

AGENDA
BEDFORD COUNTY BOARD OF SUPERVISORS
NOVEMBER 16, 2005

- 5:00 P.M. **BOARD WORK SESSION**
- a. Call To Order
- 1) Bob Sutton, Resident VDOT Engineer – Update On Highway Matters
- 2) Philip Thompson, Director Of Planning – Update on Comprehensive Plan
- 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) APPROVAL OF MINUTES – September 12, 2005 (*included in this agenda packet*) and September 26, 2005 (*to follow under separate cover*).
- (4) FIFTEEN MINUTE CITIZEN COMMENT PERIOD
(For Items On This Agenda That Have Not Been Addressed At A Public Hearing)
- (5) PUBLIC HEARINGS/PUBLIC APPEARANCES
- a. Public Appearance – Gary Dillon, Virginia Law Enforcement Accreditation Coalition – Presentation Of Certificate Of Accreditation To The Sheriff’s Department.
- b. Public Appearance - Jimmy Wilmouth, Citizen – Enforcement Of The Noise Ordinance
- c. Public Hearing – Kim Dooley, Development Services Manager – Consideration Of A Special Use Permit #SU060004, Waterwheel Condominium Project; Increase In Height Above The 45-Foot Maximum Limit.
- d. Public Hearing – Carl Boggess, County Attorney - Consideration Of A Request To Approve The Transfer Of The Cable Television System From Bedford County Cable, Inc. d/b/a Nesbe Cable/Satellite, Ltd. To JetBroadband VA, LLC, And To Authorize The County Administrator To Execute Any Require Documents, Subject To The Review By The County Attorney.
- e. Public Hearing – Carl Boggess, County Attorney - Consideration Of A Request To Abandon State Secondary Route 870 And 862, Connector Road To Route 661.
- (6) ACTION ITEMS
- a. Consideration Of A Request To Amend The Bedford County Pay And Classification Plan (*to be sent under separate cover*)
- *Staff Presentation: Kathleen D. Guzi*
- (7) BOARD COMMENTS, COMMITTEE REPORTS, REQUESTS AND RECOMMENDATIONS
- a. Bedford County Welfare Board Meeting Minutes For September 15, 2005.
- b. Bedford County Planning Commission Meeting Minutes for October 3, 2005.
- c. Bedford County Board Of Zoning Appeals meeting Minutes For August 16, 2005.
- (8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

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

- a. Informational Item – TRC Agenda (to follow under separate cover)
- b. Informational Item – Welcome Center Daily Tally For Visitors, Calls And Mailings.
- c. Informational Item – Speed Study On Route 655
- d. Informational Item – Permits Issued In 2005

(11) PENDING MATTERS

- Mission Statement

(12) UPCOMING MEETINGS

- November 28, 2005 – Regular Meeting
- December 1, 2005 – 4th Quarterly Joint Meeting With The School Board At BSTC
- December 5, 2005 – CIP Worksession
- December 12, 2005 – Regular Meeting With Worksession

*Items added at meeting

Board of Supervisors:

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

Absent:

Steve Arrington – Dist. 5

Staff Present:

Kathleen Guzi, Frank Rogers, Carl Boggess, Jack Jones, Tommy Mason, Becky Jones, Faye Eubank and Brigitte Petersen

5:00 P.M. BOARD WORK SESSION

Chairman Cheek called the meeting to order and welcomed everyone.

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

Ongoing:

- Project at Routes 24/122 intersection are on schedule for mid-December

New Projects:

- Relocate the intersection of Routes 660 and 621, Hawkins Mill Road
- New bridge over Ivy Creek (Pearson Construction Co. had the low bid for that project)
- Median crossover for new Route 911 relocating Phillips Park Drive is 95% complete
- New traffic signal and sight distance improvements at Routes 122 and 655 shopping corner (sight distance work is complete; currently in design process of signal; they have begun to contact property owners to obtain easements; light installation is scheduled for first quarter of 2006)
- Wedging on Route 43
- Finalizing the details on the Secondary Six-Year Road plan

There followed a brief discussion between Mr. Sutton, Mrs. Guzi and members of the Board regarding issues that will be addressed in the Secondary Six-Year Road Plan and the Primary Plan.

Mr. Sutton stated the bridge at Route 806 has been reopened; it remains restricted in width.

(2) Philip Thompson, Director of Planning, appeared before the Board with an update on the Comprehensive Plan. Mr. Thompson began by reviewing the timeline of meetings and workshops that led to the development of the current draft before the Board. He then distributed the following 'strategies summary' to the Board, and explained that the strategies listed here would usually be applicable to more than one issue listed in the draft's goals and objectives:

Housing

- Density Bonuses for affordable housing
- Flexibility in zoning regulations for variety of housing types
- Property maintenance code
- Federal/State Housing grants – assist low to moderate income families
- Enforcement (adequate resources)

Community Character, Design & Aesthetics

- Minimum open space requirements in all zoning districts
- Conservation Subdivisions (Clustering)
- Develop a Purchase of Development Rights Program
- Support creation of Agricultural/Forestal Districts
- Educate citizens on Conservation Easements
- Strengthen local historic district regulations
 - Certificate of Appropriateness
 - Architectural Review Board
 - Apply to appropriate sites
- Develop design guidelines
- Property maintenance code
- Strengthen sign ordinance
- Develop an agricultural preservation plan
- Agricultural Economic Development Plan

Natural Resources

- Strengthen floodplain regulations
- Update County floodplain maps (1970's)
- Minimum open space requirements
- Conservation Subdivisions
- Environmental Committee/Commission
- Septic pump-out SML watershed (County)
- Strengthen lighting guidelines
- Enforcement of E&S laws (adequate resources)
- Natural Resources Plan
- Establish maximum disturbance limits (non-agricultural uses)
- Alternative Stormwater Management solutions
- Tree Preservation Ordinance/Guidelines
- Environmental Conditions Inventory/Impact Statement
- Re-establishing riparian buffers
- Overlay district to protect viewsheds/mountain resources
- AEP's shoreline management plan
- Overlay district to protect County's drinking water supply(ies)

Transportation

- County-wide Transportation Plan
- County-wide Bicycle and Pedestrian Facilities Plan
- County Greenways Plan
- Develop proffer guidelines
- Conduct additional corridor studies (Rt. 24, Rt. 811, Rt. 663, Rt. 622, etc.)
- Transportation Systems Management Study
- Access Management Guidelines into ordinances
- Sidewalk/Pedestrian facility standards into ordinances
- Identify alternative funding sources for transportation projects
- Programs for elderly and indigent populations – Bedford Ride, etc.
- Traffic calming

Utilities

- Update Master Water & Sewer Plan – Future Land Use
- Septic pump-out SML watershed (County)
- Overlay district to protect County's drinking water supply(ies)
- Improve Capital Improvements Planning – identify funding sources
- Utility Line Extension & Hook-up Policies (agricultural/rural areas)
- Groundwater Resource Planning

Economic Development

- Master Plan for Economic Development/Tourism

- Continue/improve existing Economic Development efforts
- Infrastructure (Roads, Utilities) Improvements
- Future Land Use Map – Commercial/Industrial areas
- Agricultural Economic Development Strategies
- Tourism – open space/natural beauty/agriculture/etc.

Land Use

- Future Land Use Map
- Develop Area Plans (Goode, Forest, SML, Stewartsville, Moneta)
- Fiscal Impact Analysis/Assessment
- Proffer Guidelines
- Capital Improvements Program
- Traditional Neighborhood Design concepts into County ordinances
- Increase buffering standards between land uses
- Home occupation regulations (lessen)
- Plan for green infrastructure

Community Facilities (Education, Public Safety, Parks & Rec., Solid Waste, Health and Human Services)

- Adaptive Reuse/shared use of community facilities by two or more agencies (public/private)
- Capital Improvements Program
- Proffer Guidelines
- Master Plans (amend or develop) – Fire/Rescue, Public Safety, Solid Waste, Parks & Rec.
- Statewide Fire Prevention Code
- Enforcement of County regulations (adequate resources)
- Personnel Properly Trained/Equipped (Training Plan)
- State/Federal Grants
- County Emergency Disaster Plan
- Review of development projects (Fire/Rescue & others)
- Purchase of Land for future facilities (Land Banking)
- Elderly services/housing/assisted living

Miscellaneous

- Annual Report Card on Implementation – Priorities/Additions/Subtractions Implementation Committee

Mr. Wheeler stated the when it comes time to vote on this plan, he feels it should be a line item vote with legitimate discussion of each point so the County does not end up with specific items it is forced to accept in order to pass the entire plan.

There followed a discussion between members of the Board, Mrs. Guzi and Mr. Thompson regarding the working layout of the draft, protection of the County's water supply and other issues related to the strategies outline.

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:

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

Absent:

Steve Arrington – Dist. 5

Staff Present:

Kathleen Guzi, Frank Rogers, Carl Boggess, Tommy Mason, Kim Dooley, Jack Jones, Tammy Parker 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 changes to the agenda:

- Action Item 6a, proposed amendments to the Bedford County Pay and Classification Plan
- Action Item 6b, Closed Session
- Additional Information Item – Technical Review Committee Agenda (Item 10a)

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

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

Voting no: None

Absent: Mr. Arrington

Motion Passed.

CONSENT AGENDA

BEDFORD COUNTY BOARD OF SUPERVISORS

NOVEMBER 16, 2005

ITEM 1 RESOLUTIONS/MOTIONS

a. Consideration Of A Supplemental Appropriation Request From The School Board In The Amount Of \$33,787.66 To The FY 2005-2006 School Maintenance Projects Fund Budget – These Funds Are From The Settlement Received From The Phenolic Claims Office In Reference To Roofs At Liberty High School, Bedford Science And Technology Center And Big Island Elementary.

b. Consideration Of A Supplemental Appropriation Request From The Sheriff's Department In The Amount Of \$142,195.00 To Department 3129, Sheriff's Grants, For FY 2005-2006 For The 'Law Enforcement Terrorism Prevention Program Grant'.

c. Consideration Of A Request From The Department Of Parks And Recreation To Release \$9,253.40 Of The Boonsboro Recreation Association's CIP Funding (33 9752 4127 000) For The Purchase Of Materials To Build A Pavilion At The Boonsboro Ruritan Property

d. Consideration Of A Request Authorizing The Sheriff's Office To Submit A DMV Child Safety Seat Inspection Grant To the Virginia Department Of Motor Vehicles In The Total Amount Of \$1,500.00 (All Federal) For November 25, 2005.

e. Consideration Of A Request Authorizing The Sheriff's Office To Submit A DMV Child Safety Seat Inspection Grant To the Virginia Department Of Motor Vehicles In The Total Amount Of \$500.00 (All Federal) For November 25, 2005.

f. Consideration Of A Request For Approval For Special Review Project #060003, Bedford County Public Service Authority (Specifically, The Isle Of Pines Waterline Extension, The Goode Waterline Extension, The Casaloma Waterline Extension, The Demolition Of Equalization Basin, The Gross Point Well Expansion, The Route 460/Lynchburg Salem Turnpike Waterline, The Route 122 South Phase 1 Waterline, The Moneta Wastewater System Phase 1, The New London Business And Technology Center Onsite Sewer Phase 1 And 2, and The Forest Square Offsite Sanitary Sewer.

g. Consideration Of Approval For Special Review Project #060002, Mariners Landing Section 3 (Sewer Project).

h. Consideration Of A Request To From VDOT To Add Forest Lawn Drive (Route 750) To The Secondary System Of State Highways.

ACTION: Approve resolutions/motions as presented.

(2) **Supervisor Pollard made a motion to approve the consent agenda.**

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

Voting no: None

Absent: Mr. Arrington

Motion Passed.

(3) APPROVAL OF MINUTES – September 12 and September 26, 2005

Supervisor Lowry made a motion to approve the minutes as amended.

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

Voting no: None

Absent: Mr. Arrington

Motion Passed.

(4) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

- Ruby Dooley, Citizen, appeared before the Board to request clarification on Special Review Project #060003 for Bedford County Public Service Authority (from tonight's consent agenda), and also requested to know "what's going on with 460 West". Mr. Wheeler explained in detail what the project was for (as outlined in the request included in the consent agenda).

(5) PUBLIC HEARINGS/PUBLIC APPEARANCES

(5a) Gary Dillon, Virginia Law Enforcement Accreditation Coalition, appeared before the Board to present a Certificate of Accreditation to the Sheriff's Department. Appearing with Mr. Dillon were Sheriff Gerald S. Holt and Chief James Bryant. Mr. Dillon stated the award was presented to Sheriff Brown and his staff in recognition of their commitment to the Bedford community, and then outlined the criteria necessary to achieve accreditation. Chief Bryant and Sheriff Holt then congratulated the Sheriff's Department and the Board on this outstanding accomplishment.

Sheriff Brown accepted the award on behalf of the department.

~~**(5b)** Public Appearance – Jimmy Wilmouth, Citizen – Enforcement of Noise Ordinance cancelled~~

(5c) Kim Dooley, Development Services Manager, appeared before the Board with a request for a Special Use Permit to allow for an increase in building height above the maximum allowable of 45 feet on property that is zoned PCD, Planned Commercial Development District. The owner of the property is Clifton and Nancy Byrd, 1227 Waterwheel Drive, Moneta, Virginia 24541. The applicant is Waterways Properties, Inc., 193 Riverbay Drive, Moneta, Virginia 24151. The agent for Waterways Properties is Ann Gagnet.

Mrs. Dooley stated that the property (Tax Map Number 232-4-C) is located on the south side of Waterwheel Drive (Route 821) approximately 0.14 mile east of the intersection with Moneta Road (Route 122). The property is approximately 18.277 acres in total, with approximately 4.107 acres above the 800 foot contour. Currently the property is the site of Waterwheel Marina. She said the request does not propose to change the existing zoning, but does request approval of a Special Use Permit to allow an increase in the building height limit above the 45-foot maximum (Section 30-57-3 (A) (8)). The proposed use is a use by right in the PCD and the approval of such use is not a consideration in this special use permit application. The developer is proposing to build two (2) buildings (classified as hotel/motel/motor lodge) with a total of 142 units. The buildings are projected to be six (6) floor levels with an additional level being below grade which will be utilized for parking. The special use permit application requests an extension of the height limit to 81 feet 6 inches. This is 36 feet 6 inches above the height limit established in Section 30-57-3 (A) (8) of the Bedford County Zoning Ordinance. An amendment

to the zoning ordinance was adopted in September 2004, implementing the height limit on structures in all of the planned districts (PCD, PRD, and PID). The amendment also gave the option to exceed the maximum allowed height through the special use permit process. Prior to this amendment, there was no height restriction.

Mrs. Dooley said the ordinance defines height of building as the vertical distance measured from the average adjoining grade on all sides of the building or structure to, in this case, the mean level between the eaves and the highest point of the roof. The height is calculated by taking the mean grade (5') plus the height of each floor (11'-6" X 6 floors or 69') plus the average height of the roof (7'-6") for a total height of 81'-6". The current architectural design would yield three (3) floors at 11'-6" with a mean grade of five (5) feet and necessitate the use of a flatter roof to accommodate the 45-foot limit. This would yield approximately 71 units. However, the layout could be redesigned to utilize a flat roof, smaller rooms and amenities, yet still yield approximately the same number of units (142). It is important to note that the last 7'-6" of height in the application is incorporated for architectural purposes to avoid a "box-like" type of building and utilizes gabled roofs to aid in the aesthetics of the project.

Mrs. Dooley commented that the project proposed by Waterways Properties, Inc. is intending to compliment proposed development in the Hales Ford Bridge area. A similar project being developed on the western side of Moneta Road (Route 122) establishes a 60-foot height (4 stories) for a 119 unit hotel/motel/motor lodge. That project, Hales Ford Village, was submitted prior to the ordinance change and is currently under administrative review (SP040058). A proposed development project on the adjacent property, Oak Harbor, was submitted with a height of 60-feet (4 stories) with a total of five (5) buildings. Oak Harbor is currently under administrative review (SP020024). Two (2) developments proposed in Franklin County, near the bridge, are Bridgewater Pointe and Bridgewater Grand. Per the development plans submitted to the Franklin County Planning Department, Bridgewater Pointe contains two "towers" with heights of 64 feet 8 inches (6 stories) and Bridgewater Grande, with a total of five (5) buildings, has a height no greater than 60 feet, with the buildings ranging from three (3) to four (4) stories.

Mrs. Dooley stated that the subject property is presently zoned PCD, Planned Commercial Development District. The property is currently the site of Waterwheel Marina. The surrounding property is zoned PCD, Planned Commercial Development District as well. Adjacent property land uses are residential and commercial. The adjoining tract to the west has a site development plan under review by the Planning Department. The proposed height of this development (Oak Harbor) is 60 feet (4 stories). The sections of the Zoning Ordinance which apply to this project is Section 30-57-3, PCD, Planned Commercial Development District site development regulations in Article III and Section 30-19.

Mrs. Dooley stated that the shoreline classification according to the Shoreline Management Plan (SMP) is compatible with the proposed upland use. According to SMP classifications are not exclusive: they are inclusive from the "top down". For example, an area designated for High Density Commercial facilities could be used for any other use, but not vice versa. The proposed use will dictate which regulations will apply to the proposed development. The shoreline classification along the 1200 feet of waterfront of this property is designated as High Density Commercial. According to the SMP, High Density Commercial is defined as project lands and waters where profit seeking individuals or entities operate facilities as a place of business. Within the project boundaries (below 800 foot contour) associated facilities could include provisions for food services, convenience retailing including petroleum dispensing, dry storage of watercraft and where activities typically associated with marinas, campgrounds, private recreational areas and private clubs take place. Increased boating traffic will occur in the High Density Commercial area surrounding Hales Ford Bridge. All shoreline that is between Hales Ford Bridge and a point five (0.5) mile from the bridge was designated High Density Commercial at the request of the surrounding counties because of the proposed supporting infrastructure.

Mrs. Dooley then briefly reviewed environmental, utilities, transportation, public facilities, and aesthetic/visual impacts of this proposal.

Mrs. Dooley stated that the Planning Commission held a public hearing on October 17, 2005. The Planning Commission recommended approval (by a vote of 5-1) of the special use permit with the following conditions:

1. Developer shall make a minimum \$50,000 contribution for the purchase of an appropriate fire apparatus (ladder truck).
2. Developer shall make maximum payment up to ½ the cost of the fire apparatus (ladder truck).
3. Developer shall guarantee debt service of the balance of the purchase until such time that appropriate funding becomes available.

In response to a question from Mr. Lowry, Mrs. Dooley stated that some of this building may be visible from Bridgewater Bay.

Mrs. Dooley further stated that before September 2004, there were no height limitations, so any plans that were approved prior to that date will not need special permission to build higher than 45 feet.

There followed a brief discussion between Mrs. Dooley, Mr. Boggess, and members of the Board.

Mr. Jack Arrington, Fire Chief for Moneta, then addressed the Board and stated an agreement has been reached between his Department and the developer for the purchase of a ladder truck (as outlined in the Planning Commission's conditions for approval).

Chief Jack Jones then addressed the Board and stated he and Chief Arrington have been working closely with the developer to determine the type of fire apparatus that would be needed in case of a fire at this proposed building.

Mr. Bill Berkley, the developer, and Mr. Tom Calloway, the architect, then gave a presentation to the Board. After stating that this development was designed with the County's Comprehensive Plan in mind, Mr. Berkley turned the meeting over to Mr. Calloway. Mr. Calloway explained the design and why he feels the increased height is essential to the overall design of the building. While going through his PowerPoint presentation, Mr. Calloway pointed out what he felt were the advantages of building lower on the hill with the parking underground, and stated that if the Board would not grant permission for the increased height, the builder would have no choice but to build a shorter, more square, "less appealing" structure with a flat roof, situated higher on the site.

Mr. Cheek asked why the roof would have to be flat (as stated by Mr. Calloway during his presentation) if the building was kept under 45 feet. Mr. Calloway responded that if the roof was not flat, they would have to build a three story building instead of a four story building because a peaked roof would put a four story building over the 45 foot height requirement.

Mr. Neudorfer stated that he was insulted by Mr. Calloway's presentation to the Board with an alternative "square" building that is obviously unappealing. Mr. Neudorfer said that this would imply Mr. Calloway believes either the Board to be of diminished intelligence or that the architect lacks the skill to develop a better design that fits within the Comprehensive Plan's parameters, neither of which is true. In his previous conversation with this plan's developer, Mr. Neudorfer stated he was assured that the goal was to build an aesthetically pleasing building, regardless of the height. Mr. Neudorfer then asked for more specifics with regard to the marina aspect of this project.

Mr. Calloway stated there would be covered slips constructed to replace the slips that were in place now, which amounts to approximately 140 slips. The Marina will be supported by an office/marina store in the lower level of the building. The boat slips will not necessarily be for the condominium units.

After further discussion between Mr. Calloway, Mr. Berkley and members of the Board, the Public Hearing was opened; the following citizens spoke against this permit: Lynn Philbin, Ray Judd, Peg Peters, Author Krauss, Gloria Krauss, Joseph Lanahan, John Sharp and Ruby Dooley; Virginia Thornton spoke in favor of the permit.

Mr. Berkley, the developer, then gave his rebuttal to the citizen comments. He stated there are already six-story buildings approved in the county on sites adjacent to this one. Mr. Berkley also stated that none of the fire departments currently have equipment to fight fires in buildings that are at the 45 foot limit, and feels the developer's offer to assist in the purchase of a ladder truck extends well beyond this project and shows his commitment to the community.

There being no other citizens wishing to speak, the public hearing was closed.

Mr. Neudorfer stated this public hearing was not about buying a ladder truck; it is about the height of a building. The concern is responsible building and the application of the County ordinance; he sees no need to alter the ordinance at this time.

After reviewing the public testimony, the public record, the Planning Commission's recommendation, the goals and objectives of the County's Comprehensive Plan, and Section 30-3 of the County's Zoning Ordinance, Supervisor Neudorfer made a motion to deny Special Use Permit Application SU060004, Waterways Properties, Inc.

After a brief discussion between members of the Board, the following vote was taken:

Voting yes: Mr. Neudorfer, Mr. Cheek, Mr. Lowry, and Mr. Pollard

Voting no: Mr. Wheeler and Dr. Bashore

Absent: Mr. Arrington

Motion Passed.

(5d) Carl Boggess, County Attorney, appeared before the Board and stated that Nesbe Cable is selling all their assets to JetBroadband. This public hearing is required by the Code; all other necessary steps required by law are already in place.

Mr. Neudorfer asked for clarification between Nesbe and Helicon cable. Mr. Boggess stated that there was a contract between the parent company of Nesbe and a company by the name of Helicon; under their contract, Helicon has assigned their interest to a corporation by the name of Jet. Basically, Jet has a franchise for a number of cable television systems in this area. Everything that Nesbe owns is being sold to Jet.

The Public hearing was opened; there was no one desiring to speak.

Danny Jobe of Nesbe Cable then appeared before the Board to answer any questions the Board might have.

The public hearing was closed.

Supervisor Bashore made a motion approving the transfer of the cable television system from Bedford County Cable, Inc. d/b/a Nesbe Cable/Satellite, Ltd. to JetBroadband VA, LLC and to authorize the Chairman to execute any required documents, subject to the review by the County Attorney.

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

Voting no: None

Absent: Mr. Arrington

Motion Passed.

(5e) Carl Boggess, County Attorney, appeared before the Board and stated that the Board had previously received a request to abandon State Secondary Routes 870 and 862 (Performance Road) for a total distance of 0.06 miles. This road serves as access to ATCO, Coleman-Adams Construction, Inc. and property owned by Ms. Bertie Hagy. The Board has previously declared its intent to abandon State Secondary Routes 870 and 862. Additionally, the roadway has been posted at three locations and a notice of public hearing has been advertised in the Lynchburg paper for two successive weeks. Further, written notice has been sent to Gregory A. Whirley, Acting Commissioner for the Virginia Department of Transportation.

There followed a brief discussion between Mr. Boggess and members of the Board regarding who will possess the fee simple title once the road is abandoned.

The public hearing was opened; there being no one desiring to speak, the public hearing was closed.

Supervisor Bashore noted for the record that it is the finding of the Board that there is no public necessity of including State Secondary Route 870 and 862 in the Secondary Highway System, but the owners of the road have requested the roadway be abandoned and that no one has appeared before the Board to object to the abandonment. According, I move that State Secondary Routes 870 and 862 be abandoned; further, the County Attorney is directed to prepare an order of abandonment once the period of appeal has expired.

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

Voting no: None

Absent: Mr. Arrington

Motion Passed.

(6) ACTION ITEMS

(6a) Kathleen D. Guzi, County Administrator, appeared before the Board and stated that the Board should have received a brief memo describing the proposed change to the County Pay and Classification Plan, as well as a spread sheet that details the number of positions that are listed by grade. These positions have been reviewed by the Personnel Committee, who recommended they be brought before the Board for consideration.

The first requested amendment is a request from Carol Black, Clerk of Circuit Court. Currently, she has 6.5 Deputy Clerk I positions and 3.5 Deputy Clerk II positions. Due to increased case load and turnover of part time positions, Mrs. Black requested to combine the two part time positions to a full time Deputy Clerk II. There are sufficient funds in the FY 2005-2006 Budget to implement this change. No additional funding in subsequent years will be needed.

The second requested amendment is an organizational change due to several factors. In the Departments of Building Inspections, Natural Resources, Planning & Zoning and Geographic Information Systems (GIS), the County continues to struggle with providing excellent customer service as well as identifying and developing the necessary tools to implement the Board's policies that govern development. The County is striving for increased communication, cooperation and consistency. The proposed amendments are summarized below:

Create position of Director of Community Development
Eliminate position of Natural Resources Administrator
Create a position of Senior Erosion & Sediment Control Inspector
Upgrade part time Permits Technician to full time position

These proposed amendments add more manpower to the front line staff as well as provide for the leadership and overall management of the newly created Department that will result in improved customer service to our citizens. The net effect is an increase of 1.5 additional positions. There are sufficient funds in FY 2005-2006 budget to implement these changes. There may need to be an additional \$10,000 - \$20,000 in next year's budget to implement these changes. Staff continues to monitor the revenue generated from the fees collected from these services and is evaluating the current fee structure to determine if there are any areas that may warrant adjustment.

Supervisor Pollard made a motion to amend the Bedford County Pay and Classification Plan.

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

Voting no: None

Absent: Mr. Arrington

Motion Passed.

(6b) Closed Session:

Supervisor Neudorfer made a motion to go into Closed Session pursuant to Section 2.2-3711 (A) (1) for discussion and consideration of a personnel matter involving the termination of the Bedford County Building Official.

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

Voting no: None

Absent: Mr. Arrington

Motion Passed.

Supervisor Lowry made a motion to go back into regular session.

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

Voting no: None

Absent: Mr. Arrington

Motion Passed.

Supervisor Bashore made a motion that in accordance with Section 2.2-3712. 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. Neudorfer, Dr. Bashore, Mr. Cheek, Mr. Lowry,
and Mr. Pollard

Voting no: None

Absent: Mr. Arrington

Motion Passed.

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

- Mr. Wheeler commented that he is disappointed in the results from VDOT on the speed study for Route 655.
- Mr. Cheek stated there is an anticipated gas rate increase of 2.2%.

(7a) The Board received a copy of the Bedford County Welfare Board meeting minutes for September 15, 2005.

(7b) The Board received a copy of the Bedford County Planning Commission meeting minutes for October 3, 2005.

(7c) The Board received a copy of the Bedford County Board of Zoning Appeals meeting minutes for August 16, 2005.

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

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

- Mrs. Guzi handed out a memo to the Board informing them that she will be out of the office for the Thanksgiving holiday.

(10a) Information Item – Technical Review Committee Agenda for September 22, 2005

(10b) Information Item – Welcome Center Daily Tally for Visitors, Calls and Mailings

(10c) Informational Item – Speed study on Route 655

(10d) Informational Item – Permits issued in October 2005

- Dr. Bashore requested clarification on the total visitor tally for the Welcome Center. Mrs. Guzi explained that anyone who attends a function is counted as a visitor; this will be changed in the future to reflect only those who actually visited the center for information.

(11) PENDING MATTERS

- **Mission Statement**

(12) UPCOMING MEETINGS

- **November 28, 2005 – Regular Meeting**
- **December 1, 2005 – 4th Quarterly Joint Meeting with the School Board at BSTC**

Supervisor Bashore made the motion to adjourn the meeting.

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

Voting no: None

Absent: Mr. Arrington

Motion Passed.

Chairman Cheek adjourned the meeting at 10.27 p.m.

Chairman
