



MINUTES

BEDFORD COUNTY BOARD OF SUPERVISORS

BEDFORD COUNTY ADMINISTRATION BUILDING

MARCH 11, 2013

-
- 5:00 P.M. WORK SESSION**
- a. Discussion on the Budget
- 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 25, July 9, July 23, August 13, September 10, September 24, October 1, October 9, October 22, and October 29, 2012
- (5) PUBLIC HEARINGS / PUBLIC APPEARANCES**
- a. Public Appearance – Donna Holt
- b. Public Appearance – Briefing on new Stormwater Regulations
- *Presentation: Scott Ambler, Stormwater Compliance Specialist (Staunton Department of Conservation and Recreation)*
- c. Public Appearance – Report on Bedford County’s Groundwater Study
- *Presentation: Kurt McCoy, U.S. Geological Survey (USGS)*
- (6) ACTION ITEMS**
- (7) BOARD COMMENTS, COMMITTEE REPORTS, REQUESTS AND RECOMMENDATIONS**
- a. Tri-County Lake Administrative Commission monthly Board meeting minutes from December 11, 2012

- b. Bedford County Economic Development Authority meeting minutes from January 3, 2013
- c. Bedford County Public Service Authority, Board of Directors, meeting minutes from January 15, 2013.
- d. Bedford County Library Board of Trustees meeting minutes from March 5, 2013

(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

- March 18 – Budget Work Session at 5:00 P.M.
- March 21 – Budget Work Session at 5:00 P.M. (Thursday)
- March 25 – Regular Meeting at 7:30 P.M. (Work session at 5:00 P.M.)
- April 8 – Regular Meeting with a Public Hearing on the Budget at 7:30 P.M. at BSTC (Work session at 5:00 P.M.)

5:00 P.M. – WORK SESSION

Board of Supervisors:

Steve Arrington, Chairman – District 5; John Sharp, Vice-Chairman, District 4; Curry Martin, District 2; Roger Cheek, District 3; Annie Pollard, District 6; Tammy Parker, District 7

Absent: Bill Thomasson, District 1

Staff Present:

Frank Rogers, Carl Boggess, Krystal Hulette, Cheryl Dean, Eric Rice, Susan Crawford, Lynn Scott, Mike Miller, Kevin Adams, Janet Blankenship, Sheldon Cash, Michael Stokes, Jack Jones, Jr., Tim Wilson and Brigitte Petersen

School Staff Present:

Doug Schuch and Randy Hagler

Chairman Arrington called the work session to order, and turned the meeting over to Frank Rogers, Deputy County Administrator. Mr. Rogers introduced Dr. Doug Schuch, School Superintendent, Randy Hagler, Chief Financial Officer and Julie Bennington, School Board Member.

Mr. Rogers said the purpose of the work session was to have a conversation with the Schools regarding their budget needs. Dr. Schuch thanked the Board for their time this evening, and noted Dr. Richard Hicks and Mr. Richard Downey from the School Board were also in attendance. He stated he had presented his budget proposal to the School Board on February 28, 2013. The School Board did review the proposal on March 7, but they are requiring additional time to finalize their review and have asked him to keep his comments limited to what he proposed on February 28.

Dr. Schuch thanked Mr. Rogers and Mr. Charlie Kolakowski, City Manager, for their assistance in the budget process. He said they joined him in Richmond on January 24 when he addressed the Senate Education Subcommittee regarding the upcoming Bedford City reversion. He said that the cooperation and teamwork that the three of them displayed in Richmond was well received by members of the Subcommittee and can be a model that the Board and School Board can follow during the current budget process. He said his impression from that, and subsequent visits to Richmond, is that the general assembly expects us to work together to improve education for our students and our community, utilizing the reversion incentive funding and operating as efficiently as we possibly can. It's upon those expectations, as well as local expectations from both City and County residents, that he has built the FY 2013-14 budget proposal.

Dr. Schuch stated that the total budget proposal for operations and all other educational services will be approximately \$104 million, and summarized the budget by stating it includes a 3% raise for all school staff, improving technology (including making all schools wireless by 2015), restoring several teaching positions at the middle and high schools that were eliminated in previous budgets, focusing on mathematics instruction and mathematics teacher recruitment and retention, adding one Virginia preschool initiative program, security equipment purchases deemed necessary in the aftermath of the Sandy Hook tragedy, operating Bedford Elementary and Bedford Middle Schools as a result of the reversion, completing necessary capital maintenance projects at nine school campuses as identified in the revised CIP (which also highlights the Schools commitment to opening a new middle school for the Liberty zone as early as 2016), and conducting a school division efficiency review through the Virginia Department of Budget and Planning as mandated by the State in order to receive reversion incentive funds in future years. He said that the budget requests approximately \$39.4 million in County funds, which is \$300,000.00 more than the amount proposed by Mr. Rogers last month. He believes the request will be modified by reductions to anticipated debt service as a result of the refinancing that the Board approved one week ago, as well as the timing of new debt service payments for the nine projects identified in the CIP. Dr. Schuch reiterated that these figures reflect his proposal only; he anticipates the School Board may make modifications as early as this week. He summarized by stating that the budget proposal improves their commitment to the students and the community, by providing improvements to college and career readiness, technology, facilities, school efficiency, school safety and teacher compensation.

Mr. Rogers clarified for the Board that in order to keep the reversion funding coming from the State (with regard to what the local composite index dollar value may be) we will have to keep our finger on it and conduct an annual review of what the State is putting in their budget for this. He said it's also important to keep it as part of our yearly legislative priorities. There followed a brief discussion between Dr. Schuch, Mr. Rogers and the Board regarding various aspects of the School's budget requests including safety, staff positions, school improvements and technology updates, as well as the value of conducting the efficiency study.

Chairman Arrington asked if the \$104 million school budget included the 3% raise, technology improvements, restoring of seven teachers positions, focusing on math skills, adding a preschool program, additional security equipment, facilities (which involves four new custodial positions and one new maintenance position), and fund nine capital maintenance projects

Dr. Schuch answered in the affirmative, and spoke to a number of these items. The Board requested a further breakdown of the capital maintenance projects. Mr. Rogers said he would get the revised CIP out to the Board so that they could see the listing of projects. He said that as recently as late last week staff continued to hone in on the schedule of the debt service and how it may impact the budget. The debt service payments would not necessarily be realized in the FY2014 budget. Since this will only be for 2014, the Schools have suggested targeting those funds for that year to something else, such as the textbook fund. In future years, as the debt service comes into play, the Board will be able to amend the operating fund to accommodate that need.

Ms. Crawford, Director of Fiscal Management added that all of this relates to assuming the borrowing of \$2.3 million is done through VPSA and the refinancing goes through VPSA. She said their debt payment schedule is always July 1 and January 1. Because the payment timing of our principle is May 1 and November 1, it actually defers that payment for two months and gives us a big portion of the savings in 2014 from refinancing.

Vice-Chairman Sharp asked if the length of the amortization schedule grew or stayed the same. Ms. Crawford responded nothing has been finalized yet, but we're fairly confident it will stay the same.

Vice-Chairman Sharp asked, with respect to a School Resource Officer, what can be considered to secure the building, such as buzzing people in instead of having immediate corridor access to the schools. Dr. Schuch replied that it would have to be looked at on a school-by-school basis, as it's hard to envision that at a place like Liberty High or Staunton River High that have a campus-style setting. However, some of our schools might lend themselves to that; it would then need to be decided if that would be a better investment than cameras or something else. He said the Sheriff's office has gone out to each school and identified some challenges. For example, in some of our older schools the office staff doesn't have a good look at who is coming in the front door; this is where a camera system or a door access system, or both, would make sense.

Vice-Chairman Sharp said some schools in other states are setting aside dedicated work space for police officers and then using existing deputies to fill that capacity instead of adding SROs. He asked Dr. Schuch to speak with the Sheriff about this option and see if something could be worked out. Dr. Schuch replied that since the Sandy Hook tragedy, City, County and State police have made more regular appearances on the elementary school campuses. He said he would defer to the Sheriff's expertise in terms of what the best use may be of existing deputies time and what would make our schools safest. He agreed that the suggestion of dedicated work space is something that the Schools can take on as a challenge, and said that there could even be a compromise between a full-time SRO in every elementary school and one that is shared between schools.

Vice-Chairman Sharp said he would like to see the detail of the amortization schedule; Mr. Rogers confirmed he would get that information to the Board. There followed a brief discussion on the debt service between the Board and Mr. Randy Hagler, Director of Finance for the school system. Mr. Hagler said the revised schedule ended in 29-30 years at approximately \$4.3 million outstanding in debt service.

Supervisor Pollard asked if, during their budget process, any consideration was given to the agreement between the Board and the School Board from the onset of reversion that any money coming in would go to CIP, with the number one propriety being the new middle school that had to be built. Dr. Schuch said the School Board and staff are committed to the new middle school, but he cannot find anything in minutes from prior meetings that indicate such an agreement. He said the schools proposed budget responds responsibly to what the community and State expects the school system to do. He stated he wasn't going to say that kind of agreement wasn't discussed or talked about, but he felt guided by his responsibility under the code and the constitution, which is to provide the most responsible budget for the school system for the resources available. He reiterated that the School Board is committed to building the middle school and feels that 2016 will be the best time to have students in that school.

Supervisor Pollard reaffirmed the agreement she was referencing took place. Dr. Schuch said he had been trained in prior districts that a prior Board cannot commit a future Board to any action. She replied that the agreement occurred at the onset of the reversion and it was agreed upon at that time. She said that she is concerned what is going to happen in 15 years to the taxpayers, and this is something that Dr. Schuch and his Board have to consider.

Supervisor Parker said it appeared from the older budget information she had that even though the old debt service will be paid down there will be a significant increase in new debt in 29-30 years. Mr. Hagler said that the newer budget proposal will show several projects that have been cut, which will lower the debt and the overall amortization.

Vice-Chairman Sharp asked if the "step" increases in salary were included in the proposed school budget in addition to the 3% pay raises. Dr. Schuch said that is still to be determined; they are also

considering bringing their VRS contributions up to 5%, as the County did last year. It can't be viewed as a "pay raise", since it's a wash between the pay raise and the increased contribution.

Chairman Arrington quoted from the August 13, 2013 minutes regarding the debt service with the new middle school, which he said made it very clear that the Board of Supervisors expected for the debt service to come out for a 15 amortization on this school. The minutes also clearly stated that it was understood we would get \$6.2 million from the State on the education side and that money is to be applied to the construction of a new middle school. Chairman Arrington said these things have been discussed and that expectation has not changed.

Dr. Schuch replied that when he went to Richmond, one of the questions he had to answer was "what are you planning to do with this money?" He answered at that time that in 2016 we intend to build a middle school, and these funds will assist us greatly in the debt service for that project. He said he can't speak for anyone else on his Board, but he is on the record saying that in Richmond. He stated he doesn't like to speak of these funds in a vacuum – no one anticipated the recession and decrease in services that they had to provide over the last few years. He reiterated that the School Board is committed to building the middle school.

Chairman Arrington asked if there was anything in the schools proposed budget that takes into account the impact of the increase in fuel taxes for fueling busses, etc. Mr. Hagler responded that the impact of diesel fuel to the school system is not going to be as great as it is to independent trucking. The Schools are tax exempt, making the impact much less.

There followed a brief discussion between members of the Board, Mr. Rogers, Dr. Schuch and Mr. Hagler to clarify minor points on the amortization schedule, the debt service and the State funding from reversion. In response to a question from Vice-Chairman Sharp, Mr. Hagler said he would get back to the Board with the figures on how much of the State funding is being used in operations this year that won't be available next year. Vice-Chairman Sharp reiterated the Board's concern about spending funds that are available now for reoccurring expenditures, as these same funds may not be available in the future and there may also not be available local dollars to fill the gap. Dr. Schuch voiced his concern that if we degrade services to a certain level, the State funding may be jeopardized due to the State's expectations.

Chairman Arrington commented that he appreciated the Schools work on their budget and looked forward to their final proposal. Ms. Julie Bennington, School Board member, commented that her Board was pretty much in agreement on this budget and just had a few tweaks they wanted to make before finalizing it for the Board of Supervisors approval. Supervisor Pollard and Vice-Chairman Sharp advised the School Board to exercise caution and remember that certain funds are not guaranteed from year-to-year.

Mr. Rogers then distributed to the Board information they had requested at an earlier meeting. He asked that they review and let staff know if they have any further questions or direction.

Supervisor Pollard asked for an explanation on how the various employee healthcare works. Mr. Rogers reviewed the tiered plans for Supervisor Pollard, explaining the premiums, deductibles and out-of-pocket expenses depended on which plan you were on. Supervisor Pollard asked Mr. Rogers to check into insurance where the County provides the basics, but anything else would be bought into by the employee. Mr. Rogers said he can do that, but it isn't possible to do in this budget cycle; he would be able to have it ready for next year's budget process.

Supervisor Pollard said she supports funding to meet the 24/7 request from Medic 14-5, but said she thought there was over a million dollars in Fire and Rescue's budget to be used for this. Mr. Rogers responded that the EMS funds are divided out based on a percentage share; 25% goes to the agency, a percentage goes to the billing company, and a percentage goes into a category called "EMS Reserve for Future". The EMS future funds were envisioned for things like facilities, grant matches for apparatus', etc. He said his concern with applying those dollars to meet the \$150,000.00 obligation for 24/7 coverage is that we would essentially be using one-time funds to cover what would become an operational issue in the budget. While EMS will continue to bring in billing revenue, the amount that is currently available has accrued over time, making this an insufficient revenue stream for a reoccurring expense.

There being no other questions or comments from the Board, Chairman Arrington adjourned the work session.

The Board moved into the board conference room for dinner at 6:42 p.m.

7:30 P.M. – REGULAR MEETING

Board of Supervisors:

Steve Arrington, Chairman – District 5; John Sharp, Vice-Chairman, District 4; Curry Martin, District 2; Roger Cheek, District 3; Annie Pollard, District 6; Tammy Parker, District 7

Absent: Bill Thomasson, District 1

Staff Present:

Frank Rogers, Carl Boguess, Tim Wilson, Kevin Leamy and Brigitte Petersen

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

(1) APPROVAL OF AGENDA

Supervisor Pollard stated she would like to add a resolution under “Action Items” to initiate amendments to the zoning ordinance regarding “auction houses”. Supervisor Parker stated she would like to add a resolution under “Action Items” to initiate amendments to the zoning ordinance under “permitted uses” for famers market, conference center, meeting hall, livestock market and temporary family healthcare structure). There being no other changes to the agenda, Chairman Arrington called for a motion to approve the agenda.

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

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

Jackie Davis, citizen, addressed the Board with a prayer.

(3) APPROVAL OF CONSENT AGENDA

Frank Rogers, Deputy County Administrator, read the items on the Consent Agenda as follows:

- a. Consideration of a request from the Sheriff’s Department to submit a DUI Checkpoint Strike Force DMV Grant application to the Department of Motor Vehicles to fund overtime for DUI/Safety checkpoints and purchases of two Alco-sensor units, 2 Alcohol Drunk Simulator Goggles and 40 high visibility public safety Sheriff vests. The local match of \$14,037.00 would be covered by funds in the Sheriff’s proposed FY13-14 budget. *(Resolution #R0213-026)*
- b. Consideration of a request from the Sheriff’s Department to submit a DMV Speeding Enforcement Grant application to the Department of Motor Vehicles to fund overtime for speed enforcement, travel to two training events, Teen Driver safety materials, two Alcohol Impaired Simulator Goggles and two radar units. The local match of \$6,100.00 would be covered by funds in the Sheriff’s proposed FY13-14 budget. *(Resolution #R0213-027)*

Supervisor Parker made a motion to approve the Consent Agenda as read.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

(4) APPROVAL OF MINUTES – June 25, July 9, July 23, August 13, September 10, September 24, October 1, October 9, October 22, and October 29, 2012

Supervisor Cheek made a motion to approve the minutes for June 25, 2012 as presented; motion passed by acclamation.

Supervisor Parker made a motion to approve the minutes for July 9, 2012 as amended; motion passed by acclamation, with Supervisor Pollard abstaining.

Supervisor Pollard made a motion to approve the minutes for July 23, 2012 as presented; motion passed by acclamation.

Supervisor Parker made a motion to approve the minutes for August 13, 2012 as presented; motion passed by acclamation.

Supervisor Pollard made a motion to approve the minutes for September 10, 2012 as amended; motion passed by acclamation, with Vice-Chairman Sharp abstaining.

Supervisor Pollard made a motion to approve the minutes for September 24, 2012 as presented; motion passed by acclamation.

Supervisor Cheek made a motion to approve the minutes for October 1, 2102 as presented; motion passed by acclamation.

Supervisor Pollard made a motion to approve the minutes for October 9, 2012 as presented; motion passed by acclamation, with Vice-Chairman Sharp abstaining.

Supervisor Parker made a motion to approve the minutes for October 22, 2012 as presented; motion passed by acclamation.

Supervisor Parker made a motion to approve the minutes for October 29, 2012 as presented; motion passed by acclamation.

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

(5a) Donna Holt, Executive Director of Virginia Campaign for Liberty, addressed the Board regarding her concerns on the Global to Local Action Plan for Sustainable Development called "Agenda 21". Ms. Holt presented the Board with a variety of slides and data that illustrated how Agenda 21, which was originally developed and implemented by the United Nations in the early 1990's, infringes on property

rights and imposes impossible requirements and fees on property owners. She reviewed the history of the development of Agenda 21 and how it has become a part of many cities and counties zoning ordinances and comprehensive plans throughout the United States. She gave examples from around the country of how people have been forced by new zoning regulations directly tied to Agenda 21 to either abandon their properties or businesses, or make costly alterations to their properties to bring their land and homes into compliance.

Ms. Holt stated that property rights are a fundamental part of American life and are guaranteed in the Constitution. She said that we are now beginning to see the collectivist ideas of Agenda 21 permeating every aspect of our lives, with most of them being implemented at the local government level and driven by grants from the Federal government.

Ms. Holt reviewed some of Agenda 21's land use recommendations, including the idea that excessive profits resulting from the increase in land value are one of the principle causes of the concentration of wealth in private hands. It states that governments should capture excessive profits due to increased land values to redistribute to the public at large; public ownership should be exercised in favor of the common good, rather than to protect the interests of the already privileged; and separation of land owner rights from development rights, the latter to be entrusted to a public authority. Ms. Holt stated that the forces behind this plan included the World Socialist Party, the Earth Summit and countless environmental groups, and that they created a plan that is all encompassing with regard to every type of impact humans can have on the environment and linked global poverty directly to environmental issues. She said that some of the more important chapters of Agenda 21 call for the control of land use, housing, transportation, food production, consumption patterns, water, energy, education, the role of business in industry and healthcare, all to be controlled by government.

Ms. Holt proceeded to review with the Board various aspects of the harm Agenda 21 poses to individuals and property rights, including the idea that backyard ponds, grazing pastures, our legal system, our population size (which they recommend reducing from our current seven billion down to one billion) and single family homes are all examples of what Agenda 21 considers to be unsustainable. She said that they recommended that 50% of all the land in America would be core reserves or wildlife corridors, and off-limits to human activity and road-less, with other areas designated for high-density urban development.

Ms. Holt continued to review various aspects of Agenda 21, and stated that as recently as 2012, the EPA's research was realigned around the three commonly recognized pillars of sustainability, which are outlined in Agenda 21 as economy, environment and society. Federal Agencies, through the President's Council on Sustainable Development and other agencies such as the Department of Energy and the Environmental Protection Agency, are providing grants for the implementation of Agenda 21 policies through local zoning and comprehensive plans. She said that the Virginia Municipal League,

VACo (the Virginia Association of Counties) and the Virginia School Board Association are affiliated with the International Council for Local Environmental Initiatives, who helped to draft Agenda 21.

Ms. Holt named various ways in which Agenda 21 is being implemented upon unaware citizens and provided the Board with a variety of documentation, including copies of literature that had been handed out in the Powhatan school system in Virginia through Agenda 21 which she stated constituted an attempt to indoctrinate children into the Agenda 21 plan.

Ms. Holt said localities are the last line for the direction of our future; they can chose the vision for sustainable development or the vision of the founders of our nation, but these two visions cannot coexist. You have a right to own property or you become property.

Chairman Arrington thanked Ms. Holt for her presentation. Vice-Chairman Sharp stated that he appreciated the time Ms. Holt dedicated to this issue, and assured her the Board has recognized and battled some of these issues. Chairman Arrington asked Ms. Holt if she had presented this information to our legislators. She replied that she has been trying to do so for three years, and the word is slowly getting out, but it is still a struggle. She stated that both Republicans and Democrats oppose Agenda 21 and consider it an American issue, not a political party issue.

(5b) Scott Ambler, Stormwater Compliance Specialist from the Staunton Department of Conservation and Recreation, addressed the Board with a briefing on the new storm water regulations. Mr. Ambler stated that currently there is a stormwater management permit that has been delegated by the EPA to the State of Virginia. Virginia has been administering that permit statewide, which has resulted in some situations where, because there is no upfront review of development and site plans, some people find themselves over 90% complete in their project when they are inspected (or there is a complaint) and the site has to be re-engineered because the various requirements of the permit have not been met. The State Legislature has decided that it would be better to delegate to the localities the implementation of the program.

Mr. Ambler reviewed the process that led to this latest development and said it became effective in September 2011. Localities are able to request an extension on the date required for local adoption of the regulations to July 2014. He said that local programs will have to develop and adopt local ordinances consistent with the "Revised Regulations and the State General Construction Permit" in order to qualify for the extension.

Mr. Ambler reviewed the outreach efforts by DCR to assist localities with this issue, and stated training plans have also been developed to assist localities with administering the program. He briefly reviewed some of the changes to stormwater regulations, including the one-off reduction method and how it now gives credit for the reduction in the amount of water leaving a site. Mr. Ambler stated that the benefit to developers will be in the ability to get everything from the locality to get their site permit approved, as the State and the EPA are removed from the process. The localities control the speed of the

plan review and approval process; the regulations are the same state-wide and will not be able to be tailored to locality specifications. The permit fees can be waived at the locality level, except for the 28% that goes to the State; this has to be approved by the Soil and Water Board, but it is an option. After reviewing the various aspects of the program regulations and fees, Mr. Ambler concluded by asking the Board for questions.

Vice-Chairman Sharp stated that this is being dictated to the County; Mr. Ambler confirmed that the Legislature has not given counties the option to refuse administering the program. Vice-Chairman Sharp asked what would happen if Bedford said they would not comply; Mr. Ambler said he did not know and could not speculate on what the penalty would be. He said Virginia was looking at the lesser of three evils: having the EPA, the State or the localities administer the program. Chairman Arrington asked why the EPA was willing to give up this control; Mr. Ambler stated that they have made it clear that they can still step in at any time. Vice-Chairman Sharp said this how they get their agenda and we have to be the enforcer on it; Mr. Ambler concurred that this is a possibility.

(5c) Kurt McCoy, Hydrologist with the U.S. Geological Survey, addressed the Board with an update Bedford County's ongoing Groundwater Study. Mr. McCoy stated that the questions he receives most from citizens involve how much groundwater is in Bedford, and where the water is when someone wants to build a house and drill a well. He stated that in 2006 the USGS and Bedford County jointly funded this project as a ten year study, and established surface water and groundwater monitoring stations with the intent to build a long-term dataset to assist in making long-term decisions. He briefly reviewed the history of the study, and the collaborative work between himself and the Virginia Department of Environmental Quality, who was also doing a similar study for the entire Blue Ridge region. The collaborative report has been completed, and now we have an idea of how groundwater is moving through Bedford County, which will assist in making informed decisions.

Mr. McCoy summarized how he arrived at the information in the report for the Board, covering water use, dominate water use (which currently comes from domestic use), etc. He noted there don't appear to be any big geological differences that allow water to flow from one point to another.

Mr. McCoy displayed slides to the Board that illustrated water budgets and levels in various areas of the County which took into account water recharge, topography, surface water drainage, water use and water flow through geology with permeability, ground faults, flow paths and discharge points. He concluded that right now we have some long term data as well as the tools to do some technical analysis, which will be the next step in this study.

Mr. Rogers reminded the Board that this was a ten year endeavor that we have routinely invested in through the Capital Improvement Program to continue to partner with USGS. He thanked Mr. McCoy for his presentation and his continued work on the study.

Chairman Arrington asked Mr. McCoy if the water in the County is what he had anticipated. Mr. McCoy replied that he had no assumptions at the beginning, as there had been no previous analysis.

(6) ACTION ITEMS

(6a) Supervisor Pollard stated that she would like to send a resolution to the Planning Commission initiating amendments to the Bedford County Zoning Ordinance to add “Auction House” as a permitted use in the AP, AR, AV, C-2, and PCD districts. She stated there is an auction house in the County for years, and while there is no law against it, having it in the ordinance will clarify that it is not an illegal use.

Supervisor Pollard made a motion to approve resolution #R0213-031.

WHEREAS, the regulations of the Bedford County Zoning Ordinance are designed to achieve the general purposes of promoting the public health, safety, convenience, and general welfare; and

WHEREAS, the Board of Supervisors understands that the social, economic, and physical development characteristics of Bedford County are not permanent but dynamic conditions; and that the zoning ordinance must be periodically examined and amended to respond to these changing community conditions; and

NOW, THEREFORE, BE IT RESOLVED, that in the furtherance of promoting the public necessity, convenience, general welfare, and for good zoning practice the Bedford County Board of Supervisors hereby initiates amendments to the regulations of the Bedford County Zoning Ordinance as follows:

That **Section 30-28(C), DEFINITIONS**, be amended to add the use classification *Auction House* as a defined term as follows:

AUCTION HOUSE - The use of a building and/or land for the temporary storage and sale on premise of new and/or used goods by means of request or invitation for bids. Animals for sale shall not be allowed. The sale of inoperable motor vehicles as regulated by this ordinance shall also not be allowed. The temporary storage of items on premise for auction shall not exceed 30 days.

That **Section 30-79-2, PERMITTED USE TABLE, Commercial Uses**, be amended to add *Auction House* as a permitted use by right (R) in the AP, AR, AV, C-2, and PCD zoning districts.

That **Section 30-91-9(E), Minimum Parking Required, Commercial Use Types**, be amended to add *Auction House* with a parking requirement of one (1) parking space per four (4) seats, or one parking space per 50 square feet of sales area accessible by the public, whichever is greater.

AND BE IT FURTHER RESOLVED, that these proposed amendments be referred to the Planning Commission for review and recommendation to be forwarded to the Board of Supervisors for final

consideration and action in accordance with all procedural and public notification requirements as prescribed by local ordinance and state statute.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

(6b) Supervisor Parker stated that she would like to send a resolution to the Planning Commission to initiate adding five permitted uses, Farmers Market, Conference Center, Meeting Hall, Livestock Market, and Temporary Family Health Care Structure, to the Bedford County Zoning Ordinance. She said we have some of these uses in the County, but they are currently not covered by the zoning ordinance.

Supervisor Parker made a motion to approve Resolution #R0213-032.

WHEREAS, the regulations of the Bedford County Zoning Ordinance are designed to achieve the general purposes of promoting the public health, safety, convenience, and general welfare; and

WHEREAS, the Board of Supervisors understands that the social, economic, and physical development characteristics of Bedford County are not permanent but dynamic conditions; and that the zoning ordinance must be periodically examined and amended to respond to these changing community conditions;

NOW, THEREFORE, BE IT RESOLVED, that in the furtherance of promoting the public necessity, convenience, general welfare, and for good zoning practice the Bedford County Board of Supervisors hereby initiates amendments to the regulations of the Bedford County Zoning Ordinance to list, define, and establish permitting regulations for the proposed new uses of *Farmers Market, Conference Center, Meeting Hall, Livestock Market, and Temporary Family Health Care Structure* as follow:

PART I. FARMERS MARKET

That **Section 30-28(C), DEFINITIONS**, be amended to add the following new use term and definition:

FARMERS MARKET – A public building, structure or place at which farmers and other individuals sell agricultural, horticultural, or aquacultural produce and merchandise directly to consumers. Additional merchandise may include garden accessories, baked goods, floral supplies, seasonal and similar items directly related to the principal use.

That **Section 30-79-2, PERMITTED USE TABLE**, be amended to add the use classification *Farmers Market* under Agricultural and Forestry Use Types as follows:

Permit by right (R) in the AP, AR, AV, and NC Districts and as a use by right with additional standards (R*) in the R-1, R-2, PRD, C-1, C-2, PCD, I-1 PID, and EP Districts.

That **Section 30-91-9(A), Minimum Parking Required**, be amended to establish parking standards for proposed new use *Farmers Market* under Agricultural and Forestry Use Types as specified below:

1 space per 100 square feet for parking.

That **Section 30-81, USE AND DESIGN STANDARDS, Agricultural and Forestry Uses**, be amended to add the following additional standards to the proposed new use classification *Farmers Market* as specified below:

Intent: Farmer's Markets provide the opportunity to sell and purchase fresh, locally grown and produced goods by providing a direct market for those products within the community.

(A) General Standards

1. A Farmer's Market may be accessory to an existing commercial, civic or agricultural use.
2. All Farmer's Markets shall comply with state and federal regulations.

PART II. **CONFERENCE CENTER**

That **Section 30-28(C), DEFINITIONS**, be amended to add the following new use term and definition:

CONFERENCE CENTER – Facilities used for business or professional conferences, wedding receptions, special events, seminars, and training programs, which may include accommodations for sleeping, eating, and recreation.

That **Section 30-79-2, PERMITTED USE TABLE**, be amended to add the use classification *Conference Center* under Commercial Use Types as follows:

Permit by right with additional standards (R*) in the C-1, C-2 and AV Districts; permit by Special Use with additional standards (S*) in the AP and AR Districts.

That **Section 30-91-9(E), Minimum Parking Required**, be amended to establish parking standards for the proposed new use *Conference Center* under Commercial Use Types as specified below:

For facilities containing sleeping accommodations - 1 space per guest accommodation, plus 4 spaces per 50 guest rooms, plus spaces as required for other uses.

For facilities containing restaurant facilities with indoor entertainment - 1 space per 4 seats, plus 1 space per 2 employees on major shift; or, with night time entertainment or non-fixed seating, 1 space per 3 persons based upon maximum occupancy load. For a facility containing an event center only - 1 space per 4 seats or similar accommodations provided.

That **Section 30-85, USE AND DESIGN STANDARDS, Commercial Uses**, be amended to add the following additional standards to the proposed new use classification *Conference Center* as specified below:

A) General Standards

1. Hours of operation shall be limited to 9:00 am to 12:00 midnight.

2. The minimum lot size for a Conference Center containing a banquet or event facility with sleeping and recreational amenities shall be three acres.
3. The Conference Center, including a banquet or event facility with sleeping and recreational amenities, including outdoor areas and parking shall be setback a minimum of 200 feet from all property lines.
4. Such use shall utilize the most direct access available from a state maintained road, adequate in capacity to serve the traffic generated by the operation. There shall be no more than one point of access to a state maintained road. This requirement shall not preclude an additional access for emergency vehicles only.
5. Weddings, meetings, and private parties may be held outdoors. Such uses may be held within a building approved for the Banquet/Event Facility use. The maximum number of attendees is based on the occupancy of the event space as determined by the Uniform Statewide Building Code.
6. Outdoor music and entertainment shall not be allowed after 11:00 pm.

PART III. MEETING HALL

That **Section 30-28(C), DEFINITIONS**, be amended to add the following new use term and definition:

MEETING HALL – A building designed for public or private assembly for special events or regularly scheduled programs, and available to the general public for a fee. "Meeting hall" includes banquet halls, reception halls, and wedding halls.

That **Section 30-79-2, PERMITTED USE TABLE**, be amended to add the use classification *Meeting Hall* under Commercial Use Types as follows:

Permit by right with additional standards (R*) in AV, C-1, C-2 and PCD Districts; permit by Special Use with additional standards (S*) in AP, AR, R-1, R-2, and PRD Districts.

That **Section 30-91-9(E), Minimum Parking Required**, be amended to establish parking standards for the proposed new use *Meeting Hall* under Commercial Use Types as specified below:

1 space per 5 persons of maximum load occupancy.

That **Section 30-85, USE AND DESIGN STANDARDS, Commercial Uses**, be amended to add the following additional standards to the proposed new use classification *Meeting Hall* as specified below:

(A) General Standards

1. Any outdoor activity area, swimming pool, or ball field or court which adjoins a residential use type shall be landscaped with one row of small evergreen trees in accordance with Article V along the property line adjoining the residential use type. Where night-time lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences.

2. When a meeting hall adjoins a residential use type, a Type C buffer yard in accordance with Article V shall be provided along the property line which adjoins the residential use type.

PART IV. LIVESTOCK MARKET

That **Section 30-28(C), DEFINITIONS**, be amended to add the following new use term and definition:

LIVESTOCK MARKET – A commercial establishment wherein livestock are collected for sale and auctioned off.

That **Section 30-79-2, PERMITTED USE TABLE**, be amended to add the use classification *Livestock Market* under Agricultural and Forestry Use Types as follows:

Permit by Special Use with additional standards (S*) in AP, AR, AV and C-2 Districts.

That **Section 30-91-9(A), Minimum Parking Required**, be amended to establish parking standards for the proposed new use *Livestock Market* under Agricultural and Forestry Use Types as specified below:

A net parking area equal to thirty (30) percent of the gross floor area of all buildings.

That **Section 30-81, USE AND DESIGN STANDARDS, Agricultural and Forestry Uses**, be amended to add the following additional standards to the proposed new use classification *Livestock Market* as specified below:

(A) General Standards

1. In considering a special use permit for such use, the board of supervisors may set additional standards, including but not limited to the following elements:
 - a. Surface materials and design for access roads, on-site roads, parking, loading and other vehicle facilities.
 - b. Control of dust, odors and pests.
 - c. Minimum required acreage of the use.
 - d. Noise generated by the operation.
 - e. Hours of operation.
2. Screening of the site shall be sufficient to ensure a minimal visual impact on adjacent uses, and the board shall impose conditions sufficient to provide such assurance, which may include, but not be limited to, fencing, berming, preservation of existing vegetation, additional vegetation, entrance design and location, and the design, bulk and height of structures.
3. Adequate fencing shall be provided around the perimeter of the facility for the purpose of livestock containment.
4. No structure, livestock barns or storage areas shall be located closer than three_hundred (300) feet to adjacent lot line, exclusive of parking.

5. Such uses shall utilize the most direct access available from a state maintained road, adequate in capacity to serve the traffic generated by the operation.
6. Manure storage and disposal must comply with all Department of Environmental Quality (DEQ) and Virginia Department of Health requirements. No on-site disposal of chemicals or hazardous materials is permitted. Any such materials shall be disposed of at a site permitted to receive such materials.
7. Disposal of dead animals shall be handled in an approved manner as specified by the Division of Animal Health and the State Veterinarian.
8. A livestock market does not include a slaughter house.

PART V. TEMPORARY FAMILY HEALTH CARE STRUCTURE

That **Section 30-28(C), DEFINITIONS**, be amended to add the following new use terms and definitions:

TEMPORARY FAMILY HEALTH CARE STRUCTURE – A transportable residential structure, providing an environment facilitating a caregiver’s provision of care for a mentally or physically impaired person. The structure is primarily assembled at a site other than the site of installation and limited to one occupant who shall be the mentally or physically impaired person.

CAREGIVER – For Temporary Family Healthcare Structure, an adult who provides care for the mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person who is being cared for.

That **Section 30-79-2, PERMITTED USE TABLE**, be amended to add the use classification *Temporary Family Health Care Structure* under Residential Use Types as follows:

Permit by right with additional design standards (R*) in the AP, AR, AV, R-1, R-2, R-3, R-4, PRD, PCD and PID Districts.

That **Section 30-91-9(B), Minimum Parking Required**, be amended to establish parking standards for the proposed new use *Temporary Family Health Care Structure* under Residential Use Types as specified below:

No requirement.

That **Section 30-85, USE AND DESIGN STANDARDS, Commercial Uses**, be amended to add the following additional standards to the proposed new use classification *Temporary Family Health Care Structure* as specified below:

(A) General Standards:

1. Only one temporary family healthcare structure shall be permitted on a lot or parcel of land accessory to a primary residence.
2. A temporary family healthcare structure shall comply with the side and rear principle structure setback requirements in the zoning district for which it is located.

3. The temporary family healthcare structure shall be limited to 300 gross square feet and comply with the applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.).
4. Placing the temporary family healthcare structure on a permanent foundation shall not be permitted.
5. Any temporary family healthcare structure may be connected to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
6. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
7. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. For the purposes of this section, “mentally or physically impaired person” shall be a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in §63.2-2200 of State Code, as certified in a writing provided by a physician licensed by the Commonwealth.
8. The Zoning Administrator may at his discretion request evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

PART VI. AND BE IT FURTHER RESOLVED, that these proposed amendments be referred to the Planning Commission for review and recommendation to be forwarded to the Board of Supervisors for final consideration and action in accordance with all procedural and public notification requirements as prescribed by local ordinance and state statute.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

Vice-Chairman Sharp asked to add new and used automobile sales be added to the Industrial zones.

Mr. Rogers commented that it might be a good use of time to systematically go through the permitted use table and see if there are any other items that should be considered so that this could be taken care of all at the same time.

Vice-Chairman Sharp made a motion to ask the Planning Commission to consider adding new and used automobile sales as a permitted use to the Industrial zoning district.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

Supervisor Pollard voiced her frustration with the restrictions on citizens with various zoning regulations, especially with regard to the sale of guns and how the County's ordinance is sometimes at odds with State guidelines. Attorney Boggess said the problems arise when something isn't in the ordinance, which means that it is not allowed. He said almost every locality has exclusionary zoning. Vice-Chairman Sharp said he also had issues with that, and Chairman Arrington said it needs to be fixed. Attorney Boggess cautioned that it would completely change the way the ordinance currently reads if it is changed to infer that any use that is not mentioned in the ordinance is permitted.

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

Supervisor Martin requested a public hearing and the Planning Commission on a rezoning for a business. Mr. Rogers clarified that Supervisor Martin is requesting that this go through with a joint public hearing versus a separate public hearing so that it is moved along quickly. Chairman Arrington requested and received consensus from the Board for Supervisor Martin's request.

Vice-Chairman Sharp commented that the Board adopted "Urban Development Areas" when it was mandatory, but now they are voluntary. He asked if these areas could now be removed. Attorney Boggess said originally the Board amended both their comprehensive plan and their zoning districts, so both would have to be revised. He noted that the Harmony development was being developed as an Urban Development Area, as was Mayberry. Attorney Boggess said the Board would have to be careful how they amend it, as some of it is already taking place.

(7a) The Board was given a copy of the Tri-County Lake Administrative Commission monthly Board meeting minutes from December 11, 2012 for review.

(7b) The Board was given a copy of the Bedford County Economic Development Authority meeting minutes from January 3, 2013 for review.

(7c) The Board was given a copy of the Bedford County Public Service Authority, Board of Directors, meeting minutes from January 15, 2013 for review.

(7d) The Board was given a copy of the Bedford County Library Board of Trustees meeting minutes from March 5, 2013 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. Rogers reminded the Board of the VDOT public hearing on March 13, 2013 at 7:30 p.m., with a follow-up work session on March 28.

(11) **PENDING MATTERS**

(12) **UPCOMING MEETINGS**

The Chairman noted the following upcoming meetings:

- March 18 – Budget Work Session at 5:00 P.M.
- March 21 – Budget Work Session at 5:00 P.M. (Thursday)
- March 25 – Regular Meeting at 7:30 P.M. (Work session at 5:00 P.M.)
- April 8 – Regular Meeting with a Public Hearing on the Budget at 7:30 P.M. at BSTC (Work session at 5:00 P.M.)

Chairman Arrington suggested that the Board take the information regarding the School Board's budget from the work session and coming up with any further questions for the next budget work session.

There being no further business, Chairman Arrington called for a motion to adjourn.

Vice-Chairman Sharp made a motion to adjourn the meeting; motion passed by acclamation at 9:54 p.m.

Chairman