

AGENDA
BEDFORD COUNTY BOARD OF SUPERVISORS
JANUARY 24, 2005

5:00 P.M. BOARD WORK SESSION

a. Call to Order

- (1) Constitutional Officers – County Employees Pay Increase And Pay Study**
- (2) Bill Hoy, Public Information Officer – Vision, Goals And Objectives**
- (3) CIP Work Session**

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 – Mark Martin, Chairman Of The Board Of Zoning Appeals, Will Reports On His Board’s Activities Over The Past Year**
- b. Public Appearance – Bob Sutton, VDOT Resident Engineer, To Introduce Richard Caywood, Salem District Administrator**
- c. Public Hearing – Road Improvements on Route 909**
- d. Public Hearing – Road Improvements on Route 714**
- e. Public Hearing – Special Use Permit #SU050006; John And Nan Carmack**

(5) ACTION ITEMS

a. EMS Education Funding Request

- **Staff Presentation: Stephen Shrader**

b. Rezoning Application #RZ050002 – Constantine Rosko

- **Staff Presentation: Philip Thompson**

c. Closed Session Pursuant To Virginia Code Section 2.2-3711 (A)(7) For Consultation With Legal Counsel And Briefings By Staff Members Pertaining To Actual Or Probable Litigation, Where Such Consultation Or Briefing In Open Meeting Would Adversely Affect The Negotiating Or Litigating Posture Of The Public Body; Specifically, Claims Presented By William And Anne Prince, And Maurice And Brenda Lockhart

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

a. Bedford County Planning Commission Meeting Minutes – December 6, 2004

b. Bedford Public Library System Board Of Trustees Meeting Minutes – January 11, 2005

c. Tri-County Lake Administrative Commission Meeting Minutes – December 7, 2004

d. Bedford County School Board And Bedford County Board Of Supervisors Joint Meeting Minutes – December 2, 2004

(7) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- **Recreation Advisory Committee**

(8) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

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

- **Information Item – Permits Issued**

(10) PENDING MATTERS

(11) UPCOMING MEETINGS

- **January 25 through February 11, 2005 – Departmental Budget Presentations
9:00 AM to 5:00 PM**
- **February 14, 2005 – Regular Meeting (CIP Work Session 5:00 – 7:00)**
- **February 28, 2005 – Regular Meeting (FY 2005-06 Draft Budget Presentation In
Work Session 5:00 – 7:00)**

* Items added at meeting

Board of Supervisors:

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

Staff present: Kathleen Guzi, Carl Boggess, Jack Jones, Stephen Shrader, Bill Hoy, Sue Montgomery, Tommy Mason, Philip Thompson, Michael Stokes, and Brigitte Petersen

5:00 P.M. Board Work Session

Chairman Cheek called the meeting to order and welcomed everyone.

(1) Randy Krantz, Commonwealth Attorney, appeared before the Board to discuss the County employees recent pay increase and the pay study already in progress. Attorney Krantz stated the Constitutional Officers and Social Services asked him to outline to the Board some of the concerns they have regarding the 3% pay increase passed by the Board for all County employees on the pay plan. Since departments led by Constitutional Officers were not included in the raise (because they are not currently on the County pay plan), he feels this has become a moral issue with the employees in the departments. Attorney Krantz respectfully requested that all employees, not just those on the County pay plan, including those Constitutional Officers who are contemplating coming on the pay plan when the results of the pay study are available, be included in this latest increase.

There followed a discussion between Attorney Krantz, the Interim County Administrator and the Board.

(2) Kathleen Guzi, Interim County Administrator, collected the suggestions from the Board for the “Vision, Goals and Objectives” statement, which were then given to the administrative assistant for organization and later discussion. A brief discussion followed between Mrs. Guzi and the Board.

(3) Kathleen Guzi, Interim County Administrator, and Tommy Mason, Budget Analyst, distributed copies of the CIP to the Board and proceeded to provide a brief overview of the information contained therein, answering the Board’s questions as they worked through the material. Mrs. Guzi and the Board also briefly discussed the budget presentation process.

7:00 P.M. Dinner

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

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:

- Kathleen Guzi, Interim County Administrator – Add Recreation Advisory Committee Appointments

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

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

Voting no: None

Adopted Unanimously.

CONSENT AGENDA
BEDFORD COUNTY BOARD OF SUPERVISORS
JANUARY 24, 2005

ITEM 1 RESOLUTIONS/MOTIONS

- a. Consideration Of A SUPPLEMENTAL APPROPRIATION In The Amount of \$200 For Volunteer Fire And Rescue Training
- b. Consideration Of A SUPPLEMENTAL APPROPRIATION In The Amount Of \$1,000 To Department 5512, V-Stop Grant, For FY 2004-2005, And Authorization To Accept The Domestic Violence V-Stop Program Grant In The Amount Of \$12,155
- c. Consideration Of A SUPPLEMENTAL APPROPRIATION In The Amount Of \$17,900 To Department 5514, Rural Domestic Violence And Child Victimization For FY 2004-2005, And Authorization to Accept The Rural Domestic Violence And Child Victimization Enforcement grant In The Amount Of \$45,014
- d. Consideration Of A SUPPLEMENTAL APPROPRIATION In The Amount Of \$3,149 To The Domestic Violence Program, Department 5511 For FY 2004-2005
- e. Authorization To Accept The DMV Strike Force Mini-Grant, And Consideration Of A SUPPLEMENTAL APPROPRIATION In The Amount Of \$1,500 For This Grant To Department 3120, Sheriff – Law Enforcement, For FY 2004-2005
- f. Authorization To Accept The DMV Office Safety On Strike Force Details Mini-Grant For SML, And Consideration Of A SUPPLEMENTAL APPROPRIATION In The Amount Of \$1,500 For this Grant To Department 3120, Sheriff – Law Enforcement, For FY 2004-05
- g. Authorization To Accept The DMV Office Safety On Strike Force Details Mini-Grant, And Consideration Of A SUPPLEMENTAL APPROPRIATION In The Amount Of \$1,500 For This Grant To Department 3120, Sheriff – Law Enforcement, For FY 2004-2005.

ACTION: Approve resolutions/motions as presented.

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

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

Voting no: None

Adopted Unanimously.

(3) FIFTEEN MINUTE CITIZEN COMMENT PERIOD:

- Mary Conley, Citizen, appeared before the Board and discussed her concerns regarding Rezoning Application #050002 for Constantine Rosko. Ms. Conley feels there are loopholes in the application that would allow future property owners to build more than one house on their lots. She did not see the need for rezoning the lots, and believes the developer must have an unstated motive. Philip Thompson, Director of Planning, assured Ms. Conley and the Board no one would be allowed to build more than one house on each lot. Mr. Thompson further explained that, for the number of lots the developer is proposing, the current zoning is not adequate, which is why the zoning must be changed for the development to proceed.

Ms. Conley then commented that three of the lots were currently impassable land and she did not understand how any homes could be built there. Chairman Cheek responded that this would be an issue for the developer to contend with, not the Board.

Ms. Conley stated she was concerned that the proposed left turn lane for this development was not mentioned in the proffers. Mr. Thompson replied that if the resulting traffic from the development warrants it, a left turning lane would be considered at that time.

- Ronald Lovelace, Citizen, appeared before the Board to voice his support for this development. He lives on the same road where this development is planned, has attended the public hearing, and feels there has not been any alternatives that are better than what the developer is already proposing (including reasonable proffers and the reduction of lots from 53 to 42). He would rather the land remain just as it is, but feels that if there must be development, this is a good plan to go with.

(4) PUBLIC HEARINGS/PUBLIC APPEARANCES:

a. Mark Martin, Chairman of the Board of Zoning Appeals (BZA), appeared before the Board to report on the BZA's activities over the past year. Mr. Martin reported that the BZA held six meetings, five public hearings and four appeals to the zoning administrator. Mr. Martin reported they had one variance, which is evidence the zoning ordinance is working very well; this variance was approved.

Sheila Persinger has been appointed to replace Mr. Huckabee.

b. Bob Sutton, VDOT Resident Engineer, appeared before the Board to introduce Richard Caywood, Salem District Administrator. Mr. Caywood then addressed the Board, commenting on his desire to strengthen VDOT's relationship with Bedford County. He stated that Bedford is where many of his high-priority projects for the region are located, and he is looking forward to working with Bedford in the future. Mr. Caywood is hoping that with the reduction of the 'transportation debt', they will be able to focus on the Route 221 corridor projects in the near future.

The followed a brief question and answer period between Mr. Caywood and the Board.

c. Chairman Cheek opened the discussion on road improvements (specifically Route 909, off of Route 460 in front of Walmart), reporting the County paid half of the money for this project, with the other half coming from VDOT. The concept of this project has previously been endorsed by the Board of Supervisors, as it opens up the area for commercial and economic development. It also reduces the numbers of entrances on Route 460 and eliminates lane changing and improves safety on the highway. Chairman Cheek then opened the public hearing on Route 909.

Mike Dorsey, Director of Public Works, appeared before the Board to discuss the proposed road improvements, assisted by Brian Brander of Dewberry and Davis. Mr. Dorsey reviewed the details of the proposed design, and then Mr. Brander explained how first they would extend the right-turn lane on Route 460 that would feed into the new Route 909, and pointed out where access points to stores would be.

Sue Montgomery, Director of Economic Development, expressed her concerns regarding the proposed design. Mrs. Montgomery stated that the Applebee's project, once thought to be a dead issue, is now back on. This restaurant is expected to generate \$123,000 to \$125,000 in revenue, plus 75 jobs. Mrs. Montgomery asked the Board to be certain the proposed configuration for Route 909 will not create a negative impact on the Applebee's project. In addition, there is another national chain expected to develop the site next to Applebee's that may also suffer from the current design.

Mr. Brander, who was involved in the Applebee's design, stated that the County would be working with the developer to make a connection to Route 909 in order to make access both the Applebee's property and the adjoining property easier to access.

There followed a brief discussion between Mr. Brander, Mrs. Guzi, Attorney Boggess and the Board.

J.A. Timmons, of Ted Counts Realty, stated they are working with the owner of the land across from Walmart. Mr. Timmons stated the Applebee's deal is definite, and other development is being looked into. Mr. Timmons is strongly in favor of this project.

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

d. Mike Dorsey, Director of Public Works, appeared before the Board to discuss the proposed road improvements to Route 714, assisted by J.P. Morris of W.W. Associates. Mr. Dorsey explained the proposed road project is an abandonment of the existing nursing home entrance, with a new entrance going into the nursing home at Falling Creek Park. It's designed for most of the traffic to go into Falling Creek Park on the north side of the lake.

Mr. Morris explained this is a revenue sharing project, with the County paying half and VDOT paying the other half. The new entrance is designed to accommodate the eventual build-out of Falling Creek Park and tie in well with the Master Plan the County has already put together with the park, providing access to both the park and the new nursing home. This new road will be added into the Secondary System maintained by the state. Mr. Morris touched on various details of the design and then took questions from the Board.

e. Philip Thompson, Director of Planning, appeared before the Board regarding Special Use Permit #SU050006 for John and Nan Carmack, who are requesting a Special Use Permit to allow a private stable on property that is zoned Planned Residential Development District (PRD). The property is located on the northwest side of the cul-de sac on High Grove Lane approximately 0.43 mile west of Kensington Parkway.

The request does not propose to change the existing zoning, but does request approval of a Special Use Permit to allow a private stable. The private stable will be 12' x 16' (192ft²). The property is approximately 5 acres with approximately 4 acres fenced for the private stable.

The subject property is presently zoned Planned Residential Development District (PRD). The property is currently forested land. The property is surrounded by mostly agricultural uses and residential uses. Adjacent properties are zoned R-1, Low Density Residential, and PRD, Planned Residential Development District.

Mr. Thompson briefly discussed environmental conditions, transportation, utilities, public facilities, and visual impacts.

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 Bashore made a motion to approve Special Use Permit Application SU050006, John and Nan Carmack (Private Stable), with the following conditions:

1. **Sections 30-47-3 (Planned Residential District, PRD), and 30-81-5 (Stable, Private) of the Bedford County Zoning Ordinance shall apply to approval of the project.**
2. **The project shall be in general conformance with the concept plan dated November 3, 2004, prepared by Berkley-Howell and Associates, submitted with the application.**
3. **No horses shall be allowed on the residential lot until the occupancy permit has been issued for the principal structure.**
4. **The applicant shall comply with all local, state, and federal laws.**

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

Voting no: None

Adopted Unanimously.

(5) ACTION ITEMS:

a. Captain Stephen Shrader, EMS Coordinator, appeared before the Board regarding the EMS Education Funding Request. The initial half of the 2004-2005 fiscal year has been a very busy time for Emergency Medical Services Education. At the beginning of the year the Rescue Squad Association appointed the County EMS Coordinator as the "Education Officer" which entailed scheduling of the classes required to recruit new members as well as maintain continuing education and required specialty classes for existing members.

Over the course of this year the EMS Community has requested and been provided a variety of courses required for certification as well as specialty classes to further their educational experience. The current budget of \$20,000 has been expended through our efforts to offer more classes and increase enrollment in those traditionally sponsored; to continue into 2005 with scheduled courses will require additional funding.

Vice-Chairman Lowry made a motion to transfer \$10,000 from the Contingency Fund to the Department of Fire & Rescue Assistance Training Fund (00-3230-5-4133-002) in order to continue EMS Educational Programs.

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

Voting no: None

Adopted Unanimously.

b. Philip Thompson, Director of Planning, appeared before the Board regarding the Rezoning Application #RZ050002 for Constantine Rosko, which had been tabled from the December 13th, 2004 Board meeting for further consideration.

Mr. Thompson clarified once these houses are built, the proffers would prevent anyone from building more than one house on each lot.

There followed a discussion between Mr. Thompson, the Developer's Agent, Attorney Boggess and the Board, as well as a citizen who stated she was against the development because this area is a historic district.

Mr. Lowry made a motion to table this action until the first Board meeting in February.

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

Voting no: Dr. Bashore

Adopted.

c. Supervisor Bashore made a motion that the Board of Supervisors convene into Closed Session pursuant to Virginia Code Section 2.2-3711 (A)(7) and Section 2.2-3711 (A)(1) for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; specifically, claims presented by William and Anne Prince, and Maurice and Brenda Lockhart, and personnel, specifically the Building Official and the hiring of a new County Administrator.

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

Voting no: None

Adopted Unanimously.

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

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

Voting no: None

Adopted Unanimously.

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. Cheek, Dr. Bashore, Mr. Pollard, Mr. Lowry,

Mr. Neudorfer and Mr. Arrington

Voting no: None

Adopted Unanimously.

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

- The Board was given the Bedford County Planning Commission Meeting Minutes from December 6, 2004.
- The Board was given the Bedford Public Library System Board of Trustees Meeting Minutes for January 11, 2005.
- The Board was given the Tri-County Lake Administrative Commission Meeting Minutes for December 7, 2004.
- The Board was given the Bedford County School Board and the Bedford County Board of Supervisors Joint Meeting Minutes for December 2, 2004.
- Mr. Arrington reported he had received a call from Tony Mayhew concerning the new usage policies for the meeting rooms in the Administration Building. Mr. Mayhew felt there should have been a more personal touch instead of just receiving a letter, as well as feeling that he had an agreement with the County regarding the use of the room. He wishes the County had not ended what he felt was an open-ended agreement. Mrs. Guzi responded that as the demand for meeting space has grown, there has been a drain on County staff time, as well as wear and tear on the facilities (mainly tables and chairs). She also stated that long-term room agreements have sometimes blocked out rooms when then County needed the space.

Mr. Mayhew had told Mr. Arrington that he always took care to leave the meeting room in the same condition he found it in. He was hoping that in the future there would be more of a personal touch when relaying such information. Mrs. Guzi agreed that future changes would be handled with a phone call followed up with a letter.

(7) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES:

- **Mr. Pollard made a motion to appoint Jamie B. Grassano to the Recreation Advisory Committee.**
Voting yes: Mr. Wheeler, Mr. Cheek, Dr. Bashore, Mr. Pollard, Mr. Lowry, Mr. Neudorfer and Mr. Arrington
Voting no: None
Adopted Unanimously.
- **Mr. Cheek made a motion to appoint Jason Woolridge to the Recreation Advisory Committee.**
Voting yes: Mr. Wheeler, Mr. Cheek, Dr. Bashore, Mr. Pollard, Mr. Lowry, Mr. Neudorfer and Mr. Arrington
Voting no: None
Adopted Unanimously.
- **Mr. Lowry made a motion to appoint Betty Peters to the Recreation Advisory Committee.**
Voting yes: Mr. Wheeler, Mr. Cheek, Dr. Bashore, Mr. Pollard, Mr. Lowry, Mr. Neudorfer and Mr. Arrington
Voting no: None
Adopted Unanimously.
- **Mr. Neudorfer made a motion to appoint Stuart Woodford to the Recreation Advisory Committee.**
Voting yes: Mr. Wheeler, Mr. Cheek, Dr. Bashore, Mr. Pollard, Mr. Lowry, Mr. Neudorfer and Mr. Arrington
Voting no: None
Adopted Unanimously.

- **Mr. Bashore made a motion to appoint Ronald Jefferson to the Recreation Advisory Committee.**
Voting yes: Mr. Wheeler, Mr. Cheek, Dr. Bashore, Mr. Pollard, Mr. Lowry, Mr. Neudorfer and Mr. Arrington
Voting no: None
Adopted Unanimously.
- **Mr. Pollard made a motion to appoint Derrick Noell to the Regional Greenway Oversight Committee.**
Voting yes: Mr. Wheeler, Mr. Cheek, Dr. Bashore, Mr. Pollard, Mr. Lowry, Mr. Neudorfer and Mr. Arrington
Voting no: None
Adopted Unanimously.

Kathleen Guzi, Interim County Administrator, commented there was once a Long-Term Planning Committee that consisted of two members of the Board of Supervisors, two members of the EDA, the PSA and the Planning Commission. This committee was to meet on a quarterly basis to discuss long-term planning issues that were common among all four groups. The Planning Commission and the EDA have already discussed this, and they have expressed interest in reviving this committee.

Dr. Bashore and Mr. Neudorfer volunteered to serve on this committee.

Mrs. Guzi reported that previously the Board had mentioned working with the school system on health insurance renewal. The Board had intended for the schools to appoint a working employee committee to work with the County's employee health insurance committee in terms of coming up with different plan designs, etc., when some commonality could be found and hopefully issue a joint request for proposal. The School Board has since appointed a School Board Committee of two people to work on the health insurance renewal with the Board of Supervisors. Mrs. Guzi wanted to know how the Board wanted to proceed.

Several Board members voiced their opinion that the system we have now works well, and that if the School wants to provide several employees to work with our employees, this would work better than if Board of Supervisors Members and School Board members get involved.

(8) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS:

None

(9) COUNTY ADMINSTRATOR'S REPORTS, REQUESTS AND RECOMMENDATIONS:

- Information Item – Permits Issued
- Mrs. Guzi requested the Board's direction regarding the Vision Statement as discussed in the work session earlier. Mr. Lowry suggested adding it to the next work session, which Ms. Guzi agreed to do. Dr. Bashore requested 'goals and objectives' be removed from the vision statement at this time.
- Mrs. Guzi pointed out to the Board the changes in the Budget Adoption Schedule and meeting schedule.

(10) PENDING MATTERS:

None

(11) UPCOMING MEETINGS:

- January 25 through February 11, 2005 – Departmental Budget Presentations 9:00 AM to 5:00 PM
- February 14, 2005 – Regular Meeting (CIP Work Session 5:00 – 7:00)
- February 28, 2005 – Regular Meeting (FY 2005-06 Draft Budget Presentation In Work Session 5:00 – 7:00)

Chairman Cheek adjourned the meeting at 10:30 p.m.

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

Voting no: None

Adopted Unanimously.

Chairman
