

BOARD OF SUPERVISORS MEETING

August 2, 2022

The regular meeting of the Campbell County Board of Supervisors was held on the 2nd day of August 2022 in the Board of Supervisors meeting room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Steve W. Shockley, Vice-Chairman, Presiding	Sunburst 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
Charlie A. Watts II	Brookneal Election District

Absent was:

Matt W. Cline

Concord Election District

Also present were:

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

Vice-Chairman Shockley 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 April 19, 2022 and June 21, 2022 meetings as presented.

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

// APPEARANCES – DR. LORI LEONARD

Vice-Chairman Shockley recognized Dr. Leonard who was presenting information from the Savethevaxxed group. He relayed apologies from Chairman Cline who could not be at the meeting to hear the presentation.

Dr. Lori Leonard, Concord, Virginia, provided the Board with a handout and information regarding the Covid-19 vaccine and the adverse reactions to the vaccine. Dr. Leonard relayed statistics from the CDC's Vaccine Adverse Events Reporting System (VAERS) that reports more than 29,000 deaths and more than 171,000 hospitalizations. There was data that suggests the numbers could be higher.

Detox protocols were included in the packet to address the adverse reactions to the vaccine. Dr. Leonard stressed that now was the time to develop a plan to address the medical crisis. There was a list of ways that local elected officials could help address this issue. Additional questions should be addressed to Sean Barker, Founder & President, at savethevaxxed@protonmail.com who would be following up with the Board members.

// RECOGNITION OF VALEDICTORIANS AND SALUTATORIANS

Vice-Chairman Shockley presented a resolution adopted by the Board at its July 19th meeting to the 2022 Valedictorians and Salutatorians. Those in attendance were:

Natalie Marie Pickeral

Valedictorian

Altavista Combined School

Taryk Amadou Saidou	Valedictorian	Brookville High School
Kayla Shaye Rigglesman	Salutatorian	Brookville High School
Frank Austin Wright III	Valedictorian	Rustburg High School
Sara Katherine Holt	Valedictorian	William Campbell Combined School

// ECONOMIC DEVELOPMENT INCENTIVES – CHICK-FIL-A RESTAURANT

Nina Rezai, Economic Development Manager, presented a request to approve incentives for a new franchise restaurant to locate at 21129 Timberlake Road. In order to secure this location the access to natural gas was imperative to the operations of the restaurant. Campbell County offers infrastructure incentives to offset the burden of new business development for revenue generating operations. This was previously discussed in a closed meeting.

The opening of a Chick-Fil-A in Campbell County would bring significant investment for development and the prospect of considerable revenues from sales tax and meals tax. This project involves a \$2.5 million capital investment in construction, the creation of 40 new full-time jobs paying \$42,000 annually, and projected annual sales of \$5.5 million. In total, this project would qualify for \$333,342 in incentives. The business investments and job creation would return a \$48,000 business incentive and the remainder of the funds would be applied to infrastructure development in the area for natural gas and water connections for the business. The incentive was structured over four (4) annual payments to commence when the business opens. The return on investment would be realized after two (2) years of operation.

On motion of Supervisor Shockley, it was resolved the Board of Supervisors approves incentives in the amount of \$333,342 to Project Poultry (Chick-Fil-A) from the unassigned General Fund balance, and authorizes the County Administrator to sign all necessary documents to complete the transaction.

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

// HIGHWAY MATTERS

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

- Request for signage related to recent horse and buggy accident and Children at Play sign on Village Terrace – VDOT would be receiving state-wide guidance on signage for horse and buggies and other signage. Until then, they would not be putting up additional signage. Supervisor Watts commented that we need to encourage those that drive horse and buggies to add lights or other safety features.
- Request for turn lane on Timberlake Road onto Tanzalon Road – Mr. Brown reviewed the Timberlake Corridor Study and that study did not recognize any turn lanes in the area of Tanzalon Road. There was no mechanism to fund a turn lane, and this project would be out of the scope of work that local forces could perform.
- Request for street lights along English Tavern Road in the vicinity of Russell Springs – VDOT could not build street lights at that location. It may be possible to hire a private consultant to do a corridor study, but the project may not qualify. The only option may be applying for funding through a revenue sharing application.
- Request for right turn lane on Route 460 west at Stonewall Road – Mr. Brown indicated the study had been completed. According to the study, a right turn lane was marginally warranted on Route 608 southbound approach to Route 460 and could provide minor benefits in terms of overall intersection delay and moderate benefits in terms of approach delay. However, it was not likely that the right turn lane would have any safety benefit based on the crash analysis. VDOT would support the residency/County to pursue a project for a right turn lane on the approach to Route 460, but such a project would likely be costly requiring several changes on Route 460 including utility relocations. Mr.

Brown added the cuing for traffic on Route 460 would only improve by 8 seconds, so the project may be too costly in light of the minor benefits.

- Mr. Tweedy advised he has submitted a Smart Scale application for four projects, and it would be several months before the County would hear the results of the scoring. He thanked VDOT for their assistance in preparing the application.
- Mr. Brown advised that in response to a request from a citizen, the grass has been cut at Town Fork Road and Austin Mill Road.
- Mr. Brown, in response to a request by Supervisor Hardie, learned that VDOT has an administrative services contract in place to sweep and clean curbs and gutters which would be utilized in the Village of Rustburg.

From the Board:

- Supervisor Watts reported flooded ditches and driveway from recent heavy rains at 2896 Brookneal Highway. The water did not readily recede. He also reported the pipe on East Ferry, just past Stone Road, was full of debris again and dumping debris onto neighbor's property.
- Supervisor Hardie has already passed along to Mr. Brown that a Dr. Thompson Memorial Sign needed to be reinstalled.
- Supervisor Brown suggested VDOT consider a pedestrian crossing on Kabler Lane in front of Social Services, and also a posted speed limit sign on Kabler Lane.

// CONSENT AGENDA

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

a) Appropriations –

1. General Fund, appropriating \$1,075,696 to true-up all comp lines in Fund 100 for FY 2022 for positions regraded, or the result of promotions, or for others that had overages during the fiscal year;
2. General Fund, In-House Construction, appropriating \$34,198 to Comp-Solid Waste Division Manager, \$5,797 to Comp – Maint 1 Landfill Worker, \$940 to Employer Cost – VRS, \$111 to Employer Cost – VRS Group Life, and in Transfer Sites, appropriating \$1,605 to Comp – LF Site/Program Manager, \$26,361 to Comp – Maint Worker 1 – Landfill, \$2,826 to Employer Cost – VRS, \$1,684 to Employer Cost – Health Insurance, \$332 to Employer Cost – VRS Group Life Insurance, and deleting \$73,854 from Transfer Sites, Comp – P/T Help, to true-up all comp lines in Fund 515 for FY 2022 for position that had been regraded or the result of promotions or for others that had overages during the fiscal year;
3. School Operating Fund, CARES 5, deleting \$325,000 from Stipend (Tutoring) Elem CARES 5, \$325,000 from Stipend (Tutoring) SEC CARES 5, \$24,862.50 from Employer FICA (Tutoring) CARES 5, \$24,862.50 from Employer FICA (Tutoring) CARES 5, and \$1,000 from FICA (Planning) Elem CARES 5, and appropriating to CARES 5, \$33,385.17 to Stipend (Planning) SEC CARES 5, \$410,000 to Comp Reading Inv SPEC SEC – CARES 5, \$29,614.85 to Comp Behavior Coach CARES 5, \$25,359.98 to Employer Cost FICA Cares 5, \$151,365 to FICA Reading Inv Spec CARES 5, \$1,000 to FICA (Planning) – SEC CARES 5 and \$50,000 to Contracted Services CARES 5, transfer of appropriation per amendment submitted June 9, 2022;
4. General Fund, Children's Services Act, appropriating \$1,000,000 to CSA/CAR Pool, and increases estimated revenue, Children at Risk (CAR) Pool, in the amount of \$650,000, and reduces Unassigned General Fund Balance in the amount of \$350,000, mandated program with local oversight by the Community Policy and Management Team and noting the number of children/families served has increased significantly in recent years with corresponding increases in the number of challenging cases and higher expenditures for services;

5. General Fund, Economic Development, appropriating \$333,250 to Incentives – Poultry, and decreases the General Fund Balance “Economic Development Incentive” by \$333,250, to pay incentives for Project Poultry (Chick-Fil-A) under business incentive program and infrastructure needs for water and gas in the Timberlake area;
6. School Construction Fund, Revenues, appropriating \$29,493.47 to Interest on Investments, and increases Unassigned School Construction Fund Balance in the amount of \$29,493.47, interest on M & T VSNAP Bond account;
7. Revenue Sharing Road Project Fund, Revenues, appropriating \$71,972.73 to Night Hawk Road Rev Sharing, and increases Unassigned Revenue Sharing Road Proj Fund Balance in the amount of \$71,972.73, revenue received from Night Hawk Road – Rev Sharing project;
8. General Fund, Non-Departmental, appropriating \$54 to Gas, Oil, Grease; Information Technology, appropriating \$103 to Gas, Oil, Grease; Fuel Services, appropriating \$81,452 to Gas, Oil, Grease; Sheriff’s Department, appropriating \$21,623 to Gas, Oil, Grease; Volunteer Fire Companies, \$42,891 to Gas, Oil, Grease; EMS Services, \$21,384 to Gas, Oil, Grease; Building Inspections, \$238 to Gas, Oil, Grease; Public Safety, \$4,877 to Gas, Oil, Grease; Maintenance of Buildings & Grounds, \$2,399 to Gas, Oil, Grease; Public Works Administration, \$1,758 to Gas, Oil, Grease; Library Administration, \$389 to Gas, Oil, Grease; Planning/Zoning, \$73 to Gas, Oil, Grease; Environmental Management Program, \$181 to Gas, Oil, Grease; and decreases Unassigned Fund Balance by \$177,422, to true-up GL lines due to unforeseen rise in gasoline costs during FY 2022;
9. General Fund, Public Safety, appropriating \$3,182.68 to Volunteer Insurance, and increases estimated revenue, Insurance Recoveries by \$3,182.68, insurance reimbursement due to lightning damage to station at Evington Volunteer Fire Department;
10. Forfeited Assets Fund, appropriating \$23,183 to Police Equipment Expense Fund, and decreases Sheriff Forfeited Assets Fund, by \$23,183, to purchase active shooter emergency response equipment;
11. General Fund, Public Assistance Services, appropriating \$18,187 to Chafee IL COVID, and increases estimated revenue Public Assistance/Admin-Federal, by \$18,187, funds to assist older children in foster care;
12. General Fund, Public Assistance Services, appropriating \$10,500 to COVID Safe & Stable, and increases estimated revenue Public Assistance/Admin-Federal, by \$10,500, funds to provide community based family support, family preservation, and family reunification;
13. School Operating Fund, Technology, appropriating \$2,919.30 to Telecommunications, and increases estimated revenue, Sale of Other Equipment, by \$2,919.30, revenue from telecommunications recycling items;
14. Solid Waste Management Fund, appropriating \$22,000 to A & E Services, and decreases Solid Waste Management Beginning Fund Balance, by \$22,000, funding to cover cost of SCS’s Landfill Gas Boundary Probe Monitoring and Reporting for fiscal year 2023;
15. Solid Waste Fund, Landfill Phase III, appropriating \$14,700 to Brush Chipping, and decreases Solid Waste Beginning Fund Balance, by \$14,700, to cover cost of brush chipping;
16. General Fund, Economic Development, appropriating \$30,000 to VTC – ARPA Tourism, and increases estimated revenue VTC – ARPA Tourism, revenue from VTC – ARPA Tourism funding;

b) County Attorney invoice –

Approves payment to the County Attorney in the amount of \$16,356.03 for services rendered from June 22, 2022 to July 19, 2022;

c) Landfill Brush Pile Removal –

Approves lowest base price quote from Tradesman Trucking in the amount of \$36,700 for grinding and shredding, and \$35,000 if the pile needs to be hauled off site.

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

The meeting was recessed at 6:38 p.m. to reconvene for the 7:00 p.m. public hearings.

// PUBLIC HEARING – REQUEST BY MARK MARSTON ON VILLAGE HIGHWAY

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

PL-22-082 Request by Mark Marston to rezone property located on Village Highway and further identified as tax map parcel 26-A-48A from Agricultural to Residential – Single Family for use as a single-family subdivision. The property is located in an area designated as transitional per the current Comprehensive Plan.

Vice-Chairman Shockley read a statement into the record from Chairman Matt Cline that he was not able to participate in the meeting in person or virtually as he was travelling to Alaska for a family vacation where connectivity was sparse at best. Chairman Cline had faith in his fellow Supervisors to gage each application on its merit and make the best decisions for Campbell County as a whole.

Paul Harvey, Community Development Director, explained this was a request to rezone 3.615 ± acres to Residential – Single Family for use as a single-family subdivision. The preliminary plan showed the existing parcel would be divided into four parcels with frontage on Village Highway in the Concord Election District. The request met the required minimum lot area and lot width for the Residential – Single Family zoning district. The request was not proffered, so the preliminary plan and proposal were conceptual and non-binding.

The area was mixed use in nature with mixed zoning. Village Highway (Route 24) would serve the parcels, and the request would not significantly impact the traffic flow. A traffic impact analysis was not required. A public water line runs along Village Highway adjacent to the subject property, and connection was optional. The property would be served by on-site septic systems. The Planning Commission recommended approval of the request by a vote of 5-1 citing good zoning practice.

Mark Marston, 100 Marston Farm Lane, Red House, Virginia, purchased this property for a subdivision. He believed the property would make a great subdivision due to the lot sizes and the availability of public water. All the trees were previously removed from the property.

No one spoke in favor of or in opposition to the proposed rezoning. The public hearing was closed at 7:03 p.m.

Supervisor Watts voiced his support for the subdivision as it was a great section of the highway for housing. He added the Board members should talk with the Planning Commission members to see what they perceive for the future of the County especially in the agricultural zoned areas. He has observed some inconsistencies with other projects that were denied. Supervisor Hardie agreed noting there had been some inconsistencies with other projects that were denied.

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-22-082 by Mark Marston to rezone property located on Village Highway and further identified as tax map parcel 26-A-48A from Agricultural to Residential – Single Family for use as a single-family subdivision.

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

// PUBLIC HEARING – SPECIAL USE PERMIT ON KIOWA ROAD

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

PL-22-091 Request by Russ Nixon, agent for Brent S. Baker, for a special use permit to operate an automobile repair and towing and recovery of automobiles business on property zoned Agricultural. The property is located on Kiowa Road and further identified as tax map parcel 17E-1-15 in an area designated as medium to high density residential per the current Comprehensive Plan.

Mr. Harvey indicated this was a request from Russ Nixon, agent for Brent Baker, for a special use permit to operate an automobile repair and towing and recovery of automobiles business on property zoned Agricultural located on Kiowa Road in the Concord Election District. The property contained 0.852 ± acres.

The property was mixed use in nature. The zoning in the vicinity was Residential – Single Family; Residential – Multi Family; Residential – Multi Family, Conditional; Business – General Commercial; Business – General Commercial, Conditional; Industrial – Heavy, Conditional; and Agricultural. The property would be accessed by an entrance onto Kiowa Road, and the request would have a slight increase on daily traffic counts. The average daily traffic count was 70 vehicles. The property would be served with a private well and a private septic system.

There were a number of people that spoke at the Planning Commission meeting that were against the project primarily from the residential subdivision on the opposite side of Kiowa Road. The proposed use may be highly visible to the residents. They were concerned about late night operations with the cars and towing. The applicant submitted a list of conditions as part of the application that may be incorporated into the Planning Commission and Board of Supervisors approval. After considering the concerns, the Planning Commission recommended denial of the request by a vote of 6-0.

Russ Nixon, 172 Jumping Creek Lane, Rustburg, was the agent for the project representing Brent Baker. The owner's son, Ethan Baker, had just purchased the property to operate an automobile repair center on the property to do light repairs and mechanical work. He was no longer seeking a permit to tow vehicles to the proposed site, and Ethan Baker had a site on the other side of Route 460 to store and sell vehicles. Mr. Nixon presented two letters from citizens supporting the project along with several pictures of the site and pictures of what Ethan Baker hoped the site would look like.

Mr. Nixon indicated one of the concerns expressed at the Planning Commission meeting was the turn lane off Route 460. He believed the turn lane was safe and manageable for Mr. Baker's rollback vehicles. However, he would address any concerns identified by VDOT after its review. Other concerns were potential security issues at the site and the width of Kiowa Road. Mr. Baker planned to build fencing with locks on the gates and have the proper lighting. Mr. Nixon had pictures indicating Kiowa Road was narrow but sufficient for two passing vehicles. If there was a problem with the business or property, the neighbors could call Mr. Baker directly.

The concept plan showed that a 2,400 square foot 3-bay garage would be constructed on the property with associated parking. The buffer shown on the plan is not required by the Zoning Ordinance. The applicant submitted a letter from Ethan Baker stating the business would meet the following conditions:

1. No dangerous fluids will be discharged on to this property.
2. Office hours will be between 9 am and 5 pm.
3. The exterior of the property will be buffered with evergreens or 8 ft blinder fence.
4. The site will not be used as a permanent storage facility for broken down vehicles. The longest a single vehicle will be allowed to stay on the property is 45 days to allow the owners time to pick up.
5. No vehicles will be sold from this property.

Mr. Nixon added the 9 a.m. to 5 p.m. hours were for customers, but there may be times Ethan Baker had to pick up a vehicle at night to bring back to this site. To address the concerns of leaking fluids, Ethan Baker would have the appropriate practices in place to capture any solvents. Mr. Nixon indicated both Ethan Baker and his family lived in the immediate area. Ethan cared about how the property looked and has already removed old cars and debris from the site. Ethan plans to install nice fencing with automatic gates and landscaping. Ethan has estimated no more than 15 cars on the site, but was willing to reduce that number at the pleasure of the Board. Mr. Nixon was confident the site was large enough for the building, parking and green space. Mr. Nixon realized the proposed site was next to a residential subdivision, but they were all three to five acre lots with most of the homes way off of Kiowa Road. He assured the Board that Ethan would have plenty of room to turn his vehicles around on his own property. Another concern was would this use change the character of the neighborhood. Mr. Nixon pointed out that Spring House Restaurant was located at the entrance of Kiowa Road, and there were many businesses along Route 460. He believed Route 460 was primed for additional commercial growth.

In answer to questions from the Board, Mr. Nixon confirmed the entire property would be fenced with the tree buffer planted inside the fence. Customers would not be entering the property after 5 p.m., but he may be towing a vehicle in the evening hours. Repaired vehicles would not be sold from this site, but would be sold from another site across Route 460. Insurance companies would dictate how vehicles were handled much of the time. Ethan hopes vehicles would be on the property no longer than 30 to 45 days.

Supervisor Shockley confirmed that according to Mr. Nixon the special use permit is for an automotive repair center only. Mr. Harvey advised to change the use would require a new special use permit process, and if towing was part of the work for the automotive repair center, there could be an enforcement problem for staff to know when towing was allowed. Mr. Nixon explained his client did not want a junk yard or a salvage yard, but he does want the ability to tow vehicles to the site and have them removed.

Additional questions from the Board confirmed the parking area would at a minimum be surface treated, and French drains could be installed to collect the fluids. Other mechanical devices could be added to treat the captured water. As to the type and height of the fence, Ethan was open to the conditions imposed by the Board. The lighting plan would be for security, but per the County ordinance, the lights would have a glare shield to keep the light confined to the site.

Vice-Chairman Shockley called for comments in favor of the special use permit request.

Dan Lee, 108 Locksley Place, Forest, spoke on behalf of Ethan Baker. He had been in law enforcement for over 20 years and had been a pastor for 10 years. Mr. Lee had known Ethan since he was a little boy having grown up and lived previously in the Thomas Terrace subdivision across the road from the proposed site. He was familiar with Kiowa Road as he used to run regularly there. When he was in law enforcement, Kiowa Road was a place of interest and had been under surveillance from time to time. Mr. Lee commended Ethan for wanting to place a nice business there in an effort to start his career. He spoke to Ethan and Brent Baker's work ethic commenting they were willing to work 24/7. He admired the Baker family as they were all about helping everyone else.

Curtis Walkup, 45 Sunset Drive, passes this property two or three times a day and believed any improvement would be welcome. Ethan had hauled three or four vehicles for him and was always fair. He saw Ethan as a young man wanting to start a business, and it seemed everything was stacked against him while many in Campbell County collected welfare and did not do anything. Mr. Walkup thought everyone should be rejoicing that someone wants to work.

Larry Shuman, 601 Westview Circle, lives in Thomas Terrace. He indicated Ethan was a strong kid and wanted to have his own business. He had been in the trucking business for 30 years and knew a shop like Ethan wants to build had to be built within local, state and federal guidelines. These shops had equipment in place to handle spillages and recovered water. Mr. Shuman had heard some were complaining about the potential noise, and he pointed out that he lived at the back of Thomas Terrace subdivision and he could plainly hear noise from Route 460.

Mr. Shuman closed by saying Ethan was a good kid, wanted to provide for his family, and his business would be an asset to the County.

Vice-Chairman Shockley called for comments in opposition to the proposed special use permit.

Toy Eagle, 250 Kiowa Road, Lynchburg, first asked if any changes were made to the special use permit prior to this meeting. Mr. Harvey had not received any changes, but advised the Board could approve less than what was advertised. Tripp Isenhour, County Attorney, added the Board could approve part or all of the requested uses. Mrs. Eagle state the de-acceleration lane was very small entering Kiowa Road from Route 460 and had caused issues in the past. VDOT has indicated it was a very expensive project, and it was not a potential project at this time. She also believed bringing this type of business to their residential community was inviting crime. Kiowa Road was also very narrow at 14.5 feet. Mrs. Eagle added school buses could not come down their road because it was not wide enough for the buses to turn around. Noise from trucks coming in and out of Kiowa Road, the dangerous intersection with Route 460, lights from the property and the leakage of toxic fluids from wrecked vehicles were also concerns. The homes on Kiowa Road were on well water. Mrs. Eagle presented several pictures showing the width of Kiowa Road and pictures of leaking fluids when the abandoned vehicles on the site were hauled away. She also questioned who would monitor the number of vehicles on the site and that he could repair and remove vehicles within 45 days in light of the shortages of automobile parts. Mrs. Eagle felt it was important to protect your own property and asked the Board to not approve this special use permit as it was not a good area for this type of business.

Vivian Waller, 96 Kiowa Road, indicated she had sent each of the Board members expressing concerns about the proposed special use permit, but would comment on a few at this meeting. She was really concerned about leaking fluids from the disabled vehicles and contaminating their water supply. She was also confused about what type of automotive repair Ethan was planning to do. In answer to question by Mrs. Waller, the special use permit would not apply to the parcel across Route 460 and the permit would transfer to a new owner if the parcel was sold. Mrs. Waller was also concerned about the values of their properties and did not believe it was appropriate to place a business in a residential area.

Robbie Mize, 140 Kiowa Road, stated she lived on two acres, but her house and well were not far off Kiowa Road. She disagreed there were 70 vehicles a day on their road. With only six (6) families averaging two trips a day, she estimated 24 vehicles at most. Right now the road was used for walking with dogs, children and grandchildren and believed this would be taken away from them. Mrs. Mize indicated this was not an attack on Ethan, his family or his livelihood, but it was an attack on their quiet, quaint neighborhood, and she would like it to stay that way. She did not see how Ethan could operate this type of business 9 to 5 with towing being 50% of his business which is a service available 24 hours a day. Mrs. Mize did not believe the business would be a good fit for their neighborhood.

Leeann Hughes, 224 Kiowa Road, stated she and her husband purchased the property after her father-in-law passed away. It was a quiet, friendly neighborhood, and all the neighbors looked after each other. Mrs. Hughes clarified that Spring House Restaurant had a separate entrance off Route 460, and that traffic did not impact Kiowa Road. She loved Kiowa Road because they could walk their dogs and children could ride their bikes, and they did not have to worry about traffic. It was very upsetting to have that taken away by big trucks and the traffic. Mrs. Hughes was also concerned about the potential impact to their wells. She wondered why Ethan did not just utilize the shop his father already operated because now he would be dragging cars across Route 460 to this new location.

Vice-Chairman Shockley asked if Ethan Baker would like to address the Board.

Ethan Baker, 157 Springlake Road, commented that Mr. Nixon had covered the majority of the application and was available to answer any questions. Mr. Baker advised he moved one of the abandoned vehicles on the site, and hired A. J. Automotive to move the other two.

A discussion ensued between Ethan and the Board on the conditions proposed to the special use permit. Ethan made it known he was willing to accept any conditions proposed by the Board. When pressed by Supervisor Watts to say what he would like to do with the property,

Ethan indicated he would like to be allowed to house at least 10 vehicles, install an eight (8) foot blinder fence on all four sides with evergreen trees inside, install three or four lights for security on the corners of the building and install a slide gate. For the collection of fluids, Ethan was proposing to construct a drain tile system where vehicles were parked. In answer to a question by Supervisor Hardie, Ethan would only receive customers on the site from 9 a.m. to 5 p.m. For the towing service, he planned to keep one truck at the proposed site and keep one at his home. If he towed a vehicle at night, he would not want to disturb his neighbors so he would not drop off a towed vehicle after 7 p.m.

Brent Baker, 157 Springlake Road, has been in the body shop business for 35 years and said that when a vehicle was in a collision, 99% of the fluids in the car end up on the highway. His son, Ethan, would not be changing oil all days long, but plans to do minor repairs.

Toy Eagle commented that the special use permit application has changed since the Planning Commission meeting. She was concerned that minor body repair work would require power tools.

Ethan Baker clarified that he planned to do light duty repairs, oil changes, minor fender work and his bread and butter was towing.

The public hearing was closed at 8:42 p.m.

Supervisor Hardie thanked the applicant for applying for a special use permit and wanting to run a business with respect to his neighbors, and he thanked the residents for speaking to their desire to protect their homes and wanting their world unchanged. This was a very tough decision for him as he had known Ethan for a long time and knew him to be a great guy. Supervisor Hardie was concerned about the changes that would occur in a residential neighborhood and how this business would fit into a residential neighborhood. He believed Ethan should run a business the way he wants to, but this site may limit him to do so. If it does not limit him, it may impact the neighbors negatively. Because the road was narrow and tight, there were safety concerns. After considering all the factors, Supervisor Hardie was not in favor of the project as it stood. If there was an entrance off Route 460, the project may look differently to him.

Supervisor Watts agreed this situation was tough when it might impact a residential neighborhood. However, he indicated this location was a good opportunity for a commercial business. He had visited the location and while the road was narrow, it was a normal road. He added he could not see the property being used for a home because of the noise from Route 460. Supervisor Watts also commented it was hard to say no to someone who really wanted to put a business there and had agreed to several conditions for screening, buffering and security and to not utilize the site fully for his business in order to have the application approved.

Supervisor Moore did not believe this was the right place for this business for the residents or Mr. Baker. He believed Ethan would do well and would probably outgrow this location very quickly and limit his growth.

Supervisor Hardie offered the following motion:

On motion of Supervisor Hardie, it was resolved the Board of Supervisors accepts the recommendation of the Campbell County Planning Commission and **DENIES** Request #22-091 by Russ Nixon, agent for Brent S. Baker, for a special use permit to operate an automobile repair and towing and recovery of automobiles business on property zoned Agricultural located on Kiowa Road and identified as tax map parcel 17E-1-15.

Supervisor Watts offered a substitute motion:

On substitute motion of Supervisor Watts, it was resolved the Board of Supervisors **APPROVES** Request #22-091 by Russ Nixon, agent for Brent S. Baker, for a special use permit to construct and operate an automobile repair center on property zoned Agricultural located on Kiowa Road and identified as tax map parcel 17E-1-15, with the following conditions:

1. The applicant utilizes the site in conformance with the use described in the narrative and shown on the site plan submitted with the request;
2. No vehicle fluid discharge on the property;
3. Office hours shall be 9 a.m. – 5 p.m., Monday through Friday for customers;
4. An 8-foot blinder fence shall be constructed on all four sides of the property together with an evergreen buffer and a slide gate with code at the entrance;
5. Property shall not be used for vehicle storage – no one vehicle on site longer than 45 days;
6. No vehicles may be sold from the property;
7. Lights on four corners of building in compliance with the Zoning Ordinance;
8. No delivery of vehicles between hours of 7 p.m. and 9 a.m.;
9. Applicant shall install a geotextile drain tile containment system for fluids from vehicles parked on property; and
10. No more than 10 vehicles on property at any time.

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

// PUBLIC HEARING – REQUEST FOR TAX EXEMPTION – DAWN, INC.

The next public hearing opened at 8:54 p.m. to receive public comment on an Ordinance providing for exemption of real and personal property owned by Dawn, Inc. from County taxation as a charitable non-profit organization pursuant to Section 58.1-3651 of the Code of Virginia. The real property located at 717 7th Street, Altavista, Virginia, Tax Map 83-A-11-28-17, has a County-assessed value of \$150,500.00 (\$30,000 on the land and \$120,500 on the improvements thereon), and the real estate tax for the current year is \$782.60. The taxable personal property owned by Dawn, Inc. is valued at \$250.00, and the personal property tax for the current year is \$10.78.

Tripp Isenhour, County Attorney, added the real estate property was currently being renovated and should the tax relief be approved, it would begin when the certificate of occupancy was issued.

Frances Hutchison indicated Dawn, Inc., has operated as a food pantry for 38 years. Up until 2020 when COVID-19 impacted their operations, they were serving anywhere from 455 to 500 families per month with food supplies. They also help families pay their rent, electric bills and purchase medication. They were funded by donations from churches, businesses and individuals and receive no state or federal funds. They have been able to purchase a building which was under renovation and anticipate once the building was fully functional, they would be serving even more families. Dawn, Inc., was staffed by volunteers and was currently open one day a week serving 50-60 families. Mrs. Hutchison indicated the tax relief would help them considerably to provide for additional families. They serve parts of Bedford, Campbell and Pittsylvania Counties.

No one spoke in favor of or in opposition to the proposed tax relief for Dawn, Inc. The public hearing was closed at 9:06 p.m.

On motion of Supervisor Moore, it was resolved the Board of Supervisors adopts the following ordinance:

**AN UNCODIFIED ORDINANCE TO EXEMPT THE PROPERTY OF
 DAWN, INC. FROM COUNTY TAXATION**

WHEREAS, the Campbell County Board of Supervisors, at its August 2, 2022 regular business meeting did consider the application of Dawn, Inc. for an exemption from local taxes pursuant to Va. Code § 58.1-3651(B). The Board of Supervisors considered the presentation of the applicant and conducted a public hearing to seek input of the County's citizens. The Board considered the factors listed in Va. Code § 58.1-3651(B). Upon consideration of the application, the applicant's presentation, the public input, and the factors listed in Va. Code § 58.1-3651(B) the Campbell County Board of Supervisors found that the exemption request was appropriate.

THEREFORE, it is hereby ORDAINED pursuant to Section 58.1-3651(B) of the Code of Virginia; that all of the personal property of Dawn, Inc. located in Campbell County shall be exempted by designation from Campbell County taxation for the 2022 and all subsequent tax years, and that the real property known as Tax Map No. 83A-11-28-17 shall become exempt upon the issuance of a certificate of occupancy and shall continue for all subsequent tax years.

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

// PUBLIC HEARING – REQUEST FOR TAX EXEMPTION – JOHNSON HEALTH CENTER

The next public hearing was opened at 9:08 p.m. on an Ordinance providing for exemption of real and personal property owned by Johnson Health Center from County taxation as a charitable non-profit organization pursuant to Section 58.1-3651 of the Code of Virginia. The real property located at 925 Village Highway, Rustburg, Virginia, Tax Map 34A-A-42C, has a County-assessed value of \$966,800.00 (\$235,000 on the land and \$731,500 on the improvements thereon), and the real estate tax for the current year is \$5,027.36. The taxable personal property owned by Johnson Health Center is valued at \$8,514, and the personal property tax for the current year is \$366.94.

Gary Campbell, 1113 Beaver Creek Crossing, Lynchburg, serves as the Chief Executive Officer for the Johnson Health Center. They were a fully qualified health organization, but they were not affiliated with Centra. They receive 20% of their funding from the Federal government through grant funding that were renewable each year. Johnson Health Center serves all patients regardless of the ability to pay. Mr. Campbell was happy they were able to serve the Rustburg/Campbell County community and have purchased a building. They currently serve 5,700 patients and employ 29 people at the Rustburg location. They provide all types of medical care including patient transportation, pharmacy delivery, nutrition counseling and helping people apply for insurance. In the future they plan to use a mobile dental unit to provide dental care. They were the only non-profit medical provider in the County and provide medical care to people with insurance and without insurance and take care of the most vulnerable population. He respectfully requested for approval of the tax exemption and would utilize the tax savings for patient care.

Sandy Glass, member of the Board of Directors, wanted to speak on behalf of the Johnson Health Center. She was serving on the Board when it made the decision to come to Campbell County. Rustburg was a centralized location part of Board decision to come to this area, and they currently draw the uninsured and underinsured. She spoke to Mr. Campbell's leadership and the desire to serve more people in the rural communities. Mrs. Glass was also a patient and has witnessed the efficiency of the organization. They were highly regulated, and she assured the Board the tax savings would go back into the community.

No one else spoke in favor of the request for the tax exemption. No one spoke in opposition to the request. The public hearing was closed at 9:24 p.m.

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

**AN UNCODIFIED ORDINANCE TO EXEMPT THE PROPERTY OF
JOHNSON HEALTH CENTER FROM COUNTY TAXATION**

WHEREAS, the Campbell County Board of Supervisors, at its August 2, 2022 regular business meeting did consider the application of Johnson Health Center for an exemption from local taxes pursuant to Va. Code § 58.1-3651(B). The Board of Supervisors considered the presentation of the applicant and conducted a public hearing to seek input of the County's citizens. The Board considered the factors listed in Va. Code § 58.1-3651(B). Upon consideration of the application, the applicant's presentation, the public input, and the factors listed in Va. Code § 58.1-3651(B) the Campbell County Board of Supervisors found that the exemption request was appropriate.

THEREFORE, it is hereby ORDAINED pursuant to Section 58.1-3651(B) of the Code of Virginia; that all of the real and personal property of Johnson Health Center located in Campbell County shall be exempted by designation from Campbell County taxation for the 2022 and all subsequent tax years.

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

// PUBLIC HEARING – UPDATES TO COMPREHENSIVE PLAN

The last public hearing was opened at 9:25 p.m. to receive comments on the proposed updates to the Comprehensive Plan.

Austin Mitchell, Zoning and Subdivision Administrator, presented the changes to the Comprehensive Plan which consisted primarily of updated information in Chapters 2: Population and Demographics; Chapter 3, Administration and Finances; Chapter 6, Housing; and Chapter 9, Transportation Systems and Facilities. The chapters were updated with relevant data from the 2020 Census, the most recent American Community Survey Estimates, financial data from the FY 2020 budget and recent transportation facility data in the VDOT Six Year Improvement Program. The Planning Commission conducted its public hearing on June 27, 2022, and the updated chapters were available for review on the County's website.

Vice-Chairman Shockley called for comments on the proposed updates to the Comprehensive Plan.

Doug Barringer, 277 Holland Court, commented that on several different occasions he has observed citizens requesting a change in zoning to support high density housing, industrial and commercial uses in areas that were traditionally rural/agricultural or residential. He was concerned that we needed to support high density multi-family housing, but questioned some of the decisions on where to put it. It seemed more logical to put the housing in areas more densely populated than farmland in agricultural areas. He asked during the review of the Comprehensive Plan to consider making such zoning changes more compatible to patterns already in place. Mr. Barringer fully supported the Planning Commission to try to balance the rights of property owners, but also realized we need to allow for growth.

Sandy Glass lives in the Sunburst District and echoed Mr. Barringer's comments. She agreed there was a lot of commercial and industrial space in the County that was underutilized and noted that the business and commercial side was what would increase tax revenues, not the increase in residential areas. Mrs. Glass also suggested it would be helpful if proposed changes to documents and policies could be highlighted so that citizens could readily understand the changes.

No one else spoke in favor of or in opposition to the updates to the Comprehensive Plan. The public hearing was closed at 9:33 p.m.

On motion of Supervisor Hardie, it was resolved the Board of Supervisors accepts the changes presented and adopts the updated 2022-2037 Comprehensive Plan.

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

// CLOSED MEETING

On motion of Vice-Chairman Shockley, it was resolved the Board of Supervisors enters into a closed meeting at 9:35 p.m. to consult with legal counsel pertaining to possible or pending litigation related to the Region 2000 Services Authority, and to discuss legal matters related to a public nuisance, in accordance with the legal exemption §2.2-3711 (A)(7) of the Code of Virginia, as amended.

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

Nay: None
Absent: Cline

// The Campbell County Board of Supervisors entered into a closed meeting on this 2nd day of August, 2022 at 9:35 p.m. to consult with legal counsel pertaining to possible or pending litigation related to the Region 2000 Services Authority, and to discuss legal matters related to a public nuisance, 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 11:53 p.m.

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

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

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Campbell County Board of Supervisors had convened a closed meeting on the 2nd day of August, 2022 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: Carwile
Aye: Hardie
Aye: Moore
Aye: Shockley
Aye: Watts
Nay: None
Absent During Meeting: Cline
Absent During Vote: Cline

// ACTIONS FOLLOWING CLOSED MEETING

On motion of Supervisor Moore, it was resolved the Board of Supervisors authorizes legal proceedings to abate a public nuisance on property located at 20 & 58 Daddy Rabbit Lane.

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

On motion of Supervisor Hardie, it was resolved the Board of Supervisors authorizes legal proceedings to abate public nuisances on properties located at 46 Sunnymeade Road, 119 Candlemakers Lane and 710 New Chapel Road.

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

// ADJOURNMENT

On motion of Supervisor Carwile, the meeting was adjourned at 11:56 p.m.

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

STEVE W. SHOCKLEY, VICE-CHAIRMAN
Approved: _____