fund</b>	\$	131,151.41
<b>CIP Fund</b>	\$	530,952.41
<b>Health Insurance Fund</b>	\$	0.00
<b>School Operations Fund – Local</b>	\$	5,883,104.14
<b>School Cafeteria Fund</b>	\$	14,501.20
<b>School Donations Fund</b>	\$	3,251.03
<b>School CIP/Textbooks Fund</b>	\$	1,615,544.21
<b>Revenue Sharing Road Fund</b>	\$	1,581,613.57
<b>Sheriff's Forfeited Assets</b>	\$	0.00

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

// FY2019 PRELIMINARY FINANCIAL STATEMENTS

Administrator Rogers next presented preliminary financial information for the previously completed fiscal year. The financial information has not yet been audited and was subject to change following the full audit this fall. However, based upon staff's best preliminary estimates, there were a number of recommendations for the Board's consideration.

In total, revenues were reflected to be \$335,783 above budget, which represented a tight control and strong ability to forecast by staff. While local revenues exceeded the budget, State and Federal revenues were \$796,994 less than expected. Administrator Rogers presented several actions with the remaining funds to continue the practice of planning for future expenses. Money would be earmarked for future maintenance of school buildings in the division, future economic development incentives, and future debt service payments. School division staff proposed and County staff concurred with the recommendation to direct additional funds to the Health Insurance Fund. Administrator Rogers recommended that other remaining funds would be transferred to the Solid Waste Fund to keep the fund solvent.

On motion of Supervisor Hogg, it was resolved the Board of Supervisors accepts the preliminary financial information for FY2019 ending June 30, 2019, and takes the following actions:

1. Accepts the Preliminary Financial General Fund Analysis as attached;
2. Assigns reverted General Fund dollars of \$750,000 to Future School Maintenance to set aside for the maintenance of school buildings in the division;
3. Transfers \$79,442 from the General Fund to the Health Insurance Fund;
4. Assigns reverted General Fund dollars of \$211,062 to Future Economic Development Incentives for the future funding of incentives to businesses;
5. Assigns reverted General Fund dollars of \$492,479 to Future Debt Service Payments to set aside additional monies for future incurred debt;
6. Transfers \$703,542 from the General Fund to the Solid Waste Fund to keep the fund solvent.

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

// REGION 2000 SERVICES AUTHORITY – BEDFORD COUNTY REQUEST

Administrator Rogers indicated to the Board that Bedford County recently identified a problem with their landfill capacity projections. Their trash flow would consume the available capacity before they were able to build more landfill space. As a result, Bedford County issued an RFP to solicit interested parties who might receive some or all of their trash. While the Region 2000 Services Authority did not respond to the RFP, the Authority was approached by Bedford County and asked to receive waste from Bedford. Bedford County was not proposing to join the Authority and indicated they were willing to pay the commercial rate of \$40.25/ton. On September 25, 2019 the Authority would be asked to consider this request and, as Campbell County's agent, Administrator Rogers asked for the Board's direction regarding whether or not to consider acceptance of a portion of Bedford County waste at the regional landfill. Accepting Bedford's waste would mean the loss of approximately one year of capacity at the regional landfill. He noted that receiving Bedford's waste would have financial advantages because the extra revenue could assist the member jurisdictions in containing their unit costs of trash disposal. This was important in light of the fact that County Waste intended to build a transfer facility in Appomattox County. When that facility became operational, a significant amount of commercial tonnage may be redirected away from the regional landfill, potentially resulting in lost revenue and a tipping fee increase for member localities. By allowing Bedford's waste in the regional landfill, the Authority would lessen the potential lost revenue and the cost increase to members. Administrator Rogers reminded the Board that Campbell County was only one vote on the Authority Board and regardless of how he was directed to proceed, a majority vote of the Authority Board would ultimately determine the direction taken.

In response to a question by Supervisor Good regarding Bedford's other trash disposal options, Gary Christie, Executive Director of the Central Virginia Planning District Commission, stated they would find another landfill to dispose of their waste. Supervisor Good commented his interest in trying to be helpful to a neighboring county, especially because it would be financially advantageous to Campbell County.

Supervisor Hardie stated he would not be in favor of Bedford County's trash being disposed of at the regional landfill, because more waste would negatively impact the community. He believed Campbell County's membership in the Region 2000 Services Authority was a poor decision and citizens' quality of life and property values have suffered as a result of that decision.

On motion of Supervisor Hardie, it was resolved the Board of Supervisors authorizes Administrator Rogers, Campbell County's representative on the Region 2000 Services Authority Board, to vote against the acceptance of Bedford County waste at the regional landfill located in Campbell County.

Supervisor Borland recognized Supervisor Good's desire to be helpful to Bedford County, however doing so would shorten the life of the landfill without a viable alternative on the horizon. He believed accepting Bedford's trash would allow other localities to believe the Authority may be willing to accept their waste in the future, without joining the Authority. He stated he was in favor of Supervisor Hardie's motion.

Administrator Rogers stated the narrative around the regional landfill operation was adversarial and he understood the concerns from Board members. He added he respected whichever direction the Board chose.

Supervisor Hardie commented when Region 2000 acquired the land for the regional landfill, Campbell County gave up 4,640,210 cubic yards of air space for trash. Each cubic yard was filled with 0.761 tons of waste, therefore the land acquired by Region 2000 from Campbell County would hold 6,097,516 tons of waste. If the air space still belonged to Campbell County, it would have lasted the locality 174 years at a fill rate of 35,000 tons per year. The air space would be consumed in 18 years by Region 2000. He noted the air space was valued at

\$245,425,035, after multiplying the air space cubic yardage by the current commercial tipping fee. He added that Campbell County was receiving \$8 to 9 million dollars for a \$245 million dollar asset that was turned over to Region 2000.

Administrator Rogers stated the commercial tipping fee was not all excess revenue to pay for air space, it encompassed operating costs, as well. Referencing a chart regarding the landfill's capacity and land, Supervisor Hardie stated the air space was valued at \$2 million dollars in 2009. Administrator Rogers noted that capacity was not the same as air space and there was a value for the air space as the space was consumed inside. He added the chart Supervisor Hardie was referencing did not relate to the value of the air space. Administrator Rogers also stated that Supervisor Hardie's point was valid; a valuable asset was transferred from the County to Region 2000 and Campbell County had not been fully compensated for its air space.

Supervisor Hardie repeated his motion.

On motion of Supervisor Hardie, it was resolved the Board of Supervisors authorizes Administrator Rogers, Campbell County's representative on the Region 2000 Services Authority Board, to vote against the acceptance of Bedford County waste at the regional landfill located in Campbell County.

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

// HIGHWAY MATTERS

Clif Tweedy, Deputy County Administrator, updated the Board on highway matters. Robert Brown, VDOT Residency Engineer, was also present to answer questions from Board members. Items noted included:

- VDOT hoped to receive a final draft of the Timberlake Road Study by the second week in September.
- Mr. Brown indicated he had not heard from VDOT's traffic engineers regarding the requested speed study on Crews Shop Road.
- Mr. Brown was informed that the driveways on Lynbrook Road that had washed away due to heavy rains had been repaired.

From the Board:

- Supervisor Borland inquired about the possibility of a left turn lane going into the Russell Springs subdivision, going southbound on English Tavern Road.
- Supervisor Hardie commented he wanted to set up a meeting with Mr. Brown to discuss possible improvements to the intersection in Rustburg.
- Supervisor Hogg stated Whitestone Drive and Arrowhead Drive flood frequently and asked Mr. Brown to look into a remedy for the problem.
- Supervisor Watts commented his appreciation for the expanded turning lane on Route 501 in Brookneal near Foster Fuels.
- Chairman Gunter stated his concern about logging trucks damaging the concrete curbing at the roundabout in Concord.

// PUBLIC HEARING – SPECIAL USE PERMIT ADJACENT TO 11418 LEESVILLE ROAD

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

PL-19-65 Request by Euan Fuller, agent for Austin Mill Properties LLC, for a special use permit to construct and operate a telecommunications tower on property zoned Agricultural. The property is located adjacent to 11418 Leesville Road and is located in an area designated as transitional per the current Comprehensive Plan.

Paul Harvey, Community Development Director, reviewed the staff report explaining the applicant was requesting a special use permit to construct a 195-foot steel monopole

telecommunications tower (199 feet with lightning rod). CityScape Consultants had reviewed the proposal and believed the applicant had justified the need for a new tower and the applicant's service goals could be met by approval of the application. The applicant would be leasing a 10,000 square foot area from the property owners for the purpose of constructing and operating the tower.

The Planning Commission recommended that the applicant construct the tower in general conformance to the narrative and supporting documents submitted with this request, and the applicant meet all the conditions recommended by CityScape Consultants, except condition 8, which stated that no generator was proposed while the applicant was proposing a generator. The Planning Commission also added a condition concerning an agreement for the use of an existing driveway with the property owner. The recommended conditions were:

1. The Submitter/Applicant shall submit a satisfactory NEPA/SHPO Report; and,
2. The Submitter/Applicant shall submit an inventory of existing sites; and,
3. A structural analysis, compliant with ANSI/EIA/TIA 222-G (as amended) for Campbell County, Virginia, signed by a registered Virginia professional engineer shall be provided at permitting which includes the approved number of collocations; and,
4. All feedlines shall be installed within the monopole, and all access ports shall be sealed to prevent wildlife intrusion; and,
5. The County shall determine if the proposed landscaping is sufficient; and,
6. The Submitter shall submit a statement regarding the Removal of Abandoned Antennas and Towers; and,
7. Prior to permitting, Applicant shall provide statement ensuring it will comply with the FCC's rules (1) regarding interference to other sources and (2) RF exposure; and,
8. The Applicant come to an agreement with the adjoining property owner for use of the existing driveway or provide for another means of access to the tower site.

The zoning in the vicinity was Residential – Single Family, Residential – Multi Family, Business – General Commercial, Business – Heavy Commercial, and Agricultural. The property was accessed by an existing entrance on Leesville Road, and the request would have no impact on daily traffic flow. According to the Comprehensive Plan, the property was located in an area designated as transitional. The Planning Commission recommended approval of the request with the conditions referenced above. Since the Planning Commission meeting, the site plan had been revised to show a new access road in place of access across the existing driveway.

**Andrew Conclin**, representing the applicant, stated the access location had been changed and the adjacent neighbor would not be affected.

**Anna Westling**, 11412 Leesville Road, Evington, spoke in favor of the request. She stated the concern about her driveway being used as the access road was due to a prior arrangement made with the Water Authority, allowing use of the driveway to access the existing water tower. She noted Verizon's representatives and Mr. Harvey had addressed all of her concerns and she was pleased with the solution.

No one spoke in opposition to the proposed special use permit. The public hearing was closed at 7:12 p.m.

In answer to a question by Supervisor Watts, Mr. Conlin stated besides Verizon, four other companies would have the option of leasing a spot on the collocation tower.

On motion of Supervisor Moore, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **APPROVES** Request PL-19-65 by Euan Fuller, agent for Austin Mill Properties LLC, for a special use permit to construct and operate a telecommunications tower on property zoned Agricultural, located adjacent to 11418 Leesville Road with the conditions referenced above.

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

The second public hearing was opened at 7:13 p.m. on:

PL-19-98 Request by Jennifer Schmidt for a special use permit to host weddings and special events on property zoned Agricultural. The property is located at 2953 Spring Mill Road and is located in an area designated as rural per the current Comprehensive Plan.

Mr. Harvey reviewed the staff report explaining the applicant was requesting a special use permit to host weddings and other special events on her property. There were no plans to construct additional buildings; the events would be held in tents rented and temporarily placed for each event. Events would mostly be held on the parcel where the applicant resides, but may expand to use a small portion of the adjoining parcel, which she also owns.

The zoning in the vicinity was Agricultural. The property was accessed by an existing entrance on Spring Mill Road, and the request would have no impact on daily traffic flow unless an event was taking place on the property. According to the Comprehensive Plan, the property was located in an area designated as rural. The Planning Commission recommended approval of the request with the condition that the applicant utilized the site in conformance with the use described in the narrative submitted with the request.

**Jennifer Schmidt**, 2953 Spring Mill Road, Concord, commented she wanted to be able to host special events at her property to offset the cost of insurance and taxes. She added she would be willing to limit the number of guests if the Board felt that was necessary.

Supervisor Borland commented the Planning Commission was concerned about the number of people that would be on the property during an event. Supervisor Watts stated he did not believe it was necessary to limit the number of guests.

No one spoke in favor of or in opposition to the proposed special use permit. The public hearing was closed at 7:20 p.m.

On motion of Chairman Gunter, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **APPROVES** Request PL-19-98 by Jennifer Schmidt for a special use permit to host weddings and special events on property zoned Agricultural, located at 2953 Spring Mill Road with the condition recommended by staff.

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

// PUBLIC HEARING – SPECIAL USE PERMIT 2245 VILLAGE HIGHWAY

The third public hearing was opened at 7:21 p.m. on:

PL-19-99 Request by A. Kent Shelton, agent for Harry F. & Teresa C. Shelton, for a special use permit to operate a used car dealership on property zoned Agricultural. The property is located at 2245 Village Highway and is located in an area designated as medium to high density residential per the current Comprehensive Plan.

Mr. Harvey reviewed the staff report explaining the applicant was requesting a special use permit to operate a used car dealership at this location. An automotive repair business has operated in the location since January 2007, when it was a permitted use in the Agricultural district, and would continue to operate. The dealership would operate most off the internet and the existing office for the automotive repair business would serve as the base for the dealership. There would be no additional construction to the existing building. There would be no more than ten (10) vehicles for sale at any time on the property and the submitted site plan showed additional spaces behind the existing garage to provide space for vehicles associated with the current automotive repair business, and the use of the existing parking spaces for vehicles for sale.

The zoning in the vicinity was Residential – Single Family, Residential – Manufacture Housing, Business – General Commercial, and Agricultural. The property was accessed by an existing entrance on Village Highway, and the request would have minimal impact on daily traffic flow. According to the Comprehensive Plan, the property was located in an area designated as medium to high density residential. The Planning Commission recommended approval of the request with the conditions that there be a maximum of ten cars for sale at any time on the lot, and that there be no display of cars for sale along the road.

**Kent Shelton**, 2315 Village Highway, Rustburg, stated he had operated his automotive repair business for over 12 years and he wanted to start selling cars instead of repairing them. He added most of his business would be conducted through existing customers or the internet. Mr. Shelton stated he and his parents lived on the property and he did not want the area to look like a commercial car lot.

No one spoke in favor of or in opposition to the proposed special use permit. The public hearing was closed at 7:25 p.m.

On motion of Supervisor Hardie, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **APPROVES** Request PL-19-99 by A. Kent Shelton, agent for Harry F. & Teresa C. Shelton, for a special use permit to operate a used car dealership on property zoned Agricultural, located at 2245 Village Highway with the condition recommended by staff, specifically that there be a maximum of 10 cars for sale at any time on the lot, and a further condition that there be no display of cars for sale along the road.

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

// PUBLIC HEARING – DOMINION EASEMENT REQUEST

The fourth public hearing was opened at 7:26 p.m. for an easement request by Dominion Energy Virginia. Kristin Wright, Staff Attorney, stated Dominion had requested a 50-foot-wide underground easement along the length of Little Seneca Road from its intersection with Marysville Road in the Spring Hill Election District. Public Works Director Clif Tweedy received this request and had conferred with staff and representatives of Dominion. Virginia Code 15.2-1800 required public hearings whenever the County grants a utility easement.

No one spoke in favor of or in opposition to the proposed special use permit. The public hearing was closed at 7:27 p.m.

On motion of Supervisor Borland, it was resolved the Board of Supervisors authorizes the County Administrator to execute documents granting Dominion the easement.

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

// CONSENT AGENDA

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

a) Appropriations –

1. General Fund, Byrne JAG Grant, appropriating \$2,317 to Law Enforcement Equipment; raises estimated revenue line Byrne JAG Grant by \$2,317, Campbell County Sheriff's Department has been approved for grant funding through a Byrne Justice Assistance Grant to purchase one (1) Whelen Lightbar;

2. General Fund, Public Safety, appropriating \$770 to Convention and Education; increases estimated revenue line Miscellaneous Fees by \$770, continuing education reimbursement from Blue Ridge Emergency Medical Services;
3. General Fund, Social Services Public Assistance, appropriating \$5,796 to FEMA/EFSP; increases estimated revenue line FEMA/EFSP Fed Grant by \$5,796, Emergency Food and Shelter Program (EFSP) funds received to assist residents with housing and utility cost. No local match required;
4. CIP Fund, Social Services, appropriating \$5,000 to Building Painting; increases estimated revenue line Public Assistance/Admin-Federal by \$2,616.50, Public Assistance/Admin-State by \$1,333.50, and lowers the Unassigned Fund Balance by \$1,050, additional funds needed to cover cost of painting first floor of DSS building;
5. General Fund, Public Safety, appropriating \$1,298 to Fire Suppression Foam; increases estimated revenue line Miscellaneous Fees & Charges by \$1,298, reimbursement from Rustburg VFD for purchase of fire suppression foam;
6. School Operating Fund, Adult Ed/Other, appropriating \$46,092 to Payment to Joint Operations Secondary; increases estimated revenue line Rental of General Property by \$46,092, appropriation to receipt rental of general property (CCTC) revenue received from CVCC for Dual Enrollment.

b) County Attorney Invoice –

Approves payment to the County Attorney in the amount of \$17,683.82 for services provided from July 26, 2019 through August 20, 2019;

c) On-Call HVAC Repair Services –

Accepts the lowest, responsive and responsible bid from Select Air Mechanical & Electrical, Inc., Altavista, VA at a regular time average hourly rate of \$61.90 for the provision of On-Call HVAC repair services;

d) Social Services Painting Project –

Accepts the lowest, responsive and responsible quote from Harris Painting in the amount of \$26,500.00 for the provision of the Social Services painting project;

e) Waste Hauling Services –

Accepts the lowest, responsive and responsible bid from Republic Services, Lynchburg, VA in the amount of \$157,182.84 annually for waste hauling services for Campbell County and Campbell County Schools.

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

// APPOINTMENTS

Several appointments were made at this meeting.

Horizon Behavioral Health

On motion of Supervisor Hogg, it was resolved the Board of Supervisors reappoints Robert Merryman, 1249 Wisecarver Road, Rustburg, Virginia, to serve a three year term until December 31, 2022 on the Horizon Behavioral Health Board of Directors.

Planning Commission

On motion of Supervisor Hogg, it was resolved the Board of Supervisors appoints George Bondurant, 90 Horseman Drive, Lynchburg, Virginia, to fulfill the remainder of a four year term until December 31, 2022 on the Planning Commission for the Timberlake Election District.

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

Economic Development Commission

On motion of Supervisor Watts, it was resolved the Board of Supervisors reappoints Kevin Davis, 821 Carwile Road, Rustburg, Virginia, to a four year term until December 31, 2022 as an at-large member on the Economic Development Commission. This term began on January 1, 2019.

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

On motion of Supervisor Borland, it was resolved the Board of Supervisors makes the following appointment:

Lynchburg Community Action Group, Inc.

On motion of Supervisor Borland, it was resolved the Board of Supervisors appoints Jim Childress, 564 Lady Slipper Lane, Lynchburg, Virginia, to an indefinite term on the Lynchburg Community Action Group's Board of Directors.

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

// MATTERS FROM THE BOARD

- Supervisor Watts thanked Tripp Isenhour, County Attorney, for his excellent work regarding the surplus properties and delinquent taxes auction that took place on August 17, 2019.

// CLOSED MEETING

On motion of Supervisor Hardie, it was resolved the Board of Supervisors enters into a closed meeting at 7:36 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 §2.2-3711 (A)(3) of the Code of Virginia, as amended.

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

// The Campbell County Board of Supervisors entered into a closed meeting on this 3<sup>rd</sup> day of September, 2019 at 7:36 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 §2.2-3711 (A)(3) of the Code of Virginia, as amended.

// On motion of Supervisor Borland, it was resolved the meeting return to open session at 8:10 p.m.

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

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 3<sup>rd</sup> day of September, 2019 pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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

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

The roll call vote was:       Aye: Borland  
                                      Aye: Good  
                                      Aye: Gunter  
                                      Aye: Hardie  
                                      Aye: Hogg  
                                      Aye: Moore  
                                      Aye: Watts  
                                      Nay: None  
Absent During Meeting: None  
Absent During Vote: None

// ADJOURNMENT

On motion of Supervisor Borland, the meeting was adjourned at 8:11p.m.

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

\_\_\_\_\_  
EDDIE GUNTER, JR. CHAIRMAN

Approved: \_\_\_\_\_