

AGENDA
BEDFORD COUNTY BOARD OF SUPERVISORS
MARCH 14, 2005

5:00 P.M. BOARD WORK SESSION

- a. Call To Order
- (1) Financial Advisors – Financing of CIP
- (2) Kim Dooley – Short-Term Rentals
- (3) Brent Wills – Proposed Revisions To Erosion And Sediment Ordinance
- (4) Bob Sutton – Update On Highway Matters

7:00 P.M. Dinner

7:30 P.M. WELCOME

- a. Moment of Silence
- b. Pledge of Allegiance
- (1) APPROVAL OF AGENDA
- (2) APPROVAL OF CONSENT AGENDA
- (3) FIFTEEN MINUTE CITIZEN COMMENT PERIOD
(For Items On This Agenda That Have Not Been Addressed At A Public Hearing)
- (4) PUBLIC HEARINGS/PUBLIC APPEARANCES
 - a. Public Appearance – Mr. Joe Springer, 2030 Central Virginia Long Range Transportation Plan
 - b. Public Appearance – H. Lee Day, Deputy Chief – Fire Services, With An Award Presented To The Bedford County Depart of Fire And Rescue From The Virginia Fire Chiefs Association
 - c. Public Appearance – Stephen Shrader, EMS Coordinator, With A Report On The 2005 Rescue Squad Institute
 - d. Public Appearance – Amanda Stanley, Youth And Family Services, With A Summary Of The Results Of The Youth Survey Report
 - e. Public Appearance – Pam Dinkle, TLAC and Bob Camicia, TLAC Environmental Committee, With A Request To Hold A Public Hearing Regarding A Recommendation For A Waterfowl Feeding Ordinance
- (6) ACTION ITEMS
 - a. Consideration Of A Request To Transfer From The Contingency Fund For Fire And Rescue To Match A Grant From The Virginia Department Of Health, Bureau Of Emergency Medical Services
 - *Staff Presentation: Stephen Shrader*
 - b. Consideration Of A Request To Hold A Public Hearing To Consider Revisions To The Erosion And Sediment Control Ordinance
 - *Staff Presentation: Brent Wills*
 - c. Consideration Of A CIP Funding Allocation Request From Goode Recreation Association
 - *Staff Presentation: Michael Stokes*
 - f. Consideration Of A Request For A Supplemental Appropriation And Transfer From The Contingency Fund For The Electoral Board
 - *Staff Presentation: Kathleen D. Guzi*
- (6) BOARD COMMENTS, COMMITTEE REPORTS, REQUESTS AND RECOMMENDATIONS
 - Tri-County Lake Administrative Commission Navigation Committee Meeting Minutes – January 19, 2005
 - Bedford County Welfare Board Meeting Minutes – January 20, 2005

- **Bedford County Planning Commission Meeting Minutes – February 7, 2005**
- (7) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**
- (8) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS**
 - a. **Closed Session Pursuant To Virginia Code Section 2.2-3711(A)(1) To Discuss Personnel Matters; Specifically, Hiring a County Administrator**
- (9) COUNTY ADMINISTRATOR'S REPORTS, REQUESTS AND RECOMMENDATIONS**
- (10) PENDING MATTERS**
- (11) UPCOMING MEETINGS**
 - **March 21, 2005 – Budget Work Session (Authorization Of Advertisement Of FY 2005-06 Budget, Tax Rate, CIP and Nursing Home Daily Rate)**
 - **March 28, 2005 – Regular Meeting**
 - **April 4, 2005 – Budget Work Session**

*Items added at meeting

Board of Supervisors:

Charles Neudorfer - Dist. 2, Roger W. Cheek, Chairman – Dist. 3, Dale Wheeler – Dist. 1, Robert L. Bashore – Dist. 4, Steve Arrington – Dist. 5, Bobby G. Pollard – Dist. 6, and Gary M. Lowry, Vice-Chairman – Dist. 7

Staff Present:

Kathleen Guzi, Carl Boggess, Tommy Mason, Susan Crawford, Brent Wills and Brigitte Petersen

5:00 P.M. BOARD WORK SESSION

Chairman Cheek called the meeting to order and welcomed everyone.

(1) Kathleen D. Guzi, Interim County Administrator, appeared before the Board and announced there was a change to tonight's work session – Kim Dooley would not be able to appear tonight to discuss the short-term rental issues.

Mrs. Guzi then moved on to state that over the last several weeks there have been numerous discussion on the financing of the Capital Improvement Plan. About one month ago the Financial Advisors appeared before the Board to give them some beginning information in terms of Bedford County's debt and debt parameters. Jim Johnson, Kevin Rotty and Ned Smithers from Morgan-Keegan are here again this evening to walk the Board of Supervisors through a forecast module. Mrs. Guzi asked that the Board keep in mind the module is only as good as the assumptions we make. As we get into this more, there may well be a lot of discussion on "what if's", but at this point she would like to turn the meeting over to Mr. Johnson and Mr. Rotty.

The Board was handed a booklet that contained a basic model of the County's financial data as it exists now, and then what it would look like with various adjustments over the next several years.

Mr. Rotty then addressed the Board, stating that the first page of the booklet was to serve as a refresher. Basically there are two policies that were instituted several years ago for the County, the first being the Fund Balance Policy and the second is the Debt Parameters Policy (debt is percent of assessed value less than 3.5%, debt per capita is at \$1,750 which is very tight for the County, and debt is percent of general governmental expenditures less than 15%). The forecast assumptions are the key considerations, and are outline on page two of the booklet.

Mr. Rotty then looked briefly at growth factors, annual CIP expenditures, and proposed capital projects (such as the nursing home and the technology park), which serve as the foundation of the model. He walked the Board through the base model to illustrate how it worked, how it could be adjusted to accommodate how the Board wanted to view the information, and where specific information (with regard to categories) were located within the model. Mr. Rotty reiterated the CIP is cash-funded. He also stated this model was an exercise that will be used to get the Board's input and suggestions.

There followed a brief question and answer period between Mr. Johnson, Mr. Rotty, Mrs. Guzi and members of the Board, covering several possible scenarios within the model. The Board was very

concerned about increasing the tax rate, and wanted to be sure future scenarios using this model would reflect how the current and anticipated debt would influence increases in the tax rate.

~~(2) Kim Dooley, appeared before the Board... cancelled~~

(3) Brent Wills, Natural Resources Administrator, appeared before the Board with a request to hold a public hearing for proposed revisions to the Erosion and Sediment Ordinance. Mr. Wills stated that this will be the first time in three years he has appeared before the Board to request any changes to this ordinance. He feels the changes are minor, and nothing related to state or federal regulations is being changed at this time, although changes for these areas are in the future, probably summer of 2006.

Mr. Wills stated that a lot of the information incorporated in the changes has some from both procedural needs that have developed over the years as well as a cooperative effort from the Central Virginia Erosion and Sediment Control Committee (which includes Amherst, Campbell, Appomattox, and Bedford Counties and the City of Lynchburg). Their purpose for getting together was to provide more consistency in the policies for erosion and sediment regulations.

Mr. Wills then touched on the highlights of the proposed changes and there followed a brief question and answer session between the members of the Board, Mrs. Guzi, Attorney Boggess and Mr. Wills.

(4) Bob Sutton, Resident VDOT Engineer, appeared before the Board with an update on highway matters:

- The contractor for the secondary construction project at Route 619 has not mobilized yet due to weather conditions.
- The annual winter breakup for Bedford County is a little worse than usual this year; all five area headquarters are working to get the secondary system patched up as soon as possible.
- Surface treatment work will begin on April 1st.
- The planting schedule will also start sometime in April on Route 460 in the westbound land.
- A traffic signal is scheduled to be installed at Routes 221 and 666, and will hopefully go in within a few weeks.

Chairman Cheek asked if anything was planned on Route 43. Mr. Sutton responded that no work was planned until next year.

Mr. Neudorfer asked which areas of Route 608 was going to be resurfaced. Mr. Sutton replied it would be from the Pittsylvania County line to Route 731.

Mr. Pollard stated Route 699 had broken up quite a bit over the winter, and Route 691 needs to be widened at the point where you pull up to the railroad tracks. Also, Route 787 is down to the mud surface and requires more gravel. Mr. Pollard also stated that Route 697 (from Route 460) and Route 697 (off Pike Road) both end in a dead end. Mr. Pollard stated he wanted to know if the right-of-way could be abandoned through there if it's owned by VDOT or the County.

Mr. Wheeler also requested more gravel on Route 791.

7:00 P.M. Dinner

The Board of Supervisors and staff remained in open session and moved into the Board Conference Room for dinner.

Board of Supervisors:

Dale Wheeler – Dist 1, Charles Neudorfer - Dist. 2, Roger W. Cheek, Chairman – Dist. 3, Robert L. Bashore – Dist. 4, Steve Arrington – Dist. 5, Bobby G. Pollard – Dist. 6, and Gary Lowry – Dist. 7

Staff Present:

Kathleen Guzi, Carl Boggess, Michael Stokes, Stephen Shrader, CeCe Smith, Amanda Stanley, Brent Wills and Brigitte Petersen

7:30 P.M. Board Meeting

Chairman Cheek welcomed everyone to the meeting, a moment of silence was held and the Pledge of Allegiance was said.

Chairman Cheek noted the following additions to the agenda:

- Add Action Item 5e – Policy for selection of Board of Supervisor’s Chairman and Vice-chairman
- Delete the closed session under item 8a
- Add a Building and Grounds Committee under Section 6, Committee Reports

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

Voting yes: Mr. Wheeler, Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Pollard, Mr. Arrington and Mr. Lowry

Voting no: None

Adopted Unanimously.

CONSENT AGENDA

BEDFORD COUNTY BOARD OF SUPERVISORS

MARCH 14, 2005

ITEM 1 RESOLUTIONS/MOTIONS

- a. Consideration Of A Request For Authorization To Advertise A Request For Proposals For Household Hazardous Waste Management Services
- b. Consideration Of A Request For A SUPPLEMENTAL APPROPRIATION In The Amount Of \$2,000 To The Major Category Of Instruction In The FY 2004-2005 School Operating Budget
- c. Consideration Of A Request For A SUPPLEMENTAL APPROPRIATION In The Amount Of \$13,712.50 To The Major Category Of Maintenance In The FY 2004-2005 School Operating Budget
- d. Consideration Of A Request Submitted By The Parks And Recreation Department For A Resolution In Support Of Older American’s Month And Elderfest Celebration
- e. Consideration Of Special Review Project Application #050006; Bedford County, Department Of Fire And Rescue – Mobile Office Building

ACTION: Approve resolutions/motions as presented.

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

Voting yes: Mr. Wheeler, Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Pollard, Mr. Arrington and Mr. Lowry

Voting no: None

Adopted Unanimously.

(3) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

- Tony Terry, citizen, appeared before the Board in favor of the waterfowl feeding ordinance.
- Mrs. Davis appeared before the Board regarding installing a trailer for her granddaughter on Mrs. Davis’ land. (Attorney Boggess stated he would call Mrs. Davis in the morning to review her issues with the process.)

(4) PUBLIC HEARINGS/PUBLIC APPEARANCES

(4a) Mr. Joe Springer, Consultant with Parsons Transportation Group, appeared before the Board to discuss the 2030 Central Virginia Long Range Transportation Plan. Mr. Springer stated his group was retained by the Metropolitan Planning Organization to develop a long-range transportation plan for this region. The plan is a federal requirement and must be updated every five years. He stated they are near the end of the process of developing the plan, and a public hearing will be held in May of this year. He hopes to have an adopted transportation plan by July.

One of the requirements for the transportation plan is that it be financially constraining, which means the Department of Transportation must develop an estimate of a funding stream for transportation between now and 2030. The projects placed with the plan need to be funded with that estimate. His group has been going through the process of developing projects and is nearly through determining which should go into the plan.

Mr. Springer then provided the Board with a handout showing the boundaries of the Metropolitan Planning Organization area, which includes the eastern part of Bedford County bounded by Route 24 to the south and Routes 668, 665, 644, and 657 to the west, and is the area that is predicted to be urbanized by the year 2030.

Mr. Springer then briefly touched on the funding of the plan and some of the projects that may fall into the plan, which were also included in the Board's handout. He also requested the Board develop a list of priorities for the inclusion in the plan.

There followed a brief conversation between the members of the Board, Mrs. Guzi and Mr. Springer.

Kathleen D. Guzi, Interim County Administrator, then introduced Mr. Gary Christi, who is the new Executive Director of the Region 2000 Commission, which will be renamed the Region 2000 Organization.

Mr. Christi then briefly addressed the Board and stated he was looking forward to working with them in the future.

(4b) H. Lee Day, Deputy Fire Chief, appeared before the Board with an award presented to the Bedford County Department of Fire and Rescue by the Virginia Fire Chiefs Association for their participation in the Countywide Rapid Intervention Team Plan. Mr. Lee briefly touched on several aspects of the program, and thanked the Board for their support.

Chief Day then introduced Chief Todd Stone from the Bedford Fire Department, Chief Monty Coleman from the Forest Fire Department, and Chief Darin Neel from the Stewartville/Chimblissburg Fire Department. All three Chiefs briefly addressed the Board and stated their departments found their participation in this program to be extremely beneficial.

(4c) Captain Stephen Shrader, EMS Coordinator, appeared before the Board with a report on the third annual 2005 Rescue Squad Institute at Liberty High School. Captain Shrader told the Board the Rescue Institute is a day of education for our Emergency Medical Services Providers in fields of study that are not routinely encountered. This year the keynote speaker was Colonel Chris Hicks, MD, who is the State Surgeon for the Virginia Army National Guard. Colonel Hicks spoke on "Weapons of Mass Destruction" and Medical Unit Operations of US Military. Colonel Hicks will be deploying to Afghanistan to join the National Guard Unit from Bedford this spring and will return with them later this summer.

Classes this year ranged from a Crime Scene Investigations Class by the Commonwealth's Attorney, Randy Krantz, to classes on interaction with our local Emergency Department and both Air medical programs in our area. The Instructors for these classes ranged from our Chief Chaplain to local Fire and EMS instructors. Local EMS Volunteers received continuing education credits that are required by the State for certification of their EMT status.

There followed a brief discussion between Captain Shrader and the Board.

(4d) Amanda Stanley, Youth and Family Services, appeared before the Board with the results of the Youth Survey Report, where were as follows:

Data Collection

Data were collected in November of 2004. 2,745 students in grades 6, 8, 10, and 12 participated in the survey. The survey was administered in the classroom and required approximately one class period to complete. Students were told that their participation was voluntary and that they could skip any question they were not comfortable answering. The surveys were anonymous and confidential. Parents gave their permission through passive consent according to local School Board policy.

Validation

93% of the surveys returned for analysis were valid. The other 7% (which constituted 191 surveys) were not analyzed because they met at least one of four measures of validation (see full report for an explanation.) Of the surveys eliminated, 69 exaggerated drug use, 56 exaggerated other antisocial behavior, 156 reported the use of the fictitious drug, and 81 responded in a logically inconsistent way.

Sample and Confidence Interval

The overall confidence interval for the Sample is $\pm 1\%$. This means that there is a 95% chance that the true prevalence rate ranges between 1 percent higher and 1 percent lower than the published prevalence rate.

Demographic Profile of Respondents

Sex: 47.9% Male; 50.9 % Female; 1.1% did not respond.
 Ethnicity: 82.8% White; 8.8% African-American; 1.1% Latino; 1.1% American Indian; 0.7% Asian; 4.7% Other/Multiple; 0.9% did not respond.

II. SECTION ONE: RISK AND PROTECTIVE FACTORS

Protective factors are “conditions that buffer children and youth from exposure to risk by either reducing the impact of the risks or changing the way that young people respond to risks.” Risk factors are “conditions that increase the likelihood of a young person becoming involved in drug use, delinquency, school dropout and/or violence.”

The three lowest scores for protective factors are: *School Opportunities for Prosocial Involvement (41)*, *School Rewards for Prosocial Involvement (46)* and *Community Rewards for Prosocial Involvement (48)*. This means our students report that the community is lacking in these protective factors. The three highest scores for protective factors are: *Religiosity (57)*, *Belief in the Moral Order (56)* and *Community Opportunities for Prosocial Involvement (55)*. This means that students report these to be the community’s strengths or assets.

Conversely, the three highest risk factor scales are *Transitions and Mobility (59)*, *Peer Rewards for Antisocial Behavior (57)* and *Laws and Norms favorable to Handguns (56)*. This means that these are the weakest areas of the community, by student response. The three lowest scores for risk factors are *Community Disorganization (43)*, *Perceived availability of drugs (45)* and *Low Neighborhood Attachment (46)*.

III. SECTION TWO: ALCOHOL, TOBACCO AND OTHER DRUG (ATOD) USE

Two types of prevalence were measured: lifetime and past 30-day. Students recorded the highest lifetime prevalence-of-use rates for alcohol (51.2%), cigarettes (36.8%), marijuana (23.7%), smokeless tobacco (19.9%) and inhalants (15.6%). Other lifetime prevalence rates range from 1.3% for heroin to 4.6% for cocaine. 19.5% of surveyed students reported use of illicit drugs (other than marijuana) in their lifetime.

For 30-day prevalence, students reported the highest rates for alcohol (27.7%), cigarettes (16.3%) marijuana (12.1%), smokeless tobacco (10.0%) and inhalants (5.6%). Other past 30-day prevalence rates ranged from 0.5% for heroin to 1.5% for cocaine. Overall, 7.6% of Bedford students reported use of any illicit drug (other than marijuana) in the past 30 days.

PREVALENCE RATES BY GRADE:

ALCOHOL:

Lifetime Prevalence:

6th graders: 19%
 8th graders: 45%
 10th graders: 66%
 12th graders: 77%

Past 30-day Prevalence:

6th graders: 4%
 8th graders: 19%
 10th graders: 41%
 12th graders: 49%

MARIJUANA:

Lifetime Prevalence:

6th graders: 1%
 8th graders: 16%
 10th graders: 34%
 12th graders: 45%

Past 30-day Prevalence

6th graders: 0%
 8th graders: 7%
 10th graders: 18%
 12th graders: 24%

INHALANTS:Lifetime Prevalence:

6th graders: 11%
 8th graders: 21%
 10th graders: 15%
 12th graders: 14%

Past 30-day Prevalence

6th graders: 5%
 8th graders: 10%
 10th graders: 5%
 12th graders: 2%

ILLICIT DRUGS

(This includes inhalants, Ecstasy, methamphetamines, cocaine, LSD/psychedelics and heroin. It does not include marijuana.)

Lifetime Prevalence:

6th graders: 12%
 8th graders: 23%
 10th graders: 21%
 12th graders: 21%

Past 30-day Prevalence

6th graders: 5%
 8th graders: 12%
 10th graders: 8%
 12th graders: 6%

IV. SECTION THREE: OTHER ANTISOCIAL BEHAVIORS

Across all grades, 15.1% of students reported attacking someone with intent to harm in the past year, making it the most prevalent of the eight behaviors on the survey. Being drunk or high at school is the second most prevalent antisocial behavior, with 14.0% of students reporting this behavior in the past year.

V. APPENDIX A: ADDITIONAL PREVENTION PLANNING DATA

Age of Onset: Surveyed youth were asked to report on when they began using alcohol, cigarettes and marijuana (generally considered to be gateway drugs, preceding the use of harder drugs):

Behavior	Overall age of onset reported (in years)
Trying alcohol	12.5
Drinking alcohol regularly	14.0
Smoking cigarettes	12.1
Smoking marijuana	13.4

Risk of Harm:

According to survey results, youth ranked the following drugs in their perception of harm (Based on the percentage who reported their perception to be "great risk"):

- Smoking Cigarettes Regularly: 65.8%
- Smoking Marijuana Regularly: 65.4%
- Drinking Alcohol Regularly: 40.1%
- Trying Marijuana Once or Twice: 35.7%

Disapproval of Drug Use:

Percentage of surveyed youth who thought it would be "wrong" or "very wrong" to use the following drugs:

- Drinking Alcohol Regularly: 69.3%
- Smoking Cigarettes: 76.1%
- Smoking Marijuana: 80.8%
- Using Other Illicit Drugs: 94.3%

Social Norms:

Percentage of surveyed youth who indicated peer approval of drug use:

- Drinking Alcohol Regularly: 15.8%
- Smoking Cigarettes: 9.4%
- Smoking Marijuana: 13.3%

Percentage of surveyed youth who indicated other adults disapprove of drug use:

- Drinking Alcohol: 78.8%
- Smoking Cigarettes: 76.5%
- Smoking Marijuana: 89.8%

Frequency of Drug Use

While prevalence rates are useful for determining how many youth currently use or experiment with drugs, they give no indication of frequency or intensity of use. A respondent who reports 1 or 2 uses in the past month is counted the same as one who reports 40 or more. Measures of frequency help us to determine the intensity of use:

Alcohol

0 occasions: 72.3%

Marijuana

0 occasions: 87.9%

1 or 2 occasions: 13.7%
 3 to 5 occasions: 6.2%
 6 to 9 occasions: 3.4%
 10 to 19 occasions: 2.7%
 20 to 39 occasions: 0.6%
 40 or more occasions: 1.2%

1 or 2 occasions: 4.0%
 3 to 5 occasions: 2.4%
 6 to 9 occasions: 1.5%
 10 to 19 occasions: 1.3%
 20 to 39 occasions: 0.9%
 40 or more occasions: 2.1%

Gang Involvement

Percentage of Surveyed youth who indicated gang involvement:

Ever belonged to a gang: 6.2%
 Belonged to a gang with a name: 5.1%

Interaction with Prosocial Peers

See full report. This section deals with the respondent's peers' participation in Prosocial activities like school, clubs, religious services, etc.

VI. APPENDIX B: GRADE LEVEL GRAPHS

See full report.

VII. APPENDIX C: PRESCRIPTION DRUG USE

New to the Communities that Care ® this year. Prevalence of Prescription Drug Use:

Percentage of Surveyed Youth who reported lifetime use of Prescription drugs:

Pain Relievers: 11.9%
 Stimulants: 4.7%
 Tranquilizers: 6.3%

Percentage of Surveyed Youth who reported past 30-day use of Prescription drugs:

Pain Relievers: 5.5%
 Stimulants: 2.1%
 Tranquilizers: 2.7%

There followed a brief conversation between Ms. Stanley and the Board members.

(4e) Pam Dinkle, TLAC, and Bob Camicia, TLC Environmental Committee, appeared before the Board with a request to hold a public hearing regarding a recommendation for a waterfowl feeding ordinance. Mr. Camicia read from the following prepared statement:

I serve as a citizen representative on the Tri-County Lake Administrative Commission (TLAC) and as the chairman of the TLAC's Environmental Committee. Thank you for letting me address the Board today.

The subject that I want to address is the TLAC proposed ban on the feeding of waterfowl on Smith Mountain Lake and Leesville Lake. This proposal does not cover songbirds, only waterfowl or ducks and geese. This proposal is backed unanimously by the TLAC representatives and it addresses a growing problem that was brought to our attention by citizens last year.

The citizen's presentations and their requests for action by TLAC were driven by the actions of individuals who have been heavily feeding ducks and geese causing not only an unsightly problem throughout those local neighborhoods, but also a major health concern.

When people feed waterfowl, it draws many additional fowl to the area and they stay there. The fowl droppings that are created usually cover many of the neighbor's yards and docks, plus the large amounts of feces pollute the nearby lake waters. This then makes it a safety hazard for people in the area to swim in the lake waters. Our concern is just that, the pollution and resulting health hazard to the people in the areas where these individuals are feeding waterfowl. The US Fish and Wildlife Service has said that there are many harmful pathogens in the waterfowl feces and that "the pathogens cause intestinal disorders or respiratory problems that are not easily diagnosed."

You are aware that the State Park on Smith Mountain Lake was shut down last Labor Day because of high fecal coliform bacteria, related to the local waterfowl in the area. There are also many other instances on Smith Mountain Lake where there are beaches, where the local Health Department has issued SWIMMER WARNINGS in areas on the lake with high bacteria counts, and again large numbers of waterfowl have normally been there when the agents visit the site according to Health Department officials.

The situation that we have is that a few individuals heavily feed waterfowl, causing the large masses of the waterfowl and their associated feces that pollute the nearby lake waters. This is causing a definite health hazard for their neighbors.

When TLAC's representatives, of which I am a member, asked the Environmental Committee to look at this situation and come back with a recommendation, the committee not only looked at the problem, but asked at the experiences of other areas that had similar situations. Particularly, we were concerned as to what the reaction of citizens who were feeding waterfowl was after the locality had passed local legislation prohibiting the feeding. The results that we received back indicated that once an ordinance was passed prohibiting the feeding of waterfowl, a few citations had to be issued, but the problem quickly went away. For example;

- 1) In Crestwood Hills, Kentucky, the City Manager said that signs were posted and a couple of warnings were issued, but the problem has gone away.
- 2) In Rehoboth Beach, Delaware, the gentleman in charge of implementation of their ordinance indicated that they issued a few warnings at first, and had to legally pursue one repeat violator, but that offences are rare now.
- 3) In North Brunswick, New Jersey, the Director of Parks and Recreation indicated that after signs were posted and the public was made aware of the ordinance, they had no problems and have not had to issue any fines.
- 4) At Lake Lanier, Georgia, the local person in charge of this activity indicated that after signs went up indicating that the feeding was prohibited, there was very little problem.

During the 2004 Virginia Legislative Session, the legislature recognized the problem of humans feeding waterfowl and passed legislation authorizing localities to pass ordinances to ban the feeding of waterfowl, Code of Virginia 29.1-527.1. Part of that legislation directed DGIF to draft a model ordinance which has been done and is the basis for our proposal. The governor subsequently signed that legislation, and TLAC is asking that you review its proposal for implementation of that model ordinance on Smith Mountain and Leesville Lakes. Specifically, the proposal is that;

- 1) feeding be prohibited within 500 feet of the shoreline of the lake
- 2) the whole lakes of Smith Mountain and Leesville be included
- 3) the enforcement of the ordinance be given to the Animal Control Officers
- 4) the civil fine be set to not exceed \$50.00, and
- 5) the ban will not apply to national or state park or forest, or wildlife management areas.

TLAC is also recommending that signage should be posted only along major roads that all residents and visitors will pass in their voyages to and from the lakes. This minimizes implementation costs, and notifies the general public about the ban.

There are other reasons that this proposed ordinance should be passed, including;

- 1) the prevention of major problems with the health of the waterfowl flocks due to disease caused by the feeding of a unnatural diet
- 2) that the fowl lose their "wildness" and stop migration with the main flocks
- 3) the spread of disease among the fowl of diseases such as Duck Viral Enteritis, or DVE. This disease can devastate a whole flock of waterfowl within 24 to 72 hours, and destroyed between 25,000 to 30,000 birds a few years back around the Chesapeake Bay.
- 4) The fowl can spread seeds and plant parts that are sometimes classified as "invasive species." There has been a major undertaking by TLAC to prevent an outbreak of invasive species in the lake, and now funds an annual program of eradication when they are found. Feeding waterfowl just causes more problems with these unwanted weeds.

However, we do not have time to discuss these secondary issues. We are mostly concerned with the health safety of citizens throughout the lake area. This proposed ordinance has been formally endorsed by the Smith Mountain Lake Association and the Association of Lake Area Communities, which represents all of the homeowner associations around the lake. We would very much appreciate this board giving your consideration to this proposal.

Thank you very much for your time.

Supervisor Neudorfer made a motion to advertise amendments to Chapter 4 "Animals and Fowl"; specifically, to add Article V "Waterfowl Feeding" to prohibit the feeding of migratory and nonmigratory waterfowl within specific areas of the County. Specific areas include all areas within the waters or within 500 feet of the Smith Mountain project shorelines.

**Voting yes: Mr. Wheeler, Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Lowry,
Mr. Pollard and Mr. Arrington**

Voting no: None

Adopted Unanimously.

(5) ACTION ITEMS

(5a) Captain Stephen Shrader, EMS Coordinator, appeared before the Board to request a transfer from the Contingency Fund for Fire and Rescue to match a grant from the Virginia Department of Health, Bureau of Emergency Medical Services. The Department of Fire & Rescue has been awarded a consolidated grant for the purpose of recruitment and retention from the Virginia Department of Health, Bureau of Emergency Medical Services. This award is for the promotion and advertising of the need for

volunteer EMS personnel. The award is based in part on the successful work and quality of the past years bill boards, posters and placemats that had been distributed to local merchants.

Over the past several months the Board has been updated with information on this media outreach including a break down of targeted distribution sites.

This grant requires a local match in the amount of \$2,500 dollars. Previously we have exhausted funds from the Department of Fire & Rescue advertising line on this project, and this will be a continuation of work with an additional bill board site added at the request of the Rescue Squad Association. In the past no funds have been budgeted for specific recruitment and retention programs.

Supervisor Arrington made a motion to transfer \$2,500 from the Contingency Fund to the Department of Fire & Rescue Services (00-3550-5-3116-000) in order to continue with this recruitment and retention program.

**Voting yes: Mr. Wheeler, Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Lowry,
Mr. Pollard and Mr. Arrington**

Voting no: None

Adopted Unanimously.

(5b) Brent Wills, Natural Resources Administrator, appeared before the Board to request to hold a public hearing to consider revisions to the Erosion and Sediment Control Ordinance. Mr. Wills had already covered most of this topic in the work session, and as there were no further questions from the Board, a motion was quickly made.

Supervisor Wheeler made a motion to authorize the Administration to advertise for public hearing on the proposed changes to the Erosion and Sediment Control Ordinance.

**Voting yes: Mr. Wheeler, Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Pollard,
Mr. Arrington and Mr. Lowry**

Voting no: None

Adopted Unanimously.

(5c) Michael Stokes, Director of Parks and Recreation, appeared before the Board to request consideration of a CIP funding allocation request from Goode Recreation Association. The Board was given a copy of a letter from the Goode Recreation Association requesting that \$1,887.90 of their allotted CIP fund balance be released for the purchase of a storage building to be placed on the property at the Bellevue Community Center. The Bellevue site is one of the sites for which the BCPRD has a contract to use for various programs.

Supervisor Lowry made a motion to release \$1,887.90 of the Goode Recreation Association's CIP funding (33 9752 4127 000) for the purchasing of a storage building for the Bellevue Community Center property.

**Voting yes: Mr. Wheeler, Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Pollard,
Mr. Arrington and Mr. Lowry**

Voting no: None

Adopted Unanimously.

(5d) Kathleen D. Guzi, Interim County Administrator, appeared before the Board to request a supplemental appropriation and transfer from the Contingency Fund for the Electoral Board. The state has reimbursed the Electoral Board \$17,582.10 in the current fiscal year for the 2004 Primary Election held in the prior fiscal year. Charlie Walker, Electoral Board Secretary, is requesting a supplemental appropriation in the amount of \$17,582.10 and a transfer from the Contingency Fund in the amount of \$6,000 for unbudgeted 2005 Primary Election expenses and unforeseen expenses due to the absence of the Special Projects Coordinator. There is a possibility that the County will be reimbursed for the Primary Election expenses by the State Electoral Board.

Supervisor Bashore made a motion to authorize a **SUPPLEMENTAL APPROPRIATION** in the amount of \$17,582.10 and a **TRANSFER FROM THE CONTINGENCY FUND** in the amount of \$6,000 to Fund 00, Department 1310.

Voting yes: Mr. Wheeler, Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Lowry,
Mr. Pollard and Mr. Arrington

Voting no: None

Adopted Unanimously.

(5e) Carl Boggess, County Attorney, appeared before the Board with a proposed policy for the selection of the Board of Supervisors Chairman and Vice-Chairman, as requested by the Board, and asked if there were any questions.

Supervisor Pollard stated that he feels the policy the Board has used in the past to elect its Chair and Vice-Chair has worked well, and he does not see any reason to change the bylaws in order to have a rotating position. It is one of the few things the Board gets to vote on for themselves.

Supervisor Wheeler stated that, excluding current Board members, he was sure there has been a time in the past, as well as there may be times in the future, that certain people should not be the ringleader up front. Being Chair is not fun, as well as being demanding and sometimes even dangerous, and he is against a set rotation basis.

Supervisor Bashore commented he would prefer the rotation system because it clear and above-board. If a Board member does not want to be Chairman, there is a clause in the rotation policy that allows one to pass on the position.

Supervisor Bashore made a motion that the Board's Bylaws and Rules of Procedure be amended to establish a policy for the selection of Chairman and Vice-Chairman.

Voting yes: Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Arrington and Mr. Lowry

Voting no: Mr. Pollard and Mr. Wheeler

Adopted.

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

- Kathleen D. Guzi, Interim County Administrator, appeared before the Board with a Building and Grounds Committee update. She stated the Committee has met on two separate occasions over the past month (February 9th and March 14th). The primary concern at both meetings was a discussion on the condition of the Cannery, and the options that we have available. At the February 9th meeting they actually discussed six different options, but the Committee instructed staff to go back and revisit the options, to be presented again with additional information. Over the last month, Mr. Bill Gillespie, who is serving in a staff capacity on a contract basis, go out and evaluate the Cannery. He reported to the Committee that the Cannery is in desperate need of a new boiler and replacement piping. There were some minor issues that would also need to be done in terms of extending the office somewhat, etc. All told, his estimate to get the Cannery operational starting July 1st of the next fiscal year would cost up to (but not to exceed) \$50,000.00. Mr. Gillespie stated the Cannery roof would need to be replaced in three to five years, but if the County replaced the boiler and all the piping, the Cannery would be able to operate another 10-plus years. That being said, the original report the Committee received on February 9th also included some cosmetic changes, which would increase the cost by \$20,000 to \$25,000.00. The Committee's opinion was that, to keep the Cannery operating at basically the same level it is now (but with increased safety) there would be the need to expend up to, but not exceed, \$50,000.00. As part of the \$50,000 a key component is the additional equipment that is needed to replace the sinks, cookers, etc. The County is able at this point, but only through the next couple of weeks, to purchase a lot of surplus canning equipment that was used in canneries in Pittsylvania County at under \$5,000 (a considerable saving over the equipment's value of \$20,000 to \$25,000).

 Mr. Lowry asked if the equipment currently in use at the Cannery was a health hazard. Mrs. Guzi responded that it was so old that the equipment does not have the safety features newer equipment would already have built-in. The Committee and staff are very concerned and do not think the Cannery can operate any longer with the equipment already in place.

 Supervisor Arrington stated that when they first discussed these issues on February 9th it seemed to be cost-prohibitive because they talking about things such as compliant bathrooms, etc. However, in looking at Mr. Gillespies' report, he realizes that we would probably use stainless steal pipe and pressure reducing valves, etc., not only to do the project right but also to relieve any safety issues that might arise. This makes the project more palatable to him. Also, the roof will have to be repaired in any case as it is a County-owned building. Based on this information, added to the fact that the cannery is used for adult recreation, it seems like a small thing that we can do for the senior citizens.

 Mrs. Guzi interjected a small update on the Contingency Fund, stating that through tonight, there is a balance of \$342,379.24. We are almost three-quarters of the way through the fiscal year and the Contingency Fund is in very good shape.

 Supervisor Wheeler wanted to know why Pittsylvania County had excess equipment. Mrs. Guzi responded that they were previously operating six or seven different canneries disbursed throughout the county, but did not have sufficient membership to keep the canneries going. Mr. Wheeler then asked if any other counties still operated a cannery. Mrs. Guzi replied that canneries are few and far between.

 Supervisor Pollard wanted to know how many people use the cannery per year, and what is the cost of subsidizing the Cannery. Didn't we just send \$50,000 or \$60,000 on the sewage system at the Cannery? Is this justifiable?

 Mrs. Guzi stated the Building and Grounds Committee asked similar questions, and that based on the records from last year there are 150 people who utilize the Cannery during the Cannery season. In 2002-2003, the County supplement to the Cannery was \$16,311.00; in 2003-2004 the cost was \$8,516. Due to some capital improvements, we have budgeted \$25,502 for the next fiscal year.

 Chairman Cheek stated he looks at the Cannery as a service, not a profit-maker. A lot of what local government does is provide community services, and many of the people that use the Cannery do not use other recreational facilities in the County.

 After a brief discussion between the Board members and Mrs. Guzi, a vote was taken on this issue.

Supervisor Arrington made a motion to keep the Cannery open and do the repair work.

Voting yes: Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Arrington and Mr. Lowry

Voting no: Mr. Pollard and Mr. Wheeler

Adopted.

Supervisor Lowry made a motion authorizing a transfer from the Contingency Fund in an amount not to exceed \$50,000.00 for repairs, and to secure surplus cannery equipment from Pitt Sylvania County.

Voting yes: Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Arrington and Mr. Lowry

Voting no: Mr. Pollard and Mr. Wheeler

Adopted.

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- The Board was given a copy of the Tri-County Lake Administrative Commission Navigation Committee Meeting Minutes from January 19, 2005.
 - The Board was given a copy of the Bedford County Welfare Board Meeting Minutes from January 20, 2005.
 - The Board was given a copy of the Bedford County Planning Commission Meeting Minutes from February 7, 2005.

(7) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(8) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

- Attorney Carl Boggess appeared before the Board and stated that since the last Board meeting when the Verizon contract was discussed, he had invited the Verizon representative to attend tonight's meeting. He was told it was short-notice and Verizon would not be able to attend. Attorney Boggess said Verizon communicated they would discuss this in an inter-office email, but he has not heard back from anyone to date.
- Attorney Boggess requested a motion from the Board to cancel tonight's closed session and moved to the scheduled meeting on March 21st at 5:00 pm.

Supervisor Pollard made the motion to change the time and date of the closed session originally scheduled for March 14, 2005 to March 21, 2005 at 5:00 pm.

Voting yes: Mr. Wheeler, Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Pollard, Mr. Arrington and Mr. Lowry

Voting no: None

Adopted Unanimously.

~~• Closed Session Pursuant To Virginia Code Section 2.2-3711(A)(1) To Discuss Personnel Matters, Specifically, Hiring a County Administrator moved to March 21st at 5:00~~

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

- Kathleen D. Guzi, Interim County Administrator, appeared before the Board and told them they would receive a one-page synopsis prior to the next budget work session that summarizes all of the increases by category, as well as explanations of what is mandated, what represents an increase service, an expanded service, a brand-new service, etc. Also, there will be an agenda for how to proceed next Monday night at the work session.

There followed a brief discussion between Mrs. Guzi and the Board members regarding the short-term rental ordinance issues, which will be discussed at a future regular meeting work session.

(10) PENDING MATTERS

(11) UPCOMING MEETINGS

- **March 21, 2005 – Budget Work Session (Authorization Of Advertisement Of FY 2005-06 Budget, Tax Rate, CIP and Nursing Home Daily Rate)**
- **March 28, 2005 – Regular Meeting**
- **April 4, 2005 – Budget Work Session**

Supervisor Wheeler made the motion to adjourn the meeting.

**Voting yes: Mr. Wheeler, Mr. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Pollard,
Mr. Arrington and Mr. Lowry**

Voting no: None

Adopted Unanimously.

Chairman Cheek adjourned the meeting at 9:25 p.m.

Chairman
