



MINUTES

BEDFORD COUNTY BOARD OF SUPERVISORS

BEDFORD COUNTY ADMINISTRATION BUILDING

FEBRUARY 10, 2013

5:00 P.M. WORK SESSION

- a. Budget Discussion regarding the General Fund
- b. Discussion with Fire Commission regarding Bedford County Fire Agencies

6:30 P.M. Dinner and Annual Report with the Extension Office (Main Floor Meeting Room)

7:30 P.M. WELCOME

- a. Moment of Silence
- b. Pledge of Allegiance

(1) APPROVAL OF AGENDA

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

(3) APPROVAL OF CONSENT AGENDA

- a. Consideration of a request from the Department of Fire and Rescue to accept the FY-2014 VFIRS Hardware Grant and authorize a Supplemental Appropriation of these funds in the amount of \$8,000.00 (no local match is required). (*Resolution #R021014-01*)
- b. Consideration of a request from the Commonwealth Attorney's Office for a Supplemental Appropriation of funds received from the Virginia Office of the Attorney General (OAG) as an asset forfeiture transfer in the amount of \$16,238.16 (no local match is required). (*Resolution #R021014-02*)
- c. Consideration of a request from the Domestic Violence Program to accept the Department of Criminal Justice Services V-Stop Grant for \$16,788.00 (\$12,591.00 in federal funds and \$4,197.00 in local cash match). Domestic Violence Services anticipated meeting this local match with donations and has deposited sufficient donations to meet the entire \$4,197.00. (*Resolution #R021014-03*)

- (4) **APPROVAL OF MINUTES** – January 27, 2014
- (5) **PUBLIC HEARINGS / PUBLIC APPEARANCES**
 - a. Consideration of a request to transfer 69 acres to the Bedford Regional Water Authority. (*Resolution #R021014-04*)
 - *Staff Presentation: Carl Boggess, County Attorney*
- (6) **ACTION ITEMS**
 - a. Consideration of request for approval on Board-initiated text amendments to the Subdivision Ordinance and the Zoning Ordinance. (*Documentation to follow under separate cover*) (*Ordinance #O 021014-05*)
 - *Staff Presentation: Tim Wilson, Director of Community Development*
- (7) **BOARD COMMENTS, COMMITTEE REPORTS, REQUESTS AND RECOMMENDATIONS**
 - a. Library Board meeting minutes from November 12, 2013
 - b. Bedford Regional Water Authority Board meeting minutes for December 17, 2013
 - c. Department of Environmental Quality unannounced inspection reports for the Bedford County Land fill from January 14, 2014
- (8) **APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**
- (9) **COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS**
- (10) **COUNTY ADMINISTRATOR’S REPORTS, REQUESTS AND RECOMMENDATIONS**
- (11) **PENDING MATTERS**
- (12) **UPCOMING MEETINGS**
 - February 24 - Regular Meeting (Work Session – 5:00 to 6:45 P.M.)
 - March 3 - Budget Work Session (5:00 P.M.)
 - March 10 - Regular Meeting (Work Session – 5:00 to 6:45 P.M.)
 - March 17 - Budget Work Session (5:00 P.M.)
 - March 20 - Budget Work Session (5:00 P.M.) (*Thursday*)
 - March 24 - Regular Meeting (Work Session – 5:00 to 6:45 P.M.)

5:00 P.M. – WORK SESSION

Board of Supervisors: John Sharp, Chairman – District 4; Tammy Parker, Vice-Chairman, District 7; Bill Thomasson, District 1*; Curry Martin, District 2; Steve Wilkerson, District 3; Steve Arrington, District 5; and Annie Pollard, District 6

**arrived at 5:15 p.m.*

Staff Present: Mark K. Reeter, Frank J. Rogers, Carl Boggess, Mike Brown, Mike Miller, Kevin Adams, Susan Crawford, Jack Jones, Marci Stone, Cheryl Dean and Brigitte Petersen

Chairman Sharp called the Board of Supervisors to order and turned the meeting over to County Administrator Mark Reeter. Mr. Reeter outlined the work sessions agenda, and turned the meeting over to Deputy County Administrator Frank Rogers for a review of the expenditure side of the budget.

Mr. Rogers began his review by distributing the budget book with the line item detail to the Board. He stated revenues are currently projected at \$87.5 million, which is \$1.7 million less than the current budget, and explained how staff arrived at these figures. He said the total requests came to \$87,700,000 after the original requests were whittled down, which leaves a deficit of \$141,484. Mr. Rogers noted that these figures do not include potential increases for health insurance, as well as nothing over level-funding for schools and C.I.P. He briefly reviewed how the requests from departments were scaled back, commenting that staff has tried to trim everything back to what departments have been able to get by on for the past couple years, as well as some positions that will remain vacant.

Mr. Reeter and Mr. Rogers noted that a possible agreement for renting out a portion of the Group Home is being discussed, and may produce funds to help offset the shortfall in the budget. Mr. Reeter stated that level funding for the schools refers to what was provided to the schools operationally as of July 1, 2013, plus the additional \$1 million in funding for their maintenance C.I.P. which was provided later. Mr. Rogers clarified that the schools were funded a total of \$39 million, with \$1 million originally being held back for capital needs; the schools were eventually given the full budgeted amount.

Mr. Rogers then moved to a discussion with the Board regarding anticipated expenditures in General Government Administration; Judicial Administration; Public Safety; Public Works; Health, Welfare and Education; Recreation and Cultural; Community Development; Non-Departmental (which includes the Contingency Fund, Debt Service, and Vehicle Replacement Fund). Mr. Reeter said staff is trying to reduce or eliminate the transfer of reserves into the starting of the General Fund, because this is where in the past the Board has been balancing their operating budget.

Mr. Rogers commented that it's been very helpful in the past when the Board communicated their questions, and staff then could package their responses; this dynamic has been incredibly helpful in the past, and with a General Fund that is down to the marrow it is important that staff understands the direction the Board wants to go in. He encouraged the Board to contact staff with any questions or guidance they may have.

In response to a question from Supervisor Pollard, Mr. Rogers stated that the fire funding formula is the same formula recently approved by the Board. The training Officer position has not been filled, so that salary has been used to help fund the formula instead. Mr. Reeter confirmed that staff should receive the Superintendent's proposed budget by February 27 for the Supervisors consideration.

The meeting was then turned over to Chief Eric Shell and Chief Jack Sorrells, from the Fire Commission. Chief Shell thanked the Board for their time, and noted the many Volunteer Fire Chiefs in the audience this evening. He spoke to the importance of the County's Fire and Rescue volunteers, and noted that the number of volunteers are shrinking. He said the challenges in recruiting and retaining volunteers include the many hours of training, the time commitment, burnout and funding difficulties.

Chief Shell voiced the volunteer's perspective on the upcoming funding matrix, noting the agencies have been on flat funding for twenty years. The C.I.P. cuts have had immense impact on the agencies in a variety of ways, and they face an ever-increasing element of expense to their operations (such as equipment repairs, aging equipment and mortgage payments). Due to the new funding matrix, the agencies are going to have to come up with a whole new funding principle to ensure they are appropriating funds in a proper manner.

Chief Shell stated some of the funding difficulties the agencies are facing are incomprehensible, and they cannot afford to stay at the current rate of funding. Equipment needs to be replaced to ensure safety for both personnel and citizens; this has been overlooked for too long. The various fundraisers used in the past are simply not bringing in enough money to address the larger needs. Chief Shell asked that this problem be addressed in a way so that not just the status quo is achieved; rather, an expansion to the budget is needed. A larger baseline is needed, as well as more assistance with fuel reimbursement. He said he understands this is built into the new funding formula, but it needs to be looked at as something that has been put back on the agencies to figure out how to budget within their means – this will be immensely difficult. Chief Shell said it has become apparent that the new funding formula came about due to the City's reversion to Town status, which is a hard pill to swallow since it affects all agencies and not just the agencies in Town.

Chief Shell then reviewed the agencies concerns with purchasing much needed new apparatus, in addition to trying to keep their doors open and providing services. He stated that while some agencies are able to put a little money aside, most do not have a nest egg significant enough to pay for a fire truck. He said something must be done to assist with apparatus replacement, commenting that he had been before the Board at an earlier date with a replacement proposal that was not accepted. Chief Shell stated that he understands the Board faces a multitude of challenges in trying to fund the budget, but the needs of the volunteer agencies are real and immediate, and the services they provide are vital. He noted that there are other issues they want to bring before the Board for funding assistance, but because their proposals have been rejected in the past many feel there is no point in asking for County assistance.

In response to a question from Supervisor Pollard, Chief Shell confirmed that when the funding formula was presented to the Fire Commission, the agencies did not feel it was fair to give up fuel funding. However, the Board opted to go with the budgeted proposal as it stood. He said that he and Chief Sorrells presented an apparatus purchasing plan to the Board recently at a work session, which was

also rejected by the Board. Supervisor Pollard stated her understanding that the Fire Commission approved the new funding formula, but Chief Shell said no one was really in agreement with the new funding matrix. He said it was really presented as how things must be due to budget constraints. Chief Shell stated that while the agencies have been pretty much satisfied and quiet in the past, they can no longer maintain services with the funding being allotted. Volunteers do everything from running calls to fund raising and maintain the stations and equipment (painting, cleaning, plumbing repairs, oil changes, etc.) but people are getting tired and can't continue down this same road. Chief Shell said a lot of time and effort was put into their earlier funding request for simple items such as having their fire extinguishers and air compressors serviced, but the general consensus is that if the larger requests aren't being funded, there is no point in asking for assistance with the smaller expenses. He said the morale of the volunteer system is being eroded, and asked what the Board would do when the Fire Service is depleted (like EMS was) and they have to turn to career staff to answer the calls.

Chief Shell said fuel reimbursement needs to be reinstated, and the base pay needs to be increased as well if the agencies are going to make any headway in addressing the apparatus needs. He asked that the lease funds for apparatus be released immediately so that agencies can pursue whatever avenue they possibly can as soon as possible to address the need for new trucks.

Chief Shell asked the Board to seriously consider what it would cost the County to start funding fire services through career staff. He said it would be a nearly impossible task to take on, and commented that the volunteer agencies do an excellent job of covering calls. Chief Shell asked the Supervisors to visit and interact with the agencies in their districts to improve communication and bring awareness to the true needs of the agencies. He said operations and services are strong, but it takes dedication and sacrifice, but morale is low and there's a lot of frustration.

There followed a brief discussion between Chief Shell and members of the Board, with the clarification being given that no final decisions have been made regarding long-term commitments for funding for apparatus. Chairman Sharp noted the fuel costs are included in the funding formula as a per-call reimbursement, and that the base has actually been increased as well. Chief Shell stated that the problem with the per-call reimbursement is that it is based on a five-year average, which is misleading as calls decreased in 2013. Chairman Sharp said the per-call reimbursement, based on the average number of calls run, actually comes out to more than was previously given to most agencies for fuel reimbursement. He noted that the Board was already planning to revisit this formula six months into its implementation to see if adjustments need to be made to assist the agencies. Chairman Sharp said that he apologized that the formula was not well received, but the Board has increased the funding and is doing its best to meet the agencies needs. Supervisor Arrington asked that the Fire Commission meet with both the Fire Committee and the Board and keep communication open so that as issues arise with funding they

can be addressed immediately. Chief Sorrells echoed Chief Shells comments regarding the needs of the agencies.

There being no further discussion, the Board moved into the Main Floor Meeting Room for the Extension Office's Annual Report and dinner at 6:38 p.m.

7:30 P.M. – REGULAR MEETING

Board of Supervisors: John Sharp, Chairman – District 4; Tammy Parker, Vice-Chairman, District 7; Bill Thomasson, District 1; Curry Martin, District 2; Steve Wilkerson, District 3; Steve Arrington, District 5 and Annie Pollard, District 6

Staff Present: Mark K. Reeter, Frank J. Rogers, Carl Boggess, Tim Wilson, Brian Key and Brigitte Petersen

Chairman Sharp called the meeting to order and welcomed those in attendance; a moment of silence was held and the Pledge of Allegiance was said.

(1) APPROVAL OF AGENDA

County Administrator Mark Reeter noted the changes to the agenda as follows:

- Revised Resolution for Public Hearing Item #5a – Consideration of a land transfer for the Bedford Regional Water Authority.
- Additional documentation for Action Item #6a – Consideration of request for approval on Board-initiated text amendments to the Subdivision Ordinance and the Zoning Ordinance (*Ordinance #O 021014-05*)
- Added Information Item #10a – Special Review Project Applications #140001 and #140002 – Bedford Regional Water Authority.
- Chairman Sharp added a discussion under Board comments regarding hunting on Sunday.

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

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

- John Lane, resident from Hardy, addressed the Board regarding his opposition to Special Review Project applications #140001 and #140002. Mr. Lane stated that he felt these involve a significant financial commitment, as well as the possibly unintended effect of significantly increased rates for water service and property taxes.

- Edmund Coffey, resident of Bedford, voiced concerns similar to Mr. Lane’s regarding the line extension, noting that he has read in the newspaper recently that Lynchburg was willing to offer a good water rate. Mr. Coffey reminded the Board of the vision of the Comprehensive Plan and asked that before any action is taken by the Board, a public hearing be held and a vote taken by residents.
- Jackie Davis, resident from Thaxton, addressed the Board with a prayer.
- Jim Earl, citizen from Huddleston, asked if the short-term rentals would be discussed in a public hearing. Chairman Sharp replied that the public hearing had already been held, and the topic would be voted on this evening.

(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 Department of Fire and Rescue to accept the FY-2014 VFIRS Hardware Grant and authorize a Supplemental Appropriation of these funds in the amount of \$8,000.00 (no local match is required). (*Resolution #R021014-01*)
- b. Consideration of a request from the Commonwealth Attorney’s Office for a Supplemental Appropriation of funds received from the Virginia Office of the Attorney General (OAG) as an asset forfeiture transfer in the amount of \$16,238.16 (no local match is required). (*Resolution #R021014-02*)
- c. Consideration of a request from the Domestic Violence Program to accept the Department of Criminal Justice Services V-Stop Grant for \$16,788.00 (\$12,591.00 in federal funds and \$4,197.00 in local cash match). Domestic Violence Services anticipated meeting this local match with donations and has deposited sufficient donations to meet the entire \$4,197.00. (*Resolution #R021014-03*)

Supervisor Wilkerson made a motion to approve the Consent Agenda as presented.

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

Voting no: None

Motion passed.

(4) APPROVAL OF MINUTES

Vice-Chairman Parker noted the wording on lines #30 and 31, page #4, should be removed, as the Board did not elect to have the Planning Commission review the portion of the ordinance pertaining to the Short-term Rentals.

Vice-Chairman Parker made a motion to approve the minutes of January 27, 2014 as corrected; motion passed by acclamation.

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

(5a) County Attorney Carl Boggess addressed the Board with a request to transfer 69 acres to the Bedford Regional Water Authority. Attorney Boggess stated that this matter was discussed with the Board two meetings ago, and noted amendments that had been made to the resolution since the prior discussion on this item and given in the resolution.

The public hearing was opened.

Greg Modselewski, resident of Bedford, voiced his opposition to the transfer. He stated that he considers the BRWA an outside entity, and as such it should be required to purchase this valuable piece of County property. He asked that a market analysis be done to determine the land's value prior to the transfer. He said the water line will not produce revenue, and he was interested to see how it will impact land values at the next reassessment.

Ruby Dooley, resident from Montvale, addressed the Board with her concerns regarding the poor quality of the Boardroom speakers, as well as how the Health Department functions. Mrs. Dooley asked for an explanation on why a person cannot speak on an issue once a public hearing has been held. She also asked if a water study had been done for this project. Mrs. Dooley voiced her concern that these types of projects are eroding the way of life in Bedford, and questioned how many of the Supervisors have let the residents know what is going to be done with this land. She questioned whether the residents understood that it will be mandatory to hook up to the new line if their well goes dry, and noted several other regional projects that she feels have failed the County. Mrs. Dooley questioned the economic benefit of the Economic Development Authority, and asked the Board to spend taxpayer money on clean water.

M. C. Davis, resident of Thaxton, addressed the Board with his support for this land transfer. Mr. Davis said he knows the County is obligated to provide clear water to the town, and proposed changing the Regional Water Authority to a Bedford Water Authority, putting the Authority and the water treatment plant under the authority of the County.

There being no one else desiring to speak, the public hearing was closed.

In response to a question regarding whether better funding would be available from Lynchburg, BRWA Director Brian Key commented they were still in negotiations. Mr. Key stated that they have offered a lower rate and BRWA is still pursuing an analysis of their offer. He noted that when you compare the worst-case scenario (\$29.8 million dollar project), with a 30-year term and a 5.5% interest rate, the total cost of the project over 50 years would be \$591 million. He said that when this is compared to a purchase from Lynchburg with their most recent proposal, the project to just build the Smith

Mountain Lake expansion (which needs to happen regardless of whether any water lines are built) would be a \$16 million dollar project. If you factor in the cost of the water purchase at the new water rate, the total cost over that same 50 year period is \$710 million, meaning the cost savings in constructing our own treatment plant is \$62 million. It is still more expensive to buy water from Lynchburg than it would be to produce it from the Lake. Mr. Key noted that this plan will not eliminate a water source; rather, each source would serve as a redundant supply for the Town and County water customers. He said this will provide a long term supply of reliable water in a long-term plan.

In response to a question from Supervisor Thomasson, Mr. Key stated that the BRWA and the Western Virginia Water Authority (WVWA) will not merge the two Authorities entirely, or even allow representation on each other's Authorities. Mr. Key said it is simply a cost sharing of the construction of the water treatment plant; it does not share the line work. Supervisor Thomasson asked that verbiage be introduced into the agreement that will not allow WVWA to assume authority in the plant or the water line. Mr. Key replied that that should not be an issue, but may affect the flexibility of the plant in the future.

Supervisor Martin voiced his concern for those citizens that may opt to not hook up to the line but will still be mandated to pay a service fee on it due to State requirement. He asked if the BRWA would guarantee they would not enforce the mandatory hookup requirement or fee just because the line is run near a citizen's house.

Mr. Key clarified that the non-user fee is allowed by the State, but neither the BRWA nor the WVWA have ever implemented this fee, and do not intend to do so in the future. The mandatory connect policy has several exceptions in it already, and allows the permanent use of a private well. If the well goes dry, a property owner would be required to hook up to the line and would not be allowed to drill a new well.

There followed a discussion between Mr. Key and members of the Board regarding this issue. Supervisor Thomasson said he is not opposed to this request, he just wants to be sure the BRWA retains ownership. Mr. Key said it could be done that way, but without the funding from a partner there would be a greater financial impact to residents. Recent moral obligations (regarding water) of the Board were discussed, as well as the fact that this issue is not a moral obligation and will not be paid for with taxpayer funds. Supervisor Arrington commented that the County needs good water, as well as water supply redundancy and needs to meet the requirements of the reversion agreement. In response to a question from Supervisor Martin, Mr. Key stated the best way to keep rates low is to control the water production in the most cost effective manner possible. He noted that the Smith Mountain Lake proposal is considerably cheaper than the Lynchburg rate offer.

Supervisor Arrington made a motion to approve Resolution #R021014-04R.

WHEREAS, the Board of Supervisors of the County of Bedford, Virginia (“Bedford County”) entered into a Consolidation Agreement (“Agreement”) dated October 31, 2012 with the City Council of the City of Bedford, Virginia (“Bedford”) and the Board of Directors of the Bedford County Public Service Authority (“BCPSA”) whereby the Bedford Regional Water Authority (“Authority”) was established for the provision of Water and Wastewater Services for the County of Bedford and the Town of Bedford (“Town”); and

WHEREAS, the Agreement stipulated that by December 31, 2016 the Authority will have made every reasonable effort to ensure interconnectivity of the water systems previously owned by Bedford and the BCPSA; and

WHEREAS, the BCPSA and the Authority have performed multiple engineering studies which have shown that a water treatment plant at Smith Mountain Lake is the recommended option for a long term water supply for Bedford County and the Town, with the recommended location of water treatment plant being the property previously used by the Blue Ridge Regional Jail Authority for the operation of the prison known as Camp 24; and

WHEREAS, the Board of Supervisors adopted Resolution R1011-140(R) on October 11, 2011 which concurred that the Camp 24 site was a suitable location for a water treatment plant, and further expressed the Board of Supervisor’s intent to transfer a portion of the Camp 24 property for the water treatment plant that is to be developed by the Authority; and

WHEREAS, the Authority has requested by letter dated December 18, 2013 that the Board of Supervisors proceed with the transfer of approximately 69 acres of land containing the Camp 24 property as shown on the map titled “Camp 24 WTP Site” that was submitted with said letter such that the Authority can proceed with the development of the water treatment plant; and

WHEREAS, pursuant to Section 15.2-1800, the conveyance of the aforesaid real estate has been duly advertised.

NOW, THEREFORE, BE IT RESOLVED, the Bedford County Board of Supervisors does hereby approve of the transfer of the land requested by the Authority.

BE IT FURTHER RESOLVED, that upon the development of the water treatment plant, the Authority shall be responsible for reimbursing Bedford County for all of the expenditures incurred by the County related to the closure of the prison camp, including the demolition and environmental studies that were necessary to make the site suitable for said development. This reimbursement shall be made prior to the completion of the construction of the water treatment plant. All future expenses related to the transfer of this property from Bedford County to the Authority shall be borne by the Authority; and

BE IT FURTHER RESOLVED, that this agreement is contingent upon the Authority receiving approval for its pending Special Review Project Applications and approval of its Special Use Application and all other federal, state and local regulatory approvals; and

BE IT FURTHER RESOLVED, that should the Authority enter into an agreement with the Western Virginia Water Authority for the joint development and operation of a water facility on the subject property, the Bedford Regional Water Authority shall be granted a credit for the value of the land as part of its contribution towards the cost of the project. The actual value of the land, to ascertain its value for contribution purposes, shall be established by an appraisal conducted by an appraiser carrying the MAI designation through the Appraisal Institute, (the land is currently assessed for ad valorem taxes at approximately \$300,000.00); and

BE IT FURTHER RESOLVED, that the ownership of the property shall revert to Bedford County if the water treatment plant is not developed within five years of the date of this resolution. Furthermore, after this initial five year period, if the Authority or its assignees should cease using the property for the purpose of providing water service then the ownership of the property shall revert to Bedford County; and

BE IT FURTHER RESOLVED, that the Bedford County Board of Supervisors confirms that the Bedford Regional Water Authority has the authorization to undertake the Smith Mountain Lake Project consisting of the water treatment plant, raw water intake and related distribution lines, subject to the approval of the Special Review Project Applications and the approval of its Special Use Permit Application.

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

Voting no: Mr. Martin

Abstained: Mr. Thomasson

Motion passed.

During the vote, Chairman Sharp questioned whether Supervisor Thomasson could abstain from voting since he had participated in the discussion. Attorney Boggess clarified that usually Supervisors abstain when they either did not participate in the discussion, or when they feel there is a personal conflict of interest. Attorney Boggess stated that the Board could clarify the rules regarding abstentions in their bylaws if they wished.

(6) ACTION ITEMS

(6a) County Attorney Carl Boggess stated that the Board took up the public hearing on the text amendments on December 9 and discussed them again at the work session on January 13. Citizens can ask the Board members individually on topics that have already been covered in a public hearing, but once a public hearing is closed the record ends and no further public comment can be accepted.

Tim Wilson, Director of Community Development, addressed the Board with a request for approval of Board-initiated text amendments to the Subdivision Ordinance and the Zoning Ordinance. Mr. Wilson stated that before the Board is a culmination of the January work session, and briefly

reviewed the recommendations from the Planning Commission for the text amendments. He noted that the only new language pertains to the short-term rental provisions.

In response to a request from Supervisor Thomasson, Attorney Boggess clarified that there is a code section that gives counties the authority to regulate septic pump-outs.

In response to a question from Supervisor Martin, Mr. Wilson confirmed that with the proposed text amendments the septic inspection and/or pump-out, and a two-year old would be considered an adult, would still be required.

Vice-Chairman Parker said that while the Board does have the authority to mandate septic inspections and pump-outs, she feels it is biased to tell people who rent out their property they have to have these inspections and clean outs when thousands of other lake residents don't. Unless the Board wants to require everyone within a certain distance of the Lake have these inspections and pump-outs, Vice-Chairman Parker said it isn't right to require it of those few who rent out their property.

Supervisor Martin said that those who rent out their property at the Lake have voiced their support for keeping these requirements, as they are never sure just how many people will actually be in their property at a given time. He said that if the people this affects (residents in Districts 1 and 2) are in favor of keeping these requirements in the Ordinance, he doesn't think the Board should override their wishes and take it out. Supervisor Thomasson concurred, and said the people in Districts 1 and 2 want this ordinance in place.

Vice-Chairman Parker requested to separate the short-term rentals out from the rest of the resolution. Attorney Boggess said this would be permissible if this was the Board's desire.

Vice-Chairman Parker made a motion to approve Ordinance #O 021014-05, with the removal of Part III, Short Term Rentals.

Supervisor Thomasson made a motion to amend Vice-Chairman Parker's motion to include the Short-Term Rentals.

Voting yes: Mr. Thomasson, Mr. Martin and Mr. Wilkerson

Voting no: Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Motion failed.

A vote was then taken on Vice-Chairman Parkers original motion.

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

Voting no: None

Motion passed.

Supervisor Martin made a motion to accept the Short-Term Rentals as the Planning Commission and the Board agreed to do at the last meeting.

Voting yes: Mr. Martin, Mr. Thomasson and Mr. Wilkerson

Voting no: Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Motion failed.

Vice-Chairman Parker made a motion to approve Part III, Short-Term Rentals, as is written, but with the requirement to have your septic tank inspected and/or pumped out every three years removed.

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

Voting no: Mr. Martin, Mr. Thomasson and Mr. Wilkerson

Motion passed.

BE IT HEREBY ORDAINED by the Board of Supervisors of Bedford County, Virginia, that after having conducted a duly advertised public hearing and upon receiving the recommendation forwarded by the Bedford County Planning Commission, that the regulations of the Bedford County Zoning Ordinance be amended and readopted as follows:

PART I. That subsections of **Section 30-91, OFF STREET PARKING, STACKING AND LOADING**, be amended as follows:

That **Section 30-91-8, General Criteria for determining parking**, be amended to add subsection (f) as follows:

Sec. 30-91-8. General criteria for determining parking.

(a) When a building includes a combination of uses as set forth in this section, the required parking will be the sum of the required parking for each use.

(b) Where the parking requirement for a particular use is not defined in this section, and where no similar use is listed, the zoning administrator shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information. Determination of requirements may be appealed to the board of zoning appeals.

(c) All references to square feet (sq. ft.) in the parking requirements below shall mean the square feet of gross floor area, unless specifically stated otherwise.

(d) All references to maximum occupancy shall mean the maximum occupancy as determined pursuant to section 806.0 of the Virginia Uniform Statewide Building Code.

(e) Where a fractional space results during calculation of required parking, the required number of parking spaces shall be constructed to be the next highest whole number.

(f) For residential use types, the primary residential unit requirement is two spaces per dwelling unit regardless of whether the residential type is single-family or multi-family. Accessory residential uses shall require one additional space added to the number of spaces required for the primary residential unit calculation.

That **Section 30-91-9, Minimum Parking Required**, be rescinded and replaced with the following new table entitled *Required off-street parking*:

Sec. 30-91-9. Required off-street parking.

USE TYPE	PARKING REQUIRED
<u>(a) Agricultural and Forestry Use Types</u>	
<u>Livestock Market</u>	<u>A net parking area equal to 30 percent of the gross floor area of all buildings</u>
<u>Stable, Commercial</u>	<u>1 space per employee on major shift, plus 1 space for every four animals stables</u>
<u>Wayside Stand</u>	<u>1 space per 100 sq. ft., 3 spaces minimum</u>
<u>(b) Residential Use Types</u>	
<u>Primary Residential - Farm Employee Housing, Manufactured Home, Manufactured Home Park, Multifamily Dwelling, Single-Family Dwelling, Townhouse, Two-Family Dwelling</u>	<u>2 spaces per dwelling unit</u>
<u>Accessory Residential - Accessory Apartment; Bed and Breakfast; Boarding House; Family Day Care Home; Home Beauty/Barber Salon; Home Occupation, Type I & Type II; Manufactured Home, Accessory</u>	<u>1 additional space over that required by the Primary Residential dwelling unit(s)</u>
<u>Residential Human Care Facility</u>	<u>2 additional spaces per facility</u>
<u>(c) Civic & Assembly Use Types</u>	
<u>Assembly Use Type - Auction House; Business or Trade Schools; Civic Clubs; Commercial Indoor Amusement; Conference Center; Dance Hall; Day Care Center; Educational Facilities, Primary/Secondary; Funeral Home; Meeting Hall; Public Assembly; Religious Assembly; Restaurant, Family; Restaurant, General</u>	<u>1 space per 3 persons based on maximum occupancy or attendees</u>
<u>Crisis Center, Halfway House, Home for Adults, Hospital, Nursing Home</u>	<u>1 space per 3 persons of residential capacity, plus 1 space for each employee on major shift</u>

<u>Safety Services</u>	<u>3 spaces per vehicle based at facility</u>
<u>(d) Office Use Types</u>	
<u>Medical Office, Clinic</u>	<u>3 spaces per examination or treatment room, plus 1 space per employee on major shift including doctors</u>
<u>Laboratories</u>	<u>1 space per 1 employee based on maximum occupancy load, plus 1 per company vehicle</u>
<u>(e) Commercial Use Types</u>	
<u>Automobile Repair Services</u>	<u>2 spaces per service bay, plus 1 space per employee on major shift</u>
<u>Campgrounds</u>	<u>1 space at each campsite, plus spaces required for other uses</u>
<u>Car Wash</u>	<u>1 space per employee on major shift, plus required stacking spaces</u>
<u>Commercial Entertainment – Indoor or Outdoor</u>	<u>1 space per 3 seats or similar accommodations, plus 1 space per 2 employees on major shift</u>
<u>Commercial Sports and Recreation – Indoor or Outdoor</u>	
<u>Bowling Alley</u>	<u>4 spaces per alley, plus 1 space per employee on major shift</u>
<u>Miniature Golf</u>	<u>1.5 spaces per hole</u>
<u>Swimming Pool</u>	<u>1 space per 100 sq. ft. of water surface</u>
<u>Tennis and Other Court Games</u>	<u>4 spaces per court, plus 1 space per employee on major shift</u>
<u>Other Indoor or Outdoor Sports</u>	<u>1 space per 3 persons based on maximum occupancy load, plus 1 space per employee on major shift.</u>
<u>Convenience Store</u>	<u>1 space per 200 sq. ft., which may</u>

	<u>include any gas pump spaces provided 5 other spaces are furnished</u>
<u>Hotel/Motel/Motor Lodge</u>	<u>1 space per quest accommodation, plus 4 spaces per 50 quest rooms, plus spaces as required for other uses</u>
<u>Microbrewery</u>	<u>1 space per 1,000 sq. ft., plus 1 space per employee on a major shift, plus parking for additional uses when applicable</u>
<u>Restaurant, Drive-in or Fast Food</u>	
<u>With Seats</u>	<u>1 space per 4 seats, plus 1 space per 4 employees on major shift, plus required stacking space</u>
<u>Without Seats</u>	<u>1 space per 60 sq. ft., plus required stacking space</u>
<u>Retail Sales – Antique Shops; Business Support Services; Consumer Repair Services; Cultural Services; Farmers Market; General Store; Kennel, Commercial; Laundry; Pawn Shop; Personal Improvement Services; Personal Services</u>	<u>1 per 250 sq. ft.</u>
<u>Veterinary Hospital/Clinic</u>	<u>1 space per 300 sq. ft.</u>
<u>(f) Industrial Use Types</u>	
<u>Meat Packing Industries</u>	<u>1 space per employee on major shift, plus 1 per company vehicle</u>
<u>Resource Extraction</u>	<u>1 space per employee on major shift, plus 1 per company vehicle</u>

Schedule A:

The schedule sets forth minimum parking requirements for uses with elements having different functions or operating characteristics.

<u>Function of Element</u>	<u>Requirement</u>
<u>Office or Administrative Activity</u>	<u>1 space per 300 sq. ft.</u>
<u>Indoor Sales, Display or Service Area</u>	<u>1 space per 500 sq. ft.</u>
<u>Motor Vehicle Service Bays</u>	<u>2 spaces per service bay</u>

<u>Outdoor Sales, Display or Service Area</u>	<u>1 space per 2,000 sq. ft.</u>
<u>General Equipment Servicing or Manufacturing</u>	<u>1 space per 1,000 sq. ft.</u>
<u>Indoor or Outdoor Storage or Warehousing</u>	<u>1 space per 5,000 sq. ft.</u>

That **Section 30-91-12, Minimum loading spaces required**, be rescinded and replaced with following new table:

Sec. 30-91-12. Minimum loading spaces required.

Minimum off-street loading spaces shall comply with the table below for those uses listed:

REQUIRED NUMBER OF LOADING SPACES

<u>USES</u>	<u>NUMBER OF LOADING SPACES</u>
<u>Office, Commercial and Civic Use Types,</u> <u>Restaurant</u>	<u>Up to 15,000 sq. ft. = 1 space;</u>
	<u>15,001 to 100,000 sq. ft. = 3 spaces;</u>
	<u>100,001 to 1.0 million sq. ft. and over = 6 spaces.</u>
<u>Industrial Use Types</u>	<u>Up to 40,000 sq. ft = 1 space;</u>
	<u>40,001 to 70,000 sq. ft. = 2 spaces;</u>
	<u>70,001 to 110,000 sq. ft. = 3 spaces;</u>
	<u>110,001 to 160,000 sq. ft. = 4 spaces;</u>
	<u>160,001 to 240,000 sq. ft. = 5 spaces;</u>
	<u>Each additional 100,000 sq. ft. = 1 additional space.</u>
<u>Aviation Facilities, Hospitals,</u> <u>Hotel/Motel/Motor Lodge, Nursing Homes,</u> <u>Shooting Range</u>	<u>Up to 100,000 sq. ft. = 1 space;</u>
	<u>100,001 to 200,000 sq. ft. = 2 spaces;</u>
	<u>200,001 sq. ft. and over = 3 spaces.</u>

That **Section 30-91-13, Maximum Parking Limitations**, be rescinded in its entirety and replaced with the following:

Sec. 30-91-13 Modifications to parking space and loading space requirements.

To avoid excessive surpluses which increase impervious surfaces and to prevent on-street parking, the number of required parking spaces and loading spaces shall not be provided in quantities above or below the number required by this section, except as provided below:

(1) The zoning administrator may allow, on a case-by-case basis, parking spaces and/or loading spaces above or below the required number for a particular use and project, for good cause shown by the applicant based upon the scale and impact of the project, subject to the following provisions:

a. The zoning administrator's authority to hear and decide modifications to the required number of parking spaces or loading spaces shall be limited to twenty-five percent (25%) of the required number of spaces for which modification is sought.

b. The request shall be in writing to the zoning administrator.

c. Documentation justifying the request shall be submitted from an acceptable industry publication (i.e., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or from a study prepared by a traffic engineering firm.

(2) Requested parking space or loading space modifications exceeding twenty-five percent (25%) of the required number shall only be heard and decided by variance application to the board of zoning appeals.

PART II. That **Section 30-77-6(g), CORRIDOR OVERLAY DISTRICT, Site Development Regulations, Signage**, be rescinded in its entirety.

That **Section 30-77-1, COORIDOR OVERLAY DISTRICT, Purpose**, be amended as follows:

In recognition of these visually or otherwise sensitive areas, this district has been established in order to regulate development along particular (transportation) corridors in close proximity to the resource or viewshed. Of particular concern along these corridors are continued visibility and landscaping,.

PART III. That the regulations of **Section 30-100-18, Short Term Rentals**, be amended as follows:

Sec. 30-100-18. Short-term rentals.

(A) The following regulations shall apply to all short-term rentals for any period less than thirty (30) days of residential dwelling units in R-1, R-2 and PRD zoning districts:

(1) The owner of a dwelling unit to be used for short-term rental shall apply for a zoning permit to be approved and issued in conformance with this section - prior to utilizing the dwelling unit for short-term rental. For dwelling units served by a privately operated sewage disposal system, a copy of the approved Health Department sewage disposal system permit serving the dwelling shall be submitted with the zoning permit application. ~~Additionally, documentation of recent system inspection verifying the system is in satisfactory working order, or that septic tank pump out has been performed, shall accompany the permit application. Future system inspection or septic tank pump out as provided above shall be conducted by the permittee with written documentation thereof provided by the permittee to the zoning administrator once every three years commencing from the anniversary date of original zoning permit issuance.~~ Bedford County may revoke a permit for repeated noncompliance with the performance standards. A copy of the permit shall be supplied to the rental agency and rental agent. The property owner and rental agent shall be required to present this permit when requested. The

property owner and the rental agent shall be responsible to assure compliance with all requirements of this section.

(2) There shall be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such short-term rentals.

(3) The maximum number of occupants in the dwelling unit for overnight accommodation shall be calculated as two (2) adults per bedroom. An adult, for the purpose of this regulation, is any person over the age of two (2). The number of bedrooms shall be determined by reference to health department permits specifying the number of bedrooms or the certificate of occupancy issued by the Bedford County Department of Building Inspections.

(4) All vehicles of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multifamily dwellings, all vehicles must be parked in spaces specifically reserved for the dwelling unit being rented. No vehicles shall be parked in, along, or on the sides of roads at any time.

(5) All boats and trailers of tenants shall be parked on the lot on which the dwelling unit is located. In the case of multifamily dwellings, boats and trailers must be parked in areas specifically reserved for the dwelling unit being rented. No boats or trailers shall be parked in, along, or on the sides of roads at any time.

(6) There shall be a working, two-pound minimum, ABC rated, fire extinguisher located in a visible and readily accessible area (i.e., kitchen or hallway) within each dwelling unit. Working smoke detectors shall be installed in each bedroom of the dwelling unit as well as one (1) on each floor (including the basement) outside of any bedrooms.

PART IV. That **Section 30-100-12, Table of Metric Equivalents**, of the Bedford County Zoning Ordinance, be rescinded in its entirety.

PART V. That **Section 30-9(A), Zoning Permits**, of the Bedford County Zoning Ordinance, be amended to modify the list of zoning permit exceptions as follows:

(A) A zoning permit shall be required for the erection, construction, reconstruction, moving, adding to, or alteration of any structure, or the establishment of any land use, except as listed below:

1. Patios at grade, driveways, and sidewalks.
2. Fences, provided their location and design conform to Article V of this ordinance.
3. Satellite dishes.
4. The construction of a roof over an existing porch, stoop or deck which does not result in a change in the square footage of the structure.

PART VI. Should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

This ordinance shall become effective immediately upon its adoption.

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

Chairman Sharp obtained consensus from the Board opposing Sunday Hunting, and asked staff to draft notification supporting same.

Chairman Sharp noted that he is working on the District 4 Ag Board appointment.

Supervisor Thomasson gave a brief summary of his attendance at the VACo Rural Caucus Dinner and Legislative Day on February 6 and 7, 2014.

(7a) The Board was given a copy of the Library Board meeting minutes from November 12, 2013 for review.

(7b) The Board was given a copy of the Bedford Regional Water Authority meeting minutes from December 17, 2013 for review.

(7c) The Board was given a copy of the Department of Environmental Quality unannounced inspection reports for the Bedford County landfill from January 14, 2014 for review.

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

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

Mr. Reeter noted information in the Board's packet regarding a couple of Special Use Permit.

(11) PENDING MATTERS

(12) UPCOMING MEETINGS

Chairman Sharp noted the Board's upcoming meetings on February 24 (Regular Meeting, with a Work Session from 5:00 to 6:45 P.M.); March 3 (Budget Work Session at 5:00 P.M.); March 10 (Regular Meeting, with a Work Session from 5:00 to 6:45 P.M.); March 17 (Budget Work Session from 5:00 P.M.); March 20 (Budget Work Session at 5:00 P.M. – *Thursday*); and March 24 (Regular Meeting, with a Work Session from 5:00 to 6:45 P.M.)

In response to a question from Vice-Chairman Parker, Mr. Reeter stated that due to a lack of consensus from the Board there will not be a special meeting with the Board and staff directors regarding their budget requests.

Vice-Chairman Parker made a motion to adjourn the meeting; motion passed by acclamation at 9:23 p.m.