



MINUTES

BEDFORD COUNTY BOARD OF SUPERVISORS

BEDFORD COUNTY ADMINISTRATION BUILDING

JULY 8, 2013

5:00 P.M. WORK SESSION

- a. Discussion regarding the upcoming County Comprehensive Plan Update process.

6:45 P.M. Dinner

7:30 P.M. WELCOME

- a. Moment of Silence
b. Pledge of Allegiance

(1) APPROVAL OF AGENDA

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

(For items on this agenda that have not been addressed at a Public Hearing)

(3) APPROVAL OF CONSENT AGENDA

(4) APPROVAL OF MINUTES – June 24, 2013 (*distributed previously under separate cover*)

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

(6) ACTION ITEMS

- a. Consideration of a request from the County Attorney's office to authorize the Chairman of the Board of Supervisors to sign the deeds associated with the Bedford City Council's conveyed interests in the Bedford Welcome Center, the Bedford Central Library and the Bedford Elementary School, as well as a deed adjusting the boundaries relevant to Tiger Trail.

(Bedford Welcome Center - Resolution #R0713-079)

(Bedford Central Library – Resolution #R0713-080)

(Bedford Elementary School – Resolution #R0713-081)

(Tiger Trail – Resolution #R0713-084)

- *Staff Presentation: Carl Boggess, County Attorney*

- b. Consideration of a request from the County Attorney requesting approval of the lease assignment for the Bedford Middle School (*Resolution #R0713-083*)
 - *Staff Presentation: Carl Boggess, County Attorney*
- c. Consideration of a request from the Virginia Department of Transportation for approval and support for the Highway Safety Improvement Project on Route 221 in the vicinity of Route 668.
 - *Staff Presentation: Frank Rogers, Deputy County Administrator*

(7) BOARD COMMENTS, COMMITTEE REPORTS, REQUESTS AND RECOMMENDATIONS

- a. Bedford County Planning Commission meeting minutes for May 7 and May 21, 2013
 - b. Bedford Circuit Court audit report for July 1, 2011 through March 31, 2013
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- g. Status update from the Broadband Advisory Committee
 - h. Notice – Bedford County Farm Tour

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- a. Appointments to the Board of Trustees of the Bedford Public Library

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

- a. Closed Session pursuant to Section 2.2-3711 (A) (1) as to the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; specifically, related to the County Attorney.

(10) COUNTY ADMINISTRATOR’S REPORTS, REQUESTS AND RECOMMENDATIONS

(11) PENDING MATTERS

(12) UPCOMING MEETINGS

- July 22 – Regular Meeting at 7:30 P.M.
- August 12 - Regular Meeting at 7:30 P.M. (Work session at 5:00 P.M.)
- August 26 – Regular Meeting at 7:30 P.M.

5:00 P.M. – WORK SESSION

Board of Supervisors: Steve Arrington, Chairman – District 5; John Sharp, Vice-Chairman, District 4; Bill Thomasson, District 1; Curry Martin, District 2; Annie Pollard, District 6; Tammy Parker, District 7

Absent: Roger Cheek, District 3

Staff Present: Mark K. Reeter, Frank Rogers, Carl Boggess, Tim Wilson, Jordan Mitchell, Mary Zirkle and Brigitte Petersen

Chairman Arrington called the work session to order, and then turned the meeting over to Planning staff for a review of the process to update the Comprehensive Plan.

Mr. Tim Wilson, Director of Community Development, stated that Jordan Mitchell will be the lead Planner on the Plan update, and will be drafting and coordinating the work with the Planning Commission, the Board and the public. He then turned the meeting over to Mr. Mitchell.

Mr. Mitchell began by going over the review process the Planning Commission has agreed upon, stating that they began reviewing an average of two chapters per meeting in June. Once the Planning Commission has approved their revisions as compiled by staff, these changes will be forwarded to a citizen committee for comments. Mr. Mitchell noted that the citizen committee has not been appointed yet; this will be taken up in the Planning Commission's August meeting, where they will each appoint two citizens.

In response to a question from Supervisor Pollard, Mr. Mitchell stated that the appointees didn't necessarily have to be from each Commissioner's specific district. Rather, staff is looking for a broad spectrum of citizens to be sure the County is well represented. In response to a question from Vice-Chairman Sharp, Mr. Mitchell stated that a citizen involvement procedure in this process is dictated by State Code.

Mrs. Mary Zirkle, Chief of Planning, commented that the only citizen involvement required by Code is a public hearing prior to adoption of the Comprehensive Plan. She said that it was the Planning Commission's decision to work with a citizen committee; Mr. Wilson said it is common to solicit citizen input on Plan updates. He clarified that citizens would not be suggesting policy to the Commission, but would act as a sounding board for the recommended revisions to the Plan.

Vice-Chairman Sharp suggested that each Supervisor and Commissioner appoint a citizen from each district to the citizen committee, as he feels this would help to provide a more balanced perspective. He noted that there have been significant differences between the Planning Commission and the Board of Supervisors over the past two years, and he would like to avoid conflict moving forward.

Mr. Wilson replied that one of the objectives of the last meeting between the Board and the Commission was to be sure the lines of communication were open during the update. He reminded the Board that they will always have the final say in what is ultimately adopted in the Plan.

Supervisor Martin stated that this should have been discussed before it was done, as he has been contacted by a citizen who was asked to be on this committee and wanted to know more about it. He was not able to provide any information since he didn't know the committee was being formed. Mr. Wilson stated that all staff knows is that the Commissioners have made inquiries, but no appointments yet.

In response to a question from Supervisor Thomasson, Mr. Wilson stated that the Commission would decide whether they would take applications for positions on this committee. The Commissioners have not decided how formal a process it will be, i.e. applications, etc. Supervisors Thomasson and Martin voiced their concern that applications be taken so they know who the applicants are, and to avoid those applicants with their own agenda.

Supervisor Pollard commented that she agreed with Vice-Chairman Sharp.

Chairman Arrington stated that the Planning Commission clearly wants a working relationship with the Board. He noted that the Commission has suggested going no further than reviewing four chapters before updating the Board, so there is communication and transparency throughout the update process. Chairman Arrington stated they are at the discussion stage for a citizen committee, but nothing further than that has been undertaken.

In response to a question from Supervisor Martin, Mr. Wilson reiterated that, working on just a few chapters at a time, the Planning Commission would first make update recommendations which would then go to the citizen committee. Once the citizen committee had finished its review and the Commission has made amendments based on the citizens input, the recommendations would go to the Board as a preliminary draft. The Board will have the authority to reject or accept any of the recommendations, and give final approval (or rejection) at the end of the process.

Chairman Arrington noted that the Planning Commission has set an aggressive timeline for completion of the update by the end of October of this year.

Mr. Mitchell then continued his review of the process, stating that when the draft recommendations are sent to the Board they will also be posted on the County webpage for citizen review. He said staff would be working to have all the required changes (from the reversion agreement) to the Comprehensive Plan heard at a public hearing in November and completed by the December 1st deadline. Mr. Mitchell said staff hopes to have the update recommendations from the Planning Commission finalized by February or March of 2014, and to have a public hearing for these changes in April. Mr. Wilson concurred that this was the anticipated process.

Supervisor Parker noted that it would be important to have a majority of this work done by December, as there will be changes to the Board with the first of next year. There will be a new Commissioner and a new Supervisor, and this should be kept in mind as they work on the update. Chairman Arrington stated this was also discussed when he met with the Planning Commission, and they are aware of this issue.

Chairman Arrington asked for, and received, consensus on Vice-Chairman Sharp's suggestion of having both the Board and the Commission each appoint a citizen to the citizen's committee.

Mr. Mark Reeter, County Administrator, commented that the Bedford Regional Water Authority (BRWA) may need to move forward with the necessary changes to the Comprehensive Plan for the Smith Mountain Lake water project. He said they may or may not want to move forward with this over the fall,

but it's an element in addition to the reversion matters that may end up on a separate but parallel track with the Comprehensive Plan update process. Mr. Wilson concurred with Mr. Reeter's statements, stating that some portions may be simply adopted by reference. Mrs. Zirkle commented that the BRWA was on schedule to complete their amendments.

Mr. Mitchell noted that at the next meeting on August 6th the Planning Commission will discuss Transportation; VDOT and Region 2000 will be in attendance. He stated that VDOT's approval on the Transportation element of the Comprehensive Plan is now a requirement, so staff wanted to be sure to involve them in the process so we can address any issues VDOT may have prior to sending the recommendations forward to the Board for approval.

In response to a question from Mr. Martin, Mr. Wilson confirmed that the Planning Commission has flexibility in how citizens are appointed to the committee; if more representation is needed from another area of the County, adjustments could be made accordingly so all geographic regions of the County are included. Supervisor Pollard stated that she liked having two appointees from each district, since each district has an equal number of citizens. Supervisor Martin said that some districts have more businesses than others. Supervisor Pollard said every district has more of a mixture now.

There being no further discussion on the Comprehensive Plan update, the Board decided on the suggestion of the County Attorney to move the Closed Session from the regular meeting agenda to the work session.

Supervisor Thomasson made a motion to go into Closed Session pursuant to Section 2.2-3711 (A) (1) as to the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; specifically, related to the County Attorney and to Board appointments; **motion passed by acclamation.**

The Board remained in the Board conference room for dinner.

7:30 P.M. – REGULAR MEETING

Board of Supervisors: Steve Arrington, Chairman – District 5; John Sharp, Vice-Chairman, District 4; Bill Thomasson, District 1; Curry Martin, District 2; Annie Pollard, District 6; Tammy Parker, District 7

Absent: Roger Cheek, District 3

Staff Present: Mark K. Reeter, Frank Rogers, Carl Boggess and Brigitte Petersen

Chairman Arrington welcomed those in attendance; a moment of silence was held and the Pledge of Allegiance was said.

Supervisor Pollard made a motion to go back into regular session; motion passed by acclamation.

WHEREAS, the Bedford County Board of Supervisors has convened a Closed Meeting on this, the 8th day of July 2013, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by the Bedford County Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE BE IT RESOLVED on this the 8th day of July 2013, that the Bedford County Board of Supervisors does hereby certify 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 was heard, discussed or considered by the Bedford County Board of Supervisors.

<u>MEMBERS:</u>	<u>VOTE:</u>
Steve Arrington, Chairman	Yes
John Sharp, Vice-Chairman	Yes
Bill Thomasson	Yes
Curry W. Martin	Yes
Roger W. Cheek	Absent
Annie S. Pollard	Yes
Tammy Parker	Yes

(1) APPROVAL OF AGENDA

Mr. Mark K. Reeter, County Administrator, read the changes to the agenda as follows:

- Additional Documentation under Approval of Minutes – June 24, 2013
- Addition under Board Comments, Committee Reports, Requests and Recommendations: #7g, Status Update - Broadband Advisory Committee; #7h, Bedford County Family Farm Tour (August 17th from 10:00 a.m. to 3:00 p.m.)
- Addition under Appointments to Boards, Commissions and Committees: #8a, Appointments to the Board of Trustees of the Bedford Public Library; resolution addressing the number of appointees

Carl Boggess, County Attorney, suggested adding Action Item #6d for the resolution pertaining to the number of appointees to the Library Board of Trustees.

Supervisor Thomasson made a motion to approve the agenda as amended; motion passed by acclamation.

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

- Jackie Davis, citizen from Thaxton, addressed the Board with a prayer.

(3) APPROVAL OF CONSENT AGENDA

Mr. Mark K. Reeter, County Administrator, read the Consent Agenda for the benefit of those in attendance:

- a. Consideration of a request from the Sheriff's Department for approval to submit a grant application for the Edward Byrne Memorial Justice Assistance Grant in the amount of \$19,165.00; there is no local match requirement. (*Resolution #R0713-077*)

Vice-Chairman Sharp noted that one of the application requirements for this grant stated that the application must be available for review by the governing body for 30 days prior to submission, and asked when the application was going to be submitted. Mr. Reeter responded that he thought it would probably be submitted once the resolution was adopted. Vice-Chairman Sharp said the deadline for submission is given as July 9th, and asked if the County was actually meeting this requirement since today is July 8th. Supervisor Thomasson noted that the way the memorandum for this request was written, it looked like the funds would be spent and then the County would be reimbursed if the grant was awarded. Mr. Reeter commented that he did not have any further information than what had been distributed in the Board's packet, but he believed Supervisor Thomasson was correct in his interpretation of the memo.

There followed a brief discussion between members of the Board and Mr. Reeter regarding the process for grants being brought before the Board. Frank Rogers, Deputy County Administrator, stated that these grant deadlines do tend to move in flux, and that placement on the Board's formal agenda would address the grant requirement for public comment. Mr. Rogers said if the Board has any concerns about the application it will be withdrawn, even if it has already been submitted to the funding source for consideration. He noted that in any case if we do not meet the grant criteria, we will not be awarded the funding. Attorney Boggess concurred, saying if the Board approved the request and the grant is not awarded because the Sheriff's office failed to meet a grant requirement, this is not a reflection on the approval given by the Board. In response to a question from Supervisor Parker, Mr. Reeter said this is a reoccurring grant. Vice-Chairman Sharp said he was not opposed to the grant, but wished the Board received these types of requests earlier so he would feel more comfortable with the deadlines. Mr. Reeter agreed that the application and other backing information should have accompanied the request. Supervisor Thomasson requested that the Board give the County Administrator direction on how to proceed with submitting requests like this in the future. Mr. Reeter said staff can attempt to provide application documentation, etc., but noted that some applications are completed online and cannot be

printed off. Supervisor Parker said she agreed with getting the information in a timely fashion before the deadline, but commented that the Board has had the information for this particular request since the last meeting on June 24th.

Vice-Chairman Sharp made a motion to approve the Consent Agenda.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Sharp, Mr. Arrington and Mrs. Parker

Voting no: None

Abstained: Mrs. Pollard

Absent: Mr. Cheek

Motion passed.

(4) APPROVAL OF MINUTES

Supervisor Parker noted that on line #219, \$595,000.00 should be corrected to read \$590,000.00.

Supervisor Parker made a motion to approve the minutes for June 24, 2013 as amended; motion passed by acclamation.

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

There were no public hearings or public appearances for this meeting.

(6) ACTION ITEMS

(6a) Carl Boggess, County Attorney, addressed the Board with a request to authorize the Chairman of the Board of Supervisors to sign the deeds associated with the Bedford City Council's conveyed interests in the Bedford Welcome Center, the Bedford Central Library and the Bedford Elementary School, as well as a deed adjusting the boundaries relevant to Tiger Trail. Attorney Boggess noted that all the properties have been recently surveyed. He summarized that the following resolutions included a deed conveying the school over to the School Board, a deed conveying the Town's interest in the one-half of the Welcome Center to the County, a deed for the Library and a "clean-up" for property located on Burks Hill (Tiger Trail).

Vice-Chairman Sharp made a motion to approve Resolutions #R0713-079, #R0713-080, #R0713-081 and #R0713-084, as follows:

#R0713-079

WHEREAS, the City of Bedford and the County of Bedford have entered into a "Voluntary Settlement Agreement" dated 14 August 2012 (the "Agreement"), pursuant to which the parties agreed to a partial consolidation of the two governmental entities by means of a transition of the City of Bedford to a town located within and constituting a part of the County of Bedford and which provided for the conveyance of the hereinafter described Welcome Center real estate and related property interests to the County of Bedford; and

WHEREAS, the Agreement and its terms were approved by a Special Court as required by the statutes on the 18th day of December 2012, with the transition to town status to become effective on the 1st day of July 2013; and

WHEREAS, by action taken on the 25th day of June 2013, the City of Bedford has conveyed its interest in the Bedford Welcome Center unto the County of Bedford; and

WHEREAS, pursuant to §15.2-1800 of the Code of Virginia, the Bedford County Board of Supervisors must pass a resolution accepting the conveyance.

NOW THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors authorize the Chairman of the Board to execute the deed accepting the conveyance of the Bedford Welcome Center to the County of Bedford in accordance with the attached deed.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Absent: Mr. Cheek

Motion passed.

#R0713-080

WHEREAS, the City of Bedford and the County of Bedford have entered into a “Voluntary Settlement Agreement” dated 14 August 2012 (the “Agreement”), pursuant to which the parties agreed to a partial consolidation of the two governmental entities by means of a transition of the City of Bedford to a town located within and constituting a part of the County of Bedford and which provided for the conveyance of the hereinafter described Welcome Center real estate and related property interests to the County of Bedford; and

WHEREAS, the Agreement and its terms were approved by a Special Court as required by the statutes on the 18th day of December 2012, with the transition to town status to become effective on the 1st day of July 2013; and

WHEREAS, by action taken on the 25th day of June 2013, the City of Bedford has conveyed its interest in the Bedford Central Library unto the County of Bedford; and

WHEREAS, pursuant to §15.2-1800 of the Code of Virginia, the Bedford County Board of Supervisors must pass a resolution accepting the conveyance.

NOW THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors authorize the Chairman of the Board to execute the deed accepting the conveyance of the Bedford Central Library to the County of Bedford in accordance with the attached deed.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Absent: Mr. Cheek

Motion passed.

#R0713-081

WHEREAS, the City of Bedford and the County of Bedford have entered into a “Voluntary Settlement Agreement” dated 14 August 2012 (the “Agreement”), pursuant to which the parties agreed to a partial consolidation of the two governmental entities by means of a transition of the City of Bedford to a town located within and constituting a part of the County of Bedford and which provided for the conveyance of the hereinafter described Welcome Center real estate and related property interests to the County of Bedford; and

WHEREAS, the Agreement and its terms were approved by a Special Court as required by the statutes on the 18th day of December 2012, with the transition to town status to become effective on the 1st day of July 2013; and

WHEREAS, by action taken on the 25th day of June 2013, the City of Bedford has conveyed its interest in Bedford Elementary School unto the Bedford County School Board; and

WHEREAS, the Bedford County Board of Supervisors must pass a resolution authorizing the conveyance to the Bedford County School Board.

NOW THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors directs that the property known as the Bedford Elementary School be conveyed unto the Bedford County School Board; the Board further authorizes the Chairman of the Board to execute the deed.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Absent: Mr. Cheek

Motion passed.

#R0713-084

WHEREAS, the City of Bedford and the County of Bedford have entered into a “Voluntary Settlement Agreement” dated 14 August 2012 (the “Agreement”), pursuant to which the parties agreed to a partial consolidation of the two governmental entities by means of a transition of the City of Bedford to a town located within and constituting a part of the County of Bedford and which provided for the conveyance of the hereinafter described Welcome Center real estate and related property interests to the County of Bedford; and

WHEREAS, the Agreement and its terms were approved by a Special Court as required by the statutes on the 18th day of December 2012, with the transition to town status to become effective on the 1st day of July 2013; and

WHEREAS, the City of Bedford and the County of Bedford commissioned a survey to reconfigure the boundaries the Bedford Elementary School, the Bedford Welcome Center, to dedicate land for street purposes and to convey residual parcels of real estate; and

WHEREAS, the National D-Day Memorial Foundation, Inc. has conveyed unto the County of Bedford, a sliver of land containing 0.017 acre which is to be part of the Bedford Welcome Center; and

WHEREAS, pursuant to §15.2-1800 of the Code of Virginia, the Bedford County Board of Supervisors must pass a resolution accepting the conveyance.

NOW THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors authorize the Chairman of the Board to execute the deed accepting the conveyance of that certain sliver of land containing 0.017 acre to the County of Bedford in accordance with the attached deed.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Absent: Mr. Check

Motion passed.

(6b) Carl Boggess, County Attorney, addressed the Board with a request for approval of the lease assignment for the Bedford Middle School. Attorney Boggess stated that, as required in the Voluntary Settlement Agreement, the County and the School Board have the option to lease the Bedford Middle School for several years. He noted that the Board has already approved the Voluntary Settlement Agreement which included the school lease, and now the lease needs to be assigned to the School Board.

Vice-Chairman Sharp made a motion to approve Resolution #R0713-083.

WHEREAS, the City of Bedford and the County of Bedford have entered into a “Voluntary Settlement Agreement” dated 14 August 2012 (the “Agreement”), pursuant to which the parties agreed to a partial consolidation of the two governmental entities by means of a transition of the City of Bedford to a town located within and constituting a part of the County of Bedford; and which provided for the lease of the Bedford Middle School and related property interests to the County of Bedford; and

WHEREAS, the Agreement and its terms were approved by a Special Court as required by the statutes on the 18th day of December 2012, with the transition to town status to become effective on the 1st day of July 2013; and

WHEREAS, under the terms of the Agreement, the City of Bedford is leasing unto the County of Bedford that certain property known as “Bedford Middle School”; and

WHEREAS, that in accordance with §2.2 of the lease, the County of Bedford in assigning its interest to the Bedford County School Board.

NOW THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors authorizes the Chairman of the Board to execute the lease of the Bedford Middle School. The Board further authorizes the Chairman of the Board to execute the assignment of the lease to Bedford County School Board.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Absent: Mr. Cheek

Motion passed.

(6c) Frank Rogers, Deputy County Administrator, addressed the Board with a request from the Virginia Department of Transportation for approval and support for the Highway Safety Improvement Project on Route 221 in the vicinity of Route 668. Mr. Rogers stated this request from VDOT is in response to accidents at the intersection of Goode Station Road and Route 221. He said that VDOT conducted a public hearing in March, and has since proposed a project to add turn lanes and improved commercial access. Mr. Rogers distributed supporting documentation to the Board regarding this project, and said that the request before the Board tonight simply asserts that the Board is aware of and supports VDOT's efforts on this project. In response to a question from Supervisor Thomasson, Mr. Rogers stated that this project is fully funded for VDOT with Federal and State money and does not involve revenue sharing funds. Chairman Arrington noted this project has been on the books for a long time.

Supervisor Parker made a motion to approve Resolution #R0713-085.

WHEREAS, the Virginia Department of Transportation (VDOT) held a design public hearing on March 12, 2013 for the purpose of soliciting public comments on the proposed highway safety improvements project (HSIP) in the vicinity of the intersection of Route 221 and Route 668; and

WHEREAS, the Virginia Department of Transportation considers the public comments as submitted to VDOT for this project have been adequately addressed; and

WHEREAS, the Board of Supervisors does hereby support the Highway Safety Improvement Project in the vicinity of the intersection of the Route 221 and Route 668.

NOW, THEREFORE, BE IT RESOLVED, that a certified copy of this resolution duly attested be forwarded to the Virginia Department of Transportation, Bedford Residency Office, by the Clerk to the Board of Supervisors.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Absent: Mr. Cheek

Motion passed.

(6d) Carl Boggess, County Attorney, addressed the Board with a request to amend and readopt the Bylaws of the Board of Trustees of the Bedford Public Library. Specifically, the amendment will increase the number of At-Large appointees from five to seven, as well as additional terms to correspond to the seven positions.

Supervisor Thomasson made a motion to approve resolution #R0713-090.

WHEREAS, by resolution adopted on the 13th day of May 2013, the Bedford County Board of Supervisors approved the By-laws for the Board of Trustees of the Bedford Public Library; and

WHEREAS, adopted By-laws called for five trustees; and

WHEREAS, the Board of Supervisors desires to increase the size of the Library Board to seven.

NOW THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors readopts the Bylaws of the Board of Trustees of Bedford Public Library with the change being Article II “Membership”, which shall be increased from five trustees to seven trustees. The revised Article II shall read as follows:

ARTICLE II - MEMBERSHIP

The operation of the Bedford Public Library shall be governed by a Board of Trustees consisting of seven members who shall serve terms of office appointed on a staggered basis. The Trustees shall be appointed by the Board of Supervisors from the citizens at large with reference to their fitness for office and their desire to work towards the betterment of the Bedford Public Library. Members of the Board of Trustees shall each have a term of office of four years, except when the Board is initially constituted. Initially the terms of office shall be for two, three and four years. Two members shall be appointed to a two year term, two members to a three year term and three members to a four year term. The term of Members is limited to two successive full terms; upon completion of two terms a member will be ineligible for reappointment for a period of two years. The Board of Supervisors shall fill unexpired terms as soon as possible in the manner in which the Board of Trustees are regularly chosen. Any Trustee may be removed for misconduct or neglect of duty.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Absent: Mr. Cheek

Motion passed.

Supervisor Pollard made a motion to appoint Ellen Wandrei to the Board of Trustees of the Bedford Public Library for a term of two years commencing on the 8th day of July 2013 and ending on the 30th day of June 2015; motion passed by acclamation.

Supervisor Martin made a motion to appoint Elizabeth J. Walker to the Board of Trustees of the Bedford Public Library for a term of two years commencing on the 8th day of July 2013 and ending on the 30th day of June 2015 motion passed by acclamation.

Supervisor Parker made a motion to appoint Ethrillian (“Penny”) Carter to the Board of Trustees of the Bedford Public Library for a term of three years commencing on the 8th day of July 2013 and ending on the 30th day of June 2016; motion passed by acclamation.

Supervisor Pollard made a motion to appoint Pam Willoughby to the Board of Trustees of the Bedford Public Library for a term of three years commencing on the 8th day of July 2013 and ending on the 30th day of June 2016 motion passed by acclamation.

Vice-Chairman Sharp made a motion to appoint Mary Jo Krufka to the Board of Trustees of the Bedford Public Library for a term of four years commencing on the 1st day of July 2013 and ending on the 30th day of June 2017; motion passed by acclamation.

Supervisor Thomasson made a motion to appoint Jan Markham to the Board of Trustees of the Bedford Public Library for a term of four years commencing on the 8th day of July 2013 and ending on the 30th day of June 2017; motion passed by acclamation.

Attorney Boggess noted that the seventh member will be appointed at the next meeting by Supervisor Cheek.

(7) BOARD COMMENTS, COMMITTEE REPORTS, REQUESTS AND RECOMMENDATIONS

Mr. Reeter noted that he had nothing to report.

Supervisor Parker noted that the budget was appropriated at the last Board meeting, but there needs to be clarification given with regard to the \$497,655.00 in the apparatus replacement fund. She stated that Chief Brad Creasey addressed the Board last November to request funding in the amount of \$250,000.00 towards the replacement of apparatus in his department. The County has had to extend the contractual agreement it had with the City, now Town, of Bedford because the new funding matrix had not been put in place. Supervisor Parker said the Town didn’t have anything to do with the fact that the contract was extended, and it didn’t end as it was scheduled to in April. She said the County needs to honor that contract with the funding for this apparatus (a fire truck), which is now 22 years old. She noted that the replacement was supposed to have taken place when it was 20 years old.

Chairman Arrington asked if the \$497,655.00 figure was correct; Mr. Rogers responded that it was, and that it’s the number that was fully appropriated for apparatus in the adopted C.I.P. Mr. Rogers noted that as a point of clarification, this is a lump sum for apparatus, but this number was not built to specific trucks. It was as much as the County could cobble together for apparatus.

Supervisor Pollard stated that she had spoken with Mr. Creasey and they do have an issue in that we are still under that contract and the money should have been provided two years ago, and we didn't do that. She said she is under the impression that we need to honor all contracts that we have; they do serve a large portion of the County, and did so even prior to reversion, which is why they had this agreement to begin with.

Supervisor Thomasson asked if the \$200,000.00 had already been included in the budget, or if it was additional funding we were going to need to fund the contract; Chairman Arrington noted that the amount was actually \$250,000.00.

Vice-Chairman Sharp stated that it had already been allocated, with a total of \$497,655.00 in the C.I.P.

Mr. Rogers stated that there is a little bit more than \$495,000.00 for apparatus in the C.I.P. None of those dollars were earmarked to a specific apparatus. Mr. Rogers said that Supervisor Parker is absolutely correct – Chief Creasey has been very diligent and forthright in stating his needs when coming before the Board on a couple of occasions to request the \$250,000.00. Mr. Rogers noted that the Board has not funded a C.I.P. in several years, which has delayed apparatus acquisition, so Chief Creasey has deferred for his agency for at least two years. Mr. Rogers noted that the County did defer the new funding formula for a period of one year because we did not make the April deadline, but the contract for the reversion agreement is no longer in effect. In practice, the County intends to relate to them in very much the same way as we always have. He said that as he recalls the contract states that firefighting vehicles are to be provided, and suggested looking at the contract in addition to past practice as to how this agency has been supported. He summarized by stating there's \$495,000.00 to get us as far as we can; he concurred with Supervisor Pollard that this agency provides a tremendous service to the County and are one of our most responsive agencies. He commended Chief Creasey for taking a proactive position and coming before the Board, and said he just wanted to be sure to put the request in the context of the resources we have.

Chairman Arrington asked if the Fire and Rescue Committee has had this discussion with Chief Jones, and if any direction had been given. Supervisor Parker stated that she didn't know if they had been given specific direction. It was her understanding that, out of this almost \$500,000.00, that \$250,000.00 would go to this and then we'd still have the remaining left for other needs. She said the Board has not been presented with specifics on how the money was to be spent, but the way it got back to her was that direction had not been given so she felt that the Board does need to give some direction in this matter.

Mr. Rogers stated that staff is aware of Bedford's request and are attuned to it, but staff needs to know if the Board wishes to take \$250,000.00 of the \$495,000.00 toward that request versus other requests. He said there has been a long standing project with the Big Island agency (in fact, they are meeting tonight) that was frozen in the queue when the C.I.P. wasn't funded. He stated that he and Chief Jones have acknowledged the requests and available funds; now where it goes is a matter of direction

from the Board. Mr. Rogers said the Fire Commission is working collaboratively to identify the many needs of all the agencies, and certainly Bedford's is a first-year priority. Mr. Rogers reiterated that at the staff level there is awareness of the request, and staff is in need of direction from the Board; he just wanted to be sure the Board was aware of the context in which they are giving that direction.

Supervisor Thomasson said the needs are prioritized and asked if Big Island was first in line for this funding, or if it was Bedford City. Mr. Rogers stated that Bedford had a rotation that dictated when they would get apparatus from the City and funding from the County. County agencies have historically been in a rotation as to who would get funding/apparatus next, which worked when the Board was funding the C.I.P. annually. But four to five years after the capital funding has not been provided meant there has been a compression of those needs. He said this is natural and it was anticipated when the decision was made to not fund the C.I.P., but the County did what it had to do. Now, however, the needs are starting to align, with Bedford at the table having deferred their request two years, other agencies (particularly Big Island) that have been waiting to get through the queue and want to finish out their projects, and then the Fire Commission which is trying to develop a model that says each agency ought to have specific apparatus on replacement schedules, who is due for the next allocation of resources, etc. Mr. Rogers said we used to do this in an order and move the resources around, but we don't have the luxury of doing it that way because we have stopped funding for a number of years. He said we need to get into a methodology that the Board endorses to schedule apparatus replacement, and then we'll have to strategize how to come before the Board to see how this can be done, purchases versus leases, etc.

Supervisor Sharp stated that one of the things that came before the committee as a strategy to stretch the dollars is the lease/purchase avenue. He said he is opposed to this specifically because there is an interest component and because once you enter into a lease you don't have the option to not pay for it in a given a year. He said the County needs that flexibility.

In response to a question from Chairman Arrington, Mr. Rogers stated that in the \$590,000.00 allocated for County vehicles there are 15-16 law enforcement vehicles, a building inspector vehicle, a Parks and Recreation vehicle and one or two pick-up trucks for Fire and Rescue. He said that he has shared with Mr. Reeter that this was a point of concern at budget appropriation and it will be coming back to the Board for clarity as to how they want staff to operate when vehicles are replaced.

Supervisor Thomasson asked how many cars were going to be replaced. Mr. Rogers replied that he believed it was 16, but it may have been 15. Supervisor Thomasson asked if Mr. Rogers had readings on the mileage of those vehicles. Mr. Rogers reminded the Board that this information had been sent out to the Board after the last Board meeting, and was also included in the budget information. He said the mileage range was approximately from 100,000 miles up to 140,000 (on the police cruisers) back in January. Mr. Rogers noted that the Sheriff's office is starting to realize a fairly acute need, as they have some engine failures, etc., so clarification is also need from the Board on how much of that \$590,000.00 can be spent now for replacement vehicles.

Chairman Arrington said he brought this up this evening because in the last meeting there was a discussion about the School Resource Officer that the County is responsible for due to reversion. He noted that it has already been decided a used vehicle would serve this officer, and suggested that since there were originally funds for a new vehicle for this SRO, passing those funds over to the apparatus need. Mr. Rogers noted that Mr. Sheldon Cash, who manages the fleet vehicle fund, was going to address the Board at the July 22nd meeting to discuss vehicle needs. Mr. Rogers commented that just because there was a list of vehicle requests, this doesn't make it Christmas; the money is there if the vehicle needs to be replaced, but it's not an automatic purchase. He said the Sheriff's office will order some vehicles off of State contract to facilitate their operational needs, but each vehicle gets reviewed on a situational basis. He commented that things happen and funds have to be reallocated on the fly; Chairman Arrington said that is what he was thinking, that more of those funds could be put into the Fire and Rescue side. Mr. Reeter said Mr. Cash would be appearing before the Board on July 22nd, and it may turn out that there is a balance left that could be moved over at that time.

Vice-Chairman Sharp said that a couple months ago the Board was addressed by a representative from the Virginia Department of Conservation and Recreation (DCR) who explained the new stormwater regulations being handed down by the State. He said some people may have thought he was joking when he asked what would happen if the County didn't comply, but he was not. Vice-Chairman Sharp asked staff to investigate the penalties of not enforcing the new stormwater regulations. He said the new regulations are onerous, and he's hoping that at least existing homes are grandfathered in. He said the new regulations are going to cost a fortune, and someone has to push back. Mr. Reeter said he would pull that information together and try to have something for the Board at their next meeting.

Chairman Arrington told Vice-Chairman Sharp this was very timely, as there is currently a bill to also take some of the onerous EPA regulations off of farming. He then turned the conversation back to the issue of allocating funds for Bedford City's apparatus, and asked if Supervisor Parker was asking the Board to give direction to Fire and Rescue regarding this particular request. Supervisor Pollard stated it is her understanding that, according to the reversion agreement, the County was to have a new funding matrix in place on July 1st; if not, then we continue under the contract. Attorney Boggess said this is probably true because the County is the entity who wanted to put off the new formula funding for a year. Supervisor Pollard stated that by putting it off we are pushing the purchase to 23 years instead of 22, and she has an issue with that. Chairman Arrington said there was a lengthy discussion about this during the budget process, and no one was happy about putting it off for a year.

Supervisor Thomasson asked Attorney Boggess if, under the reversion agreement, most of the prior contracts were voided effective July 1st. Attorney Boggess replied that this was true for most of the contracts, but this particular contract was different. It is in the agreement that it remains in effect until July 1st, 2013, but it also mentions committing to a funding policy, so he believes the contract continues. Supervisor Thomasson asked him to find out definitively and let the Board know.

Supervisor Sharp stated that regardless of the contract situation, he feels that this is a reasonable request and he will support Supervisor Parker in this; the Board concurred.

Supervisor Parker made a motion to give direction to staff to appropriate the \$250,000.00 to the Bedford Fire Department for this apparatus replacement.

WHEREAS, the Bedford Fire Company has requested funding in the amount of \$250,000 for the purpose of apparatus replacement; and

WHEREAS, funds in the amount of \$497,655 have been appropriated for Apparatus;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby direct that \$250,000 of the available CIP funding for Apparatus be earmarked for the Bedford Fire Company, and such funds be provided to the Bedford Fire Company for the purpose of apparatus replacement.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Absent: Mr. Cheek

Motion passed.

(7a) The Board was given a copy of the Bedford County Planning Commission meeting minutes for May 7 and May 21, 2013 for review.

(7b) The Board was given a copy of the Bedford Circuit Court audit report for July 1, 2011 through March 31, 2013 for review.

(There were no items numbered 7c through 7f)

(7g) The Board was given a copy of the status update from the Broadband Advisory Committee for review.

(7h) The Board was given a copy of the Notice of the upcoming Bedford County Farm Tour.

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(8a) *Appointments to the Board of Trustees of the Bedford Public Library were moved and made under Action Item #6d.*

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

(9a) *The Closed Session schedule under County Attorney reports was moved and held during the earlier work session.*

Carl Boggess, County Attorney, requested authorization from the Board for two public hearings at the August 26th meeting. One is a public hearing regarding work that needs to be done on voting precincts for Districts 6 and 7; the other is another requirement from the State for a regulated occupation, which is for dealers in second-hand scrap metal. Attorney Boggess said the Sheriff's department already

has an application for this, but there needs to be a local ordinance in place. In response to a request from Supervisor Pollard, Attorney Boggess stated he would send out information to the Board with details on the scrap metal requirement.

(10) COUNTY ADMINISTRATOR’S REPORTS, REQUESTS AND RECOMMENDATIONS – Mr. Reeter had nothing to report at this time.

(11) PENDING MATTERS – There were no pending matters.

(12) UPCOMING MEETINGS

- July 22 – Regular Meeting at 7:30 P.M. (Work session at 5:00 P.M.)
- August 12 - Regular Meeting at 7:30 P.M. (Work session at 5:00 P.M.)
- August 26 – Regular Meeting at 7:30 P.M.

Vice-Chairman Sharp made a motion to adjourn the meeting; motion passed by acclamation at 8:41 p.m.