



MINUTES

BEDFORD COUNTY BOARD OF SUPERVISORS

BEDFORD COUNTY ADMINISTRATION BUILDING

MAY 13, 2013

5:00 P.M. WORK SESSION

- a. Review of Planning Commission's recommendations regarding the Board of Supervisor's text amendments; joint discussion with the Planning Commission's Chairman, Vice-Chairman, and Mr. Tim Wilson, Director of Community Development.

6:45 P.M. Dinner

7:30 P.M. WELCOME – REGULAR MEETING

- 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** – March 5th, 11th, 13th, 18th, 21st and 25th, 2013; April 8th and 22nd, 2013 (*Distributed to the Board earlier under separate cover*)
- (5) **PUBLIC HEARINGS / PUBLIC APPEARANCES**
 - a. Continuation of a public hearing from the April 22, 2013 Board of Supervisors meeting regarding a request to approve a Special Use Permit to establish a transportation terminal on property identified as tax map #87A-1-12 (*Resolution #R0413-041*)
 - *Staff Presentation: Brad Robinson, Planner*
- (6) **ACTION ITEMS**

- a. Consideration of a request to approve the By-laws of the Board of Trustees of the Bedford Public Library (*Resolution #R0513-049*); and Member Appointments to the Board of Trustees
 - *Staff Presentation: Carl Boggess, County Attorney*
- b. Consideration of a request to issue an Invitation to Bid for the repair of the Courthouse Clock Tower (*Resolution #R0513-051*)
 - *Staff Presentation: Frank Rogers, Deputy County Administrator*
- c. Consideration of a request for authorization to proceed with the acquisition and installation of a new generator for the Nursing Home (*Resolution #R0513-051*)
 - *Staff Presentation: Frank Rogers, Deputy County Administrator*
- d. Consideration of a request to award the contract for real estate appraisal services to Wingate Appraisal (*documentation to follow under separate cover*)
 - *Staff Presentation: Carl Boggess, County Attorney*

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

- a. Bedford County Planning Commission meeting minutes for March 5, 2013
- b. Bedford County Public Water Service Authority Board of Directors meeting minutes for February 19, 2013
- c. Bedford Public Library System Board of Trustees meeting minutes for May 7, 2013

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- a. Appointments to the Blue Ridge Regional Jail Authority
(*Resolution #R0513-050*)

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

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

(11) PENDING MATTERS

(12) UPCOMING MEETINGS

- May 28, 2013 – Regular meeting (**Tuesday**) at 7:30 P.M.
- June 10, 2013 – Regular meeting at 7:30 P.M. (Work session 5:00–6:45 P.M.)
- June 24, 2013 – Regular meeting at 7:30 P.M.

5:00 P.M. – WORK SESSION

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

Absent: Roger Cheek, District 3

Planning Commission: Steve Wilkerson and Jerry Craig

Staff Present: Mark Reeter, Frank Rogers, Carl Boggess, Tim Wilson, Mary Zirkle, Traci Blido and Brigitte Petersen

Chairman Arrington called the work session to order, and turned the meeting over to Tim Wilson, Director of Community Development. Mr. Wilson reviewed the Planning Commission's recommended changes to the zoning and subdivision ordinance text amendments, which were initiated by the Board in November 2012. He began by reviewing the change that would allow citizens to request amendments to the text of the zoning ordinance (in addition to changes to the zoning map, which is currently allowed). He explained that currently only the Board and the Planning Commission have the ability to initiate text amendments. He stated that the Planning Commission did not have any objections to this change and has recommended adoption.

Mr. Wilson then reviewed increasing the maximum height of accessory structures in R1, R2 and R3 from 15 feet to 35 feet. He briefly detailed the Planning Commission's discussion on this topic, stating that they were recommending denial due to the concern that such high accessory structures could impact the viewshed of a neighboring property.

Mr. Wilson stated that some cleaning up of the text was needed to rescind an incorrect reference to the permitting of duplexes and two-family dwellings in the R1 district. This change was initiated by the Board and the Planning Commission recommended adoption of this change by a unanimous vote.

Supervisor Pollard commented that the Board had wanted to raise the previously mentioned height restriction on accessory buildings because 15 feet isn't high enough to house certain types of equipment. She said that since principle structures can be 45 feet, a 35 foot accessory building isn't as obstructive to the view as the main building. Supervisor Thomasson commented that a lot of people are now building garages as big as barns.

Supervisor Parker recommended that, for the rest of the meeting, they just review those portions of the Board initiated changes that were denied or altered by the Planning Commission; the Board concurred.

There followed a brief discussion regarding increasing the height of accessory buildings in R1, R2 and R3. Supervisor Parker pointed out that the best way to simplify the code would be to have a

maximum height of 35 feet for all structures in these zones. The general consensus of the Board was to follow Supervisor Parker's suggestion.

Mr. Wilson then reviewed the suggested commercial changes that were denied by the Planning Commission, beginning with a proposal to amend the height for a principle in the C2 zoning district from 45 feet with a provision for additional height being granted through a special use permit. The Board had proposed making the height requirement more of a "by right" situation as opposed to a special use permit. Mr. Wilson noted that the Planning Commission had denied this request due to the possible negative impact on aesthetics. In response to a question from Supervisor Parker, Mr. Wilson stated that he was not aware of any applicant requesting an increase in height in a C2 zone. Supervisor Parker suggested that since this is a non-issue, perhaps the zoning text should be left as is. The Board decided to follow the Planning Commission's recommended denial of this text change.

Mr. Wilson stated that there are two use categories for automobiles dealerships: "Automobile Dealerships – New" and "Automobile Dealerships – Used". He said the recommended text change would merge these two into one use called "Automobile Dealerships". Mr. Wilson said this is really just a matter of housekeeping by bringing these separate uses under one use and it simplifies the code; the Board concurred.

The next text amendment from the Board was in regards to home beauty and barber salons, which previously required the applicant to demonstrate a unique circumstance to allow this home occupation. Mr. Wilson stated the Board requested this barrier be removed and fine-tuned the requirements for the use; the Planning Commission concurred.

Mr. Wilson commented there was only one change in the I2 District, which was the proposal was to increase the maximum height for all structures from 75 feet to 125 feet with a special use permit.

Mr. Wilson then reviewed the cluster development options in the AP and AR districts. He said that the Planning Commission had recommended either allowing a street to be constructed and then taken over as a publically maintained street, or it can be designed and built to a prescribed private street standard. He said the private street standard would closely pattern the VDOT standards, except for the surfacing/topping. Mr. Wilson said it would also need to be clearly stated on the plat that these are private streets and they are not constructed or maintained by either the County or the State. Supervisor Thomasson said that he is aware of driveways that have ten or fifteen houses on them and are not paved, making their use difficult. Supervisor Martin stated there are poorly maintained roads in his district and it needs to be taken care of.

Vice-Chairman Sharp asked Attorney Boggess if the Planning Commission's recommended changes will mean that everything will have to be re-advertised. Attorney Boggess said that is something he will be considering when he is reviewing the changes following tonight's meeting. Mr. Wilson noted that the Board can choose to adopt some specific components of the recommendations while not adopting others. Vice-Chairman Sharp commented that the Board could always go back and amend whatever they

adopt at a later date if needed. Supervisor Parker asked to pull any changes that need to be re-advertised. Supervisor Pollard recommended not acting on the cluster development until Attorney Boggess has a chance to review it. Mr. Wilson clarified that the change is a less restrictive standard than what was originally in place and advertised (with regard to streets in the cluster developments), so he does not feel that it would need to be re-advertised. Mr. Wilson asked if it was the pleasure of the Board to wait to hear back from Attorney Boggess as to whether the private street alternatives would require us to re-advertise; the Board concurred.

Mr. Wilson moved on to a review of the Board's proposal to reduce the 3-acre lot size requirement to 1 acre, which would also reduce the road frontage from 200 feet to 100 feet. He said the Planning Commission recommends a smaller reduction than advertised, with a minimal lot of 1.5 acres with 150 feet of frontage.

There followed a discussion between members of the Board and Mr. Wilson to clarify the subdivision of lots. Mr. Wilson explained that a property is allowed 5 divisions in the AP district and 10 divisions in the AR. He stated that those divisions can come through a re-subdivision of a lot that has already been recorded, meaning that "child" lots can be further subdivided because they are part of the "parent" tract.

Supervisor Parker stated that it was her understanding that the development rights remained with the original parcel owner and not the child lots. She said there is a need for 1.5 acre lots in AP with 150 feet of road frontage to protect the original landowner's right to further subdivide.

In response to a question from Mrs. Pollard, Mr. Wilson stated that a lot depends on the size of the lots when they were first subdivided. If someone did the previous 3 acre limit, it would now have the potential to be subdivided. He said it all goes back to the parent tract – the division rights run with the parent tract, not the property owner.

Vice-Chairman Sharp said he is concerned that child lots could get further divided with the new smaller minimum lot size of 1 acre, which would diminish the ability of the owner of the parent lot to further subdivide. Mr. Wilson stated it would be difficult to tie the division rights to individuals. There followed some debate on the best way to prevent the parent tract from losing its subdivision rights through further subdivision of child lots.

Vice-Chairman Sharp stated that the original intent of the Board was to preserve the rights of the parent lot and preserve the number of divisions they are allowed to make, with the ability to make smaller cuts so that less would be lost out of agricultural use.

Supervisor Pollard stated all the Board is doing is changing the text to 1 acre.

Supervisor Parker stated that it had been her understanding that the child lots were not to be able to be further subdivided. She said that the 1.5 acre lot size with 150 feet of frontage would help guarantee that child lots were not able to be further subdivided; Attorney Boggess concurred.

More discussion followed on this topic, with the Board members concurring that all they had wanted to achieve with this measure was changing the lot size without impacting the division rights of the parent tract. They do not want all the child lots to become new parent lots, as this will open them up to development that they never intended.

Supervisor Parker asked if there was legally any way to say that a property owner cannot further divide a child lot; Attorney Boggess responded in the negative. Supervisor Parker said that then the only way to proceed would be to increase the lot size to 1.5 acres with 150 feet of road frontage, as this would alleviate a lot of the potential for further subdivisions. Attorney Boggess concurred with Supervisor Parker that it would probably alleviate 85-90% of further subdivisions.

Further discussion followed between the Board, Mr. Wilkerson and Attorney Boggess on the various potential scenarios that could develop with this issue.

Mr. Wilson then reviewed the proposed reductions in the setbacks for lot coverages based on a smaller lot size. He stated that the Planning Commission agreed with the Board's proposed changes with regard to the setback requirements, and suggested changing the lot coverage requirements (which were advertised for the AP district to be increased from 20% to 75%, and in AR from 30% to 75%) for both AR and AP to 50% coverage. Mr. Wilson noted that because their recommendation is a smaller increase than what was advertised, it would not need to be re-advertised. The Board agreed with the Planning Commission's suggestion for the lot coverage.

The Board then reviewed the text amendments that would allow private access easements and private streets in the AR and AP districts under certain circumstances and certain limitations in the subdivision ordinance, which Mr. Wilson stated the Planning Commission had recommended denying. Mr. Sharp said that the Board had recommended adopting the VDOT standard for safety, which calls for fewer nodes of access on a public road to reduce the potential for accidents. There followed brief discussion regarding standards for private joint-use driveways. Supervisor Parker clarified that two lots sharing driveway access can be considered a joint-use driveway; once you have three lots sharing access, it becomes a private road with a brown road sign. Chairman Arrington noted that there are as many potholes in the VDOT maintained roads as there are in the private drives, and that he is more concerned about safety than potholes. Supervisor Thomasson responded that potholes in privately maintained roads create havoc and he receives a lot of complaints about them from homeowners. The consensus of the Board was to stick with allowing two lots to share a private access driveway without both lots having to have public road frontage.

Next, Mr. Wilson reviewed the Planning Commission's recommendation to go to a two-tier system as opposed to one set of regulations with regard to the Corridor Overlay district. Mr. Sharp asked if this would require re-advertisement; Attorney Boggess replied that it would depend and he would have to discuss the recommendations with Mr. Wilson. Mr. Sharp suggested adopting what was advertised, and then entertaining the Planning Commission's recommendations at a later date so the adoption is not

held up. Supervisor Parker said she could not support splitting Corridor Overlay into rural and commercial as suggested by the Planning Commission, as the underlying zoning already defines those areas. She said this will just add more confusion when the Board is trying to simplify zoning. The Board concurred that it should be left as advertised.

Chairman Arrington summarized that they would receive further legal opinions from Attorney Boggess regarding several of the items discussed this evening; the Board agreed to take action on the rest of the items they agreed upon this evening.

Attorney Boggess and Mr. Wilson pointed out that the rest of the Board initiated changes not discussed this evening had received approval from the Planning Commission; the changes that they do have for the most part clarify the things that the Board wants to accomplish (such as the sale of firearms also including the sale of ammunition, etc.) without changing the original intent. The consensus of the Board was to accept the minor changes with the conditions that Attorney Boggess confirms the legality of the changes and that Supervisor Cheek will be given an opportunity to review the changes as well prior to adoption.

Supervisor Pollard mentioned that these issues need to be moved along as quickly as possible, as she is aware of a citizen that is currently waiting for adoption of some of the new amendments before he can receive final loan approval.

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 7:03 p.m.

7:30 P.M. – REGULAR MEETING

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

Absent: Roger Cheek, District 3

Staff Present: Mark Reeter, Frank Rogers, Carl Boggess, Tim Wilson, Mary Zirkle, Brad Robinson 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

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

- Deletion: Appointment of members to the Library Board of Trustees has been postponed; the By-Laws will still be adopted this evening.
- Correction: Under Action Items, #6b, Consideration of a request to issue an Invitation to Bid for the repair of the Courthouse Clock Tower, the resolution number should be R0513-054.
- Addition: Under Citizen Comment Period, Ms. Dina Linkenhoker will address the Board regarding allocations to the School Division's budget.
- Deletion: Under Action Items, #6d, Consideration of a request to award the contract for real estate appraisal services to Wingate Appraisal – this item has been postponed.

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

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

- Jackie Davis, citizen from Thaxton, addressed the Board with a prayer.
- Cheryl Sprouse, citizen from Forest, addressed the Board with her concerns regarding recent Board comments she felt were unprofessional and inappropriate. Ms. Sprouse said she felt the presentation regarding funding for raises and other school needs, which was made on behalf of the Bedford Education Association a few months ago, was well presented and seemed to be well received by the Board. She said the intent of the presentation was to give the Board information that would assist them in making decisions regarding funding for the Schools. She asked how the Board was going to know what was needed if the teachers did not speak up for themselves. Ms. Sprouse voiced her outrage over a Board member's recent criticism regarding the teacher's request for school funding, since she feels the Supervisors should want to hear the concerns of taxpayers, and demanded an apology.
- Dina Linkenhoker, citizen, addressed the Board regarding the challenges faced by County teachers. Dr. Linkenhoker spoke to the recent comments regarding teachers and school funding made by a Board member, stating her objections to the comments made as she felt what was said denigrated the teachers. She noted that there were no further media interviews with this Supervisor, whom she said defended their comments in a written response without offering a chance for further discussion or questions with the media. Dr. Linkenhoker stated that the job of the Board is to serve all the constituents, including those who have a political stance that differs from the Board, those too young to vote and those who may be disappointed with some of the Board's actions. She said she understands the Board is tasked with making sure the County does not have expenditures that exceed revenues to keep the County financially solvent. However, they are also tasked to provide an education for the students of Bedford County, and she finds it disheartening that a request for more funding

was referred to as robbery. She concluded that the Board is accountable for modeling the standard of behavior they would like to see in the community.

There being no other citizens who wished to address the Board, Chairman Arrington took the floor and explained the reasoning behind the funding for the School Division. Chairman Arrington recalled the various meetings that had taken place during the budget process, including meeting with the Constitutional Officers, which were conducted to get input on how to best utilize the County's limited revenue while assisting departments in running as efficiently as possible. He said he understands the mistrust of government at all levels, and said he wanted to try to help citizens understand who the Board is and what they stand for.

Chairman Arrington stated that the State is running billions of dollars into a pension deficit; he said this is a moral obligation that is beyond the pale. He said this is not a criticism of anyone who works for the County or the Schools, but it is just one example of the funding deficits the Board is grappling with.

Chairman Arrington said that education is the largest portion of the County's budget, with the State's contribution varying from year-to-year. He said the Board has a moral obligation to not only educate the children in the County, but to also leave the children a better future. He referenced the fact that 46 states have already filed bankruptcy – the Board is obligated to do the best they can do with the limited dollars available. He said that during a work session with School representatives, the budget was reviewed, and at that time the School Division didn't have any comments regarding the numbers as presented that evening. He clarified that there had not been a cut in School funds; rather, there were reversion dollars in this fiscal year's budget, which were not available in the last fiscal year – the budget was not cut \$3.5 million dollars. Chairman Arrington noted that last year \$2.5 million was given to the School Board as a one-time appropriation because the Federal stimulus funds had run out and the funding was needed to get through the fiscal year. In addition, the Schools were given half of the new revenue funds in the amount of \$275,000.00. He stated that it was made very clear that these were one-time appropriations. He said the Board has no line item authority in the Schools budget, and that the School Superintendent and the School Board decided how the funds are used.

Chairman Arrington stated that \$1 million has been set aside to be used towards the new middle school, and stated that there are funds also left over from the improvements made at Jefferson Forest.

Chairman Arrington continued that the County had no choice in the City's decision to revert to a Town, as this is a right granted by State code. He said the Board and the City have worked out a good agreement based upon what they have to work with. The result is an additional \$6.2 million dollars coming into the County schools, which may continue for 15 years. He said there is no guarantee that we will always receive the same amount and said there is a yearly review. He reviewed the process between the School Board and the Board of Supervisors with regard to the funding of the middle school with

reversion dollars, explaining that they are trying to avoid debt service on the new middle school beyond the anticipated 15 year reversion funds.

Chairman Arrington stated the Board is trying to work with the School Board, not against them. He clarified that the Board is not attempting to put a value on employees and say what they are worth – they are trying to manage how much they can afford to pay. He said he does not apologize for having the lowest tax rate in the region, nor for not raising the taxes. He said the Board is trying to make government in Bedford County sustainable, to get a grip on our debt and to look at the funding challenges ahead. He said it isn't about how much money we have, it's about managing the money we have.

Chairman Arrington said that he appreciates teachers and staff. He asked that we all try to work together and move forward; he said we will always have more need than we have money, but we need to try to do the best we can together.

(3) APPROVAL OF CONSENT AGENDA

Mark Reeter, County Administrator, read the items on the Consent Agenda as follows:

- a. Consideration of a request from Fire and Rescue to adopt a resolution recognizing May 19-25, 2013 as “Emergency Medical Services Week”. (*Resolution #R0513-046*)
- b. Consideration of a request from the Sheriff’s Department to submit an application for the U.S. Department of Justice Bulletproof Vest Partnership program grant. The local funds required for this grant are included in the FY2013-14 budget. (*Resolution #R0513-047*)
- c. Consideration of a request from the Clerk of the Circuit Court to submit an application to the Library of Virginia for funding to conserve Order Books 18, 25, 26, 31, 33, 42, and 45 to 48. There is no requirement for local matching funds for this grant. (*Resolution #R0513-048*)

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

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

Voting no: None

Absent: Mr. Cheek

Motion passed.

(4) APPROVAL OF MINUTES – March 5th, 11th, 13th, 18th, 21st and 25th, 2013; April 8th and 22nd, 2013

Supervisor Pollard made a motion to approve the minutes for March 5th, 2013 as presented; motion passed by acclamation, with Vice-Chairman Sharp abstaining.

Supervisor Pollard made a motion to approve the minutes for March 11th, 2013 as presented; motion passed by acclamation.

Supervisor Parker made a motion to approve the minutes for March 13th, 2013 as presented; motion passed by acclamation.

Supervisor Parker made a motion to approve the minutes for March 18th, 2013 as presented; motion passed by acclamation.

Supervisor Thomasson made a motion to approve the minutes for March 21st, 2013 as presented; motion passed by acclamation.

Supervisor Parker made a motion to approve the minutes for March 25th, 2013 as presented; motion passed by acclamation.

Supervisor Thomasson made a motion to approve the minutes for April 8th, 2013 as presented; motion passed by acclamation, with Vice-Chairman Sharp abstaining.

Supervisor Pollard made a motion to approve the minutes for April 22nd, 2013 as presented; motion passed by acclamation.

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

(5a) Brad Robinson, Planner, addressed the Board with a continuation of a public hearing from the April 22nd, 2013 Board meeting regarding a request to approve a Special Use Permit to establish a transportation terminal on property identified as tax map #87A-1-12. He gave a brief review of his presentation at the last Board meeting as well as some small revisions to the concept plan, and stated that the Planning Commission has voted to recommend approval of this request.

Chairman Arrington asked if there were any citizens who would like to speak, as the public hearing was still open from the previous meeting.

Tony Loftus, citizen from Montvale, addressed the Board with his concerns that bus use on Starview Lane may be destructive to the pavement (which he has invested several thousand dollars in), whether trees will be planted as a buffer and whether the business owner will replace buffer trees if they die.

Mr. David Halsey, the applicant, addressed Mr. Loftus' concerns by stating that he does not ever intend to use Starview Lane for access. Instead, he intends to use Colonial Fort Drive, as it is a safer way

to access Route 460. Mr. Halsey said he intends to abide by whatever is decided as a condition for the buffers, will position the buffer with preserving the neighbors viewshed in mind and will certainly maintain the buffer. He commented that he is committed to being a good neighbor.

Chairman Arrington asked if there will be some type of documentation clarifying that if trees in the buffer die they will be replaced; Mr. Halsey replied that he would be happy to do that.

In response to a question from Supervisor Thomasson, Mr. Wilson stated that if the Board wants to make the buffer zone on the site plan a mandatory requirement, the motion to approve the resolution should specifically require the planting of the buffer. He noted that any required buffer will be required to be maintained in perpetuity.

Supervisor Pollard noted that while she does not know Mr. Halsey, she passes his home often and his property is always well maintained.

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

Supervisor Pollard made a motion to approve Resolution #R0413-041, with the conditions amended as noted in the resolution below.

WHEREAS, David Halsey of Grand Tour & Charter has submitted application #SU130002 requesting a Special Use Permit to establish a “Transportation Terminal” in an AV (Agricultural Village Center) and PID (Planned Industrial Development) District identified as Tax Map Number 87A-1-12; and

WHEREAS, the application has been submitted pursuant to Section 30-79-2 of the Zoning Ordinance, which allows a “Transportation Terminal” in the AV and PID Zoning Districts after a Special Use Permit has been approved in accordance with Section 30-19 of the Zoning Ordinance; and

WHEREAS, the Board of Supervisors has carefully considered the public record, the public testimony, and the recommendation of the Planning Commission; and now

THEREFORE, BE IT RESOLVED, by the Board of Supervisors that a Special Use Permit pursuant to application #SU130002 be and it hereby is approved with the following conditions:

1. Sections 30-36 (Agricultural Village Center District) and 30-63 (Planned Industrial Development District) of the Bedford County Zoning Ordinance shall apply to approval of the project.
2. The site shall be developed in conformance with the concept plan dated February 17, 2013 as prepared by Covenant Engineering, as amended.
3. Exterior lighting shall comply with Section 30-94 of the Bedford County Zoning Ordinance.
4. Vehicular and bus access to Starview Lane shall be prohibited.
5. The planting and maintenance of the evergreen buffer as shown on the referenced amended site plan shall be required, with the modification that the location of the buffer occurring along the north and upper western property lines is to be relocated southward to coincide with the northern “limit of project land usage” line designated on the site plan.

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

Voting no: None

Absent: Mr. Cheek

Motion passed.

(6) ACTION ITEMS

(6a) Carl Boggess, County Attorney, addressed the Board with a request for approval of the By-laws of the Board of Trustees of the Bedford County Library. Attorney Boggess said he had been in close consultation with the Library Director and the current Board of Trustees, resulting in the by-laws before the Board for approval this evening. He noted that these by-laws are needed whether or not the Board decides to regionalize the libraries. In response to a question from Supervisor Thomasson, Attorney Boggess stated that the Supervisors would appoint the next Library Board of Trustees at the Board's first meeting in June.

Vice-Chairman Sharp made a motion to approve Resolution #R0513-049.

WHEREAS, by agreement, the City of Bedford and the County of Bedford have been operating a Regional Library System; and

WHEREAS, under the terms of the Voluntary Settlement Agreement entered into by the parties relative to the City's reversion to Town status, the operations of the library will become a County function; and

WHEREAS, it is necessary to constitute a governing body for the Bedford Library System in accordance with state law; and

WHEREAS, the attached Bylaws conform to Virginia state law and follows the suggested state law library practices.

NOW THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors adopt the attached Bylaws of the Board of Trustees of Bedford Public Library.

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

Voting no: None

Absent: Mr. Cheek

Motion passed.

(6b) Frank Rogers, Deputy County Administrator, addressed the Board with a request to issue an Invitation to Bid for the repair of the Courthouse clock tower. Mr. Rogers stated that the tower is in significant disrepair, and the nature of the work required will be an expensive fix based on preliminary pricing. He said this has been discussed with the Building and Grounds Committee, and the consensus

was to proceed with seeking the Board's authorization to get offers as to the repair and possible renovation.

In response to a question from Supervisor Thomasson, Mr. Rogers stated that the preliminary cost estimates range from \$200,000.00 to \$275,000.00. He noted that a large portion of the cost relates to the complexity of the work, as it will involve scaffolding, asbestos abatement, etc. Vice-Chairman Sharp added that the Committee wanted to request bids because they feel we may be able to obtain better pricing than what we have been estimated thus far.

Supervisor Thomasson asked when the building was last renovated; Chairman Arrington and Attorney Boggess estimated work was completed in 2003, while noting the most recent renovation did not include any work on the clock tower; they estimated it was last repaired 20-25 years ago. Mr. Reeter said that from building plans he has seen it looks like the tower is part of the original 1930's construction, and probably hasn't been significantly touched since then.

Vice-Chairman Sharp made a motion to approve Resolution #R0513-054.

WHEREAS, the Bedford County Courthouse clock tower is in need of structural repair and restoration; and

WHEREAS, the Board of Supervisors wishes to issue an Invitation to Bid for said repairs;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby authorize staff to proceed with the issuance of an Invitation to Bid for the purpose of repair and restoration of the Bedford County Courthouse clock tower.

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

Voting no: None

Absent: Mr. Cheek

Motion passed.

(6c) Frank Rogers, Deputy County Administrator, addressed the Board with a request for authorization to proceed with the acquisition and installation of a new generator for the Nursing Home. Mr. Rogers stated there is a need to install a generator that fully powers the Nursing Home facility, as the one already in place only supports a few functions. He said that the Nursing Home fund does have sufficient cash available to purchase and install a replacement generator to fully power the facility for a number of days. Mr. Rogers noted that the current generator will be returned to its former facility, which will allow for a backup in the event of a failure at the Nursing Home. In response to a question from Supervisor Thomasson, Mr. Rogers said that staff would research having the old generator networked with the new generator so they could both be used as a power source for the Nursing Home. Attorney Boggess noted this should be bid out the way it is already specified on the cooperative procurement

contract; the networking of the additional generator should be added as a separate item. Mr. Rogers clarified that if the Board approved this action tonight, they would be authorizing staff to proceed with the acquisition and installation of a new generator, relocation of the old generator to the former facility, and to the degree that it is practical and financially possible, connect the old generator to the new facility as well.

Supervisor Pollard made a motion to approve Resolution #R0513-051.

WHEREAS, the Board recognizes the critical need to insure an on-going power supply in the event of emergencies at the Bedford County Nursing Home; and

WHEREAS, the Nursing Home fund has sufficient cash to upgrade the generator capacity of the facility;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby authorize staff to proceed with the acquisition and installation of a new generator at the Bedford County Nursing Home and that the current generator be returned to the former nursing home facility.

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

Voting no: None

Absent: Mr. Cheek

Motion passed.

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

(7a) The Board was given a copy of the Bedford County Planning Commission meeting minutes from March 5, 2013 for review.

(7b) The Board was given a copy of the Bedford County Public Water Service Authority Board of Directors meeting minutes from February 19, 2013 for review.

(7c) The Board was given a copy of the Bedford Public Library System Board of Trustees meeting minutes from May 7, 2013 for review.

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(8a) Mr. Mark Reeter, County Administrator, addressed the Board for staff appointments to the Blue Ridge Regional Authority. He noted that the traditional representatives are the County Administrator, with the Deputy County Administrator as the alternate attendee.

Supervisor Parker made a motion to approve Resolution #R0513-050.

WHEREAS, the Blue Ridge Regional Jail Authority Amended and Restated Service Agreement dated July 28, 1997 states that members of the Authority Board and their alternates (other than sheriffs) shall be appointed by their respective governing bodies; and

WHEREAS, the governing body of each participating jurisdiction has appointed a member and an alternate whose terms expire June 30, 2013; and

WHEREAS, the governing body of each jurisdiction has been requested by the Authority to appoint a member and an alternate for a term commencing July 1, 2013 and ending June 30, 2016.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors for Bedford County that Mark K. Reeter is hereby appointed as a member of the Blue Ridge Regional Jail Authority, and Frank J. Rogers is appointed as the alternate for such member, each for a term commencing July 1, 2013 and ending June 30, 2016.

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

Voting no: None

Absent: Mr. Cheek

Motion passed.

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

Attorney Boggess noted the following three items for the Board:

- One of the polling places in District 2 needs to be changed; the Southern Baptist Church has decided it does not want to be a polling place. Attorney Boggess said he thinks there is another church that will be able to accommodate us, which will be advertised as the new location as soon as that information is available.
- The Clerk of the Circuit Court has notified Attorney Boggess that the parking spaces are close to being deficient in space needed for jury and handicapped parking. He said there can possibly be something done to raise funds through user fees, which is allowed by State code. However, an evaluation will need to be done by the General Services Division of the Commonwealth of Virginia. The fee for the evaluation is estimated to be from \$2,200.00 to \$2,400.00. He noted it would be wise to have the evaluation done to enable the County to start collecting the fees so that funds can be collected to address the parking issue. The consensus of the Board was to allow staff to proceed with filing the application for the evaluation.
- Abandoned structures are an issue in the County, but Attorney Boggess said he does not want to bring any suits in court regarding these unless there is funding set aside to take care of demolishing these structures. He said he understands this is a budgetary item, but this is

something that needs to be dealt with. Attorney Boggess said the County would be able to recoup some of the funds (through liens, etc.) as this would be considered the same as delinquent taxes. Supervisor Thomasson commented that this is an issue that needs to be addressed. Attorney Boggess recommended having the County Administrator work on this issue with the Building Official, and then come back to the Board at a later work session to discuss how many structures there are in need of demolition and decide if this needs to be a line item in next year's budget.

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

Chairman Arrington asked for a Board retreat with Mr. Reeter; he asked the County Administrator to look at his calendar for potential retreat dates.

(11) PENDING MATTERS

(12) UPCOMING MEETINGS

- May 28, 2013 – Regular meeting (**Tuesday**) at 7:30 P.M.
- June 10, 2013 – Regular meeting at 7:30 P.M. (Work session 5:00–6:45 P.M.)
- June 24, 2013 – Regular meeting at 7:30 P.M.

Supervisor Thomasson made a motion to adjourn the meeting; motion passed by acclamation at 9:03 p.m.

Chairman