

AGENDA

BEDFORD COUNTY BOARD OF SUPERVISORS

AUGUST 27, 2001

7:30 P.M.

WELCOME

- a. Call to Order
- b. Moment of Silence
- c. Pledge of Allegiance

(1) APPROVAL OF AGENDA

(2) APPROVAL OF CONSENT AGENDA

(3) APPROVAL OF MINUTES – JULY 16 & 23, 2001

**(4) FIFTEEN MINUTE CITIZEN COMMENT PERIOD
(For Items On This Agenda)**

(5) PUBLIC HEARINGS/PUBLIC APPEARANCES

- a. Blue Ridge-Southwest Virginia Film Office, Inc.---Request For Endorsement
- b. Dr. Marge Peterson, Thaxton Elementary School National Energy Education Development (NEED) Program Team Sponsor---Resolution Recognizing The Thaxton Elementary School NEED Team
- c. Bobby Deel, Citizen----Presentation Of A Petition To Have The Speed Limit Lowered On Lover's Lane Road
- d. Melissa Wade, President, Bedford County Rescue Squad Association---Resolution Recognizing the Bedford County Rescue Squad Association
- e. Bob Sutton, Assistant Resident Engineer, Virginia Department Of Transportation---Update On Road Matters
- f. Alan Adler, The Healthcare Collaborative---Update On Options And Costs Associated With Physical Plant Requirements For The Bedford County Nursing Home

(6) ACTION ITEMS

- a. Consideration Of A Request For Funding From The Arc Of Central Virginia
- b. Consideration Of Resolutions Pertaining To The Bedford County Treasurer's Annual Report On Delinquent Real Estate And Personal Property Taxes
- c. Authorization To Proceed With The Acquisition Of Property For Use As A Tourism Visitor Center
- d. Request For A Transfer From The Contingency Fund For Completion Of Wastewater Improvements At The New London Cannery
- e. Request To Re-Zone Property for Stewartsville/Chamblissburg Rescue Squad Building*

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

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

- a. **Closed Session 2.1-344A1 – Discussion Of Personnel Matters**

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

(11) PENDING MATTERS

- a. **Special Use Permit Applications – Crown Castle International**
 - # 8-2000 (Abbott property)
 - # 9-2000 (Croft property)
 - # 10-2000 (Johnson property)
 - #SU010001 (Eagle Eyrie)
 - #SU010002 (Whorley property)
- b. **Special Use Permit Application – American Tower L.P.**
 - # SU010010 (Cheek property)
- c. **Rezoning Application # RZ010005; Smith Mountain Land & Lumber, Inc.**

(12) UPCOMING MEETINGS

- ?? **September 10, 2001 – Regular Meeting**
- ?? **September 17, 2001 – Work Session w/VDOT On Six Year Road Plan**
- ?? **September 24, 2001 – Regular Meeting**

Board of Supervisors:

Lucille H. Boggess, Chair - Dist. 7, Kirby E. Richardson, Vice-Chair - Dist. 2, Dale C. Wheeler - Dist. 1 (arrived at 7:41 p.m.), Roger W. Cheek - Dist. 3, Robert L. Bashore - Dist. 4, E. Anthony Ware, II - Dist. 5 and Bobby G. Pollard - Dist. 6

Staff present: William C. Rolfe, Kathleen D. Guzi, Mike Dorsey, J. G. Overstreet, Sue Gilbert, Bill Hoy, Bob Gerndt, Jack Jones, Jr. and Pam Bohon

Chair Boggess called the meeting to order; a moment of silence was held and the Pledge of Allegiance was said.

Chair Boggess noted the following amendment to the agenda:

- ?? Add Action Item 6e. - Request To Rezone Property for Stewartsville Rescue Squad

(1) Supervisor Richardson made a motion to approve the agenda as amended.

Voting yes: Mr. Richardson, Mr. Cheek, Mr. Bashore, Mr. Ware, Mr. Pollard and Mrs. Boggess

Voting no: None

Absent: Mr. Wheeler

Adopted Unanimously.

CONSENT AGENDA

BEDFORD COUNTY BOARD OF SUPERVISORS

AUGUST 27, 2001

- a. Request from Bedford County Public Schools for a supplemental appropriation to the major category of Instruction for the Class Size Reduction Initiative
- b. Request from Bedford County Public Schools for a supplemental appropriation to the major category of Instruction for the High Schools That Work Project
- c. Request from Bedford County Public Schools for a supplemental appropriation to the major category of Instruction for the Reading Excellence Act (REA) grants
- d. Request to re-appropriate unexpended funds for the following departments: Sheriff's Office; Central Garage; Volunteer Fire Companies; Volunteer Rescue Squads

ACTION: Approve resolutions/motions as presented.

ITEM 2 REFUNDS

- a. Mike Albert Leasing Inc.
Refund: \$31.19
- b. Hugh N. Bateman, Jr.
Refund: \$332.25
- c. Sheila B. Campbell
Refund: \$27.19
- d. Robert R. Jordan, Jr.
Refund: \$24.08
- e. Theodore & Linda Saunders
Refund: \$1,042.56
- f. Douglas M. Shelter, Jr.
Refund: \$2,971.66
- g. Virginia Truck Center, Inc.
Refund: \$3,200.27
- h. Proration Refunds
Refund: \$89.26

ACTION: Authorize and direct Fiscal Management to make refunds as presented.

(2) Supervisor Ware made a motion to approve the consent agenda as presented.

Voting yes: Mr. Richardson, Mr. Cheek, Mr. Bashore, Mr. Ware,
Mr. Pollard and Mrs. Boggess

Voting no: None

Absent: Mr. Wheeler

Adopted Unanimously.

(3) APPROVAL OF MINUTES:

Supervisor Bashore made a motion to approve the minutes of July 16 & 23, 2001 as presented.

Voting yes: Mr. Richardson, Mr. Cheek, Mr. Bashore, Mr. Ware,
Mr. Pollard and Mrs. Boggess

Voting no: None

Absent: Mr. Wheeler

Adopted Unanimously.

(4) FIFTEEN MINUTE CITIZEN COMMENT PERIOD:

The following citizens addressed the Board:

?? Jack Mills – comments regarding his opposition to action item 6c.

(5) PUBLIC HEARINGS/PUBLIC APPEARANCES:

(5a.) Sandra Eubank, Vice-President, Corporate Board of Directors and Co-Director of the Blue Ridge-Southwest Virginia Film Office, Inc., appeared before the Board to request a resolution of support to recognize their efforts as the official film office for the region.

Supervisor Pollard made a motion to offer a resolution of support.

Chair Boggess commented that a resolution has not been prepared and suggested that the Board may wish to have staff prepare a resolution for the Board's consideration for the next regular meeting.

Supervisor Pollard withdrew his motion and requested staff prepare a resolution of support for the Board's consideration for the next regular meeting.

* Note: item 5b. was handled prior to item 5a.

(5b.) Dr. Marge Peterson, Thaxton Elementary School National Energy Education Development (NEED) Program Team Sponsor, appeared before the Board to recognize team members present in the audience. The Board previously appropriated \$2,000 to the Thaxton NEED team to help it pay expenses for the national competition in Washington, D.C.; the team was named one of the top three teams in the country.

The team appeared before the Board and shared a song and showed the Board a plaque they received and several newspapers articles on the event.

The Board expressed their appreciation and congratulated all of the team members for a job well done.

Supervisor Pollard read aloud the following resolution. Each team member was presented a signed copy of the resolution.

RESOLUTION RECOGNIZING THE THAXTON ELEMENTARY SCHOOL NEED TEAM FOR BEING NAMED ONE OF THE THREE TOP TEAMS IN THE COUNTRY

WHEREAS, National Energy Education Development program is a national program that is designed to teach young people about energy and energy conservation; and

WHEREAS, the Thaxton Elementary School NEED team has entered and won the state level competition every year since 1994; and

WHEREAS, on June 22-25, 2001 the Thaxton Elementary School NEED team was named one of the three top programs in the country at the national competition in Washington, D.C.; and

WHEREAS, the team members are Audrey Trussell, Amanda Campbell, John Donovan, Eli White, Brittany Rucker, Will Overstreet, Sarah Catron, Kaitlyn Thompson, and Peter Sawyer and their sponsors are Dr. Marge Peterson and Mrs. Viola Henry.

NOW, THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors hereby recognize the achievements of the Thaxton Elementary School NEED team and congratulate them for honoring their school and their county by being named one of the top three teams in the United States.

Supervisor Pollard moved to adopt the resolution.

Voting yes: Mr. Richardson, Mr. Cheek, Mr. Bashore, Mr. Ware,
Mr. Pollard and Mrs. Boggess

Voting no: None

Absent: Mr. Wheeler

Adopted Unanimously.

(Mr. Wheeler arrived at 7:41 p.m.)

(5c.) Bobby Deel, citizen, appeared before the Board on behalf of residents of Lovers Lane Road (Route 635), between Route 619 to Route 24, to present a petition to have the speed limit lowered. Mr. Deel discussed numerous accidents which have occurred on the road, as well as on his property, and shared newspaper articles and pictures regarding the accidents.

Supervisor Wheeler made a motion to request VDOT conduct a speed limit study on Lovers Lane Road (Rt. 635) between Route 619 and Route 24.

**Voting yes: Mr. Wheeler, Mr. Richardson, Mr. Cheek, Mr. Bashore,
Mr. Ware, Mr. Pollard and Mrs. Boggess**

Voting no: None.

Adopted Unanimously.

(5d.) Melissa Wade, President, Bedford County Rescue Squad Association, appeared before the Board to request the Board officially recognize the Bedford County Rescue Squad Association as the representing body of all county rescue squads. Ms. Wade also provided a copy of the Association's Bylaws for the Board's review for future Board action.

There followed a discussion among members of the Board and Ms. Wade regarding the Rescue Association's role and the Fire Commission's role.

It was the consensus of the Board that this matter be referred to the Board's Fire/Rescue Committee to review and bring back to the full Board with a recommendation.

(5e.) Bob Sutton, Assistant Resident Engineer, Virginia Department of Transportation, appeared before the Board and reported the following road matters:

- ?? Turn lanes at the intersection of Route 24 and Route 757 have been completed except for the striping
 - ?? Left turn lane eastbound from Route 460 into Route 831 has been completed except for the striping
 - ?? At the request of the School Board, VDOT constructed a school bus stop at the Phillips Circle interchange at Walmart
 - ?? Will begin construction on first traffic calming measure on Wednesday on Cameron Road (Rt. 1574)
 - ?? Route 722, unpaved road project, work scheduled to begin; should be complete before cold weather
 - ?? Right turn lane at the intersection of Route 460 and Route 680, work has begun on the box culvert; should take 30 days to get the culvert in and get the turn lane completed
 - ?? New traffic signal at the intersection of Route 24 and Route 651; also extending the left and right turn lanes at the intersection and the right turn lane westbound onto Route 651
 - ?? Bridge painting work which was scheduled for Hales Ford Bridge will be readvertised in October
 - ?? Per a request of the Water Safety Council, VDOT will be assisting this weekend by providing two computerized message boards with a safety message on Smith Mountain Lake in the congested area known as the "S" curves as a safety measure
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(5f.) Bob Gerndt, Director, Bedford County Nursing Home, appeared before the Board and reported that on July 23rd an RFP was awarded to the Healthcare Collaborative to gather cost figures on six options which had previously been identified for review with regard to physical plant requirements at the Nursing Home. The six options identified include:

1. Renovate existing facility to meet current Nursing Home regulations and building codes.

2. Renovate existing facility and add 36 beds.
3. Build a new 56 bed Nursing Home.
4. Build a new 92 bed Nursing Home.
5. Build a new 92 bed Nursing Home and convert the existing Nursing Home building into an assisted living facility.
6. Build a new 56 bed Nursing Home and convert the existing Nursing Home building into an assisted living facility.

Alan Adler and Bill Betts, with the Healthcare Collaborative, appeared before the Board to review the six options identified and the costs associated with each.

There followed a discussion among members of the Board, staff and the architects.

(6) ACTION ITEMS:

(6a.) At the last meeting Didi Zaryczny appeared before the Board on behalf of the Arc of Central Virginia to request funding for their building project. The Board deferred action until tonight's meeting.

Supervisor Wheeler made a motion to authorize a TRANSFER from the Contingency Fund in the amount of \$15,900 to Department 5110, Community Health and Welfare Agencies, in order to fund the request from the Arc of Central Virginia.

**Voting yes: Mr. Wheeler, Mr. Richardson, Mr. Cheek, Mr. Bashore,
Mr. Ware, Mr. Pollard and Mrs. Boggess**

Voting no: None.

Adopted Unanimously.

(6b.) Norma Edwards, Treasurer, appeared before the Board and presented the following two resolutions:

WHEREAS, in compliance with Section 58.1-3924 of the Code of Virginia, Norma M. Edwards, Treasurer of Bedford County, has this day submitted to the governing body of Bedford County a list of real estate which was delinquent for the nonpayment of taxes and levies thereon for the year 2000 as of June 30, 2001, said list being the list mentioned in Paragraph 2 of Section 58.1-3921 of the said code.

WHEREAS, in further compliance with said section of the Code of Virginia, the Treasurer of Bedford County also submitted to said governing body this day a list of the taxes and levies assessed on tangible personal property, machinery and tools and merchant's capital for the year 2000 which had not been collected as of June 30, 2001, said list being the list mentioned in Paragraph 3 of Section 58.1-3921 of the said Code; and,

WHEREAS, Section 58.1-3924 of the Code requires the governing body of Bedford County to cause such lists mentioned in Paragraphs 2 and 3 of Section 58.1-3921 of Code, or such parts thereof as it deems advisable, to be published; and

WHEREAS, the Board of Supervisors deems it inadvisable to publish any part of said lists at this time.

NOW, THEREFORE, BE IT RESOLVED, that no part of said 2000 lists be published at this time.

Supervisor Bashore made a motion to approve the resolution.

**Voting yes: Mr. Wheeler, Mr. Richardson, Mr. Cheek, Mr. Bashore,
Mr. Ware, Mr. Pollard and Mrs. Boggess**

Voting no: None.

Adopted Unanimously.

WHEREAS, Norma M. Edwards, Treasurer of Bedford County, in compliance with Section 58.1-3924 of the Code of Virginia, 1950, as amended, this day submitted the lists of uncollected

and delinquent taxes as per paragraphs 1-3 of Section 58.1-3921 of the Code of Virginia, 1950, as amended; and,

WHEREAS, the list specified in paragraph 4 of Section 58.1-3921 is not applicable since the Treasurer bills for all uncollected taxes regardless of the amount; and,

WHEREAS, in further compliance with said section of the Code of Virginia, the Treasurer of Bedford County also submitted to said governing body this day a list of uncollected balances of previously billed taxes amounting to less than five dollars each as to which the Treasurer has determined that the cost of collecting such balances would exceed the amount recoverable, said list being the list mentioned in Paragraph 5 of Section 58.1-3921 of said Code; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby accept the abovenoted lists from the Treasurer of Bedford County and the Treasurer shall be given credit for all taxes shown on the list mentioned in Paragraph 5 of Section 58.1-3921 as required by Section 58.1-3924 of the Code of Virginia, 1950, as amended.

Supervisor Pollard made a motion to approve the resolution.

**Voting yes: Mr. Wheeler, Mr. Richardson, Mr. Cheek, Mr. Bashore,
Mr. Ware, Mr. Pollard and Mrs. Boggess**

Voting no: None.

Adopted Unanimously.

(6c.) The County Administrator reported that in conjunction with the city, the county has formed a joint department of tourism; as part of the agreement, a joint visitor's center is to be established. He said in evaluating sites for a visitor's center, the city and the county have reached a consensus that the property which is currently owned by the D-Day Foundation on Burks Hill Road, would be the most advantageous place for a visitor's center; the city has already taken action to fund its 50% share of purchasing the property. The cost to purchase the property is approximately \$238,000 plus closing costs.

Supervisor Cheek questioned who would hold the deed for the property.

The County Administrator replied that it would be jointly titled between the city and county.

The County Attorney suggested that Chair Boggess not participate in the vote since she is on the D-Day Board, and also that the Vice-Chair be authorized to sign the deed accepting the property. He noted it was not a conflict of interest, but it would be preferable for the Chair not to participate in the vote.

Supervisor Cheek commented that he would abstain from voting since his daughter is employed by the D-Day Foundation. The County Attorney noted that it would not be a conflict for Mr. Cheek to vote; Mr. Cheek commented he would feel more comfortable if he didn't vote.

Supervisor Richardson made a motion to authorize staff to proceed with the acquisition of the property for use as a Tourism Visitor Center and further to authorize the Vice-Chair to execute a deed.

Voting yes: Mr. Wheeler, Mr. Richardson, Mr. Bashore, Mr. Ware and Mr. Pollard

Voting no: None

Abstain: Mr. Cheek and Mrs. Boggess

Adopted.

(6d.) The County Administrator reported that in the prior fiscal year, the Board of Supervisors approved \$33,135 for improvements for wastewater improvements at New London Cannery. The Bedford County School Board had oversight for the project; the improvements have just recently been completed. The total costs associated with the improvements at the New London Cannery are \$37,720.

Supervisor Cheek made a motion to authorize a TRANSFER from the Contingency Fund in the amount of \$4,585 to Department 8302, New London Cannery.

The question was asked of why the cost went over. The County Administrator replied once they got involved in the job, things were found that weren't anticipated (old plumbing, grease catcher).

Supervisor Pollard commented that he would not support any further funding because he felt that things like this would continue to happen.

Voting yes: Mr. Wheeler, Mr. Cheek, Mr. Bashore, Mr. Ware and Mrs. Boggess

Voting no: Mr. Richardson and Mr. Pollard

Adopted.

(6e.) Supervisor Wheeler reported that the Stewartsville Rescue Squad wishes to sell their old building in order to build a new one. He said the property where the current building is located, part of the property is zoned residential, and part of the property is zoned commercial. The owner wishes to market the property as commercial only and is requesting an amendment to the Bedford County Zoning Ordinance to change the zoning.

Staff has recommended the property be rezoned to commercial; the map change would be addressed during the next phase of county-initiated rezonings; however, the property would be recognized as commercial (C-2) upon approval by the Board.

There followed a discussion among members of the Board and staff.

Supervisor Wheeler made a motion to rezone tax map number 157A-2-2 to C-2, General Commercial and forward to the Planning Commission for action.

Supervisor Pollard noted that Commissioner Crockett had already brought this matter before the Planning Commission and it was the consensus of the Planning Commission to concur with the request.

Voting yes: Mr. Wheeler, Mr. Richardson, Mr. Cheek, Mr. Bashore, Mr. Ware, Mr. Pollard and Mrs. Boggess

Voting no: None.

Adopted Unanimously.

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

Supervisor Richardson reported that he has received several calls recently about sludge being spread in his district.

There followed a discussion among members of the Board and staff. It was noted that this issue has come before the Board on numerous occasions and in investigating the issue it has been found that the county cannot place a ban on the sludge; it was noted that we are basically in a "wait and see mode" until we see the outcome of some of the cases which are being heard in court.

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES:

None

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS:

The County Attorney reported that Chair Boggess contacted him regarding coyotes in the county. He said a constituent of Mrs. Boggess' killed two coyotes and was wondering if the county had a bounty on killing coyotes.

The County Attorney noted if the Board was interested, the state code does allow the Board to adopt an ordinance to set a bounty for the killing of coyotes. The Board did recognize the fact that coyotes are becoming a problem in the county. Chair Boggess requested staff check

with other localities to see if they are having problems with coyotes, and if so, how they are handling the situation, and report back to the Board at a future meeting.

Supervisor Bashore moved to go into Closed Session 2.1-344A1 - Discussion of personnel matters.

**Voting yes: Mr. Wheeler, Mr. Richardson, Mr. Cheek, Mr. Bashore,
Mr. Ware, Mr. Pollard and Mrs. Boggess**

Voting no: None.

Adopted Unanimously.

Supervisor Richardson moved to go back into regular session.

**Voting yes: Mr. Wheeler, Mr. Richardson, Mr. Cheek, Mr. Bashore,
Mr. Ware, Mr. Pollard and Mrs. Boggess**

Voting no: None.

Adopted Unanimously.

Supervisor Bashore made a motion that in accordance with Section 2.1-344.1 D the Board certifies that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements under this chapter and only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the Board.

**Voting yes: Mr. Wheeler, Mr. Richardson, Mr. Cheek, Mr. Bashore,
Mr. Ware, Mr. Pollard and Mrs. Boggess**

Voting no: None.

Adopted Unanimously.

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

None

(11) PENDING MATTERS:

a. Special Use Permit Applications – Crown Castle International

8-2000 (Abbott property)

9-2000 (Croft property)

10-2000 (Johnson property)

#SU010001 (Eagle Eyrie)

#SU010002 (Whorley property)

b. Special Use Permit Application – American Tower L.P.

SU010010 (Cheek property)

c. Rezoning Application # RZ010005; Smith Mountain Land & Lumber, Inc.

Supervisor Bashore made a motion to adjourn the meeting at 10:00 p.m.

Voting yes: Mr. Wheeler, Mr. Richardson, Mr. Cheek, Mr. Bashore,

Mr. Ware, Mr. Pollard and Mrs. Boggess

Voting no: None.

Adopted Unanimously.

Chairman
