

AGENDA
BEDFORD COUNTY BOARD OF SUPERVISORS
APRIL 26, 2005

This Special Meeting Was Convened To Approve The 2005-06 Budget, Nursing Home Daily Rate, E911 Tax Rate, Decal Increase and The Capital Improvement Plan 2005-06 Through 2009-10.

8:00 A.M. WELCOME

(1) ADOPTION OF THE FISCAL YEAR 2005-2006 BUDGET

RESOLUTION OF ADOPTION
FY 2005-2006 BEDFORD COUNTY BUDGET

WHEREAS, the FY 2005-2006 Budget has been duly prepared and presented to the Board of Supervisors; and

WHEREAS, the appropriate advertisements and public hearings, as required by the Code of Virginia, have been conducted; and

WHEREAS, numerous budget study sessions, open to the general public have been conducted; and

WHEREAS, the Board of Supervisors has considered the services required and desired by the citizens of Bedford County.

NOW, THEREFORE, BE IT RESOLVED, that the FY 2005-2006 Budget is established as follows:

General Fund	\$ 75,924,825
Law Library Fund	\$ 13,155
E-911 Fund	\$ 1,226,209
School Operating, Maintenance and Textbook Funds	\$ 86,724,776
School Nutrition Fund	\$ 4,484,629
General Capital Improvement Fund	\$ 4,306,095
Nursing Home Fund	\$ 2,463,672
Solid Waste Fund	\$ 6,641,000

Supervisor Neudorfer made a motion to adopt the resolution.

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

Voting no: **None**

Absent: **Mr. Wheeler and Mr. Arrington**

Adopted Unanimously.

(2) ADOPTION OF THE CAPITAL IMPROVEMENT PLAN FOR 2005/06 – 2009/10

RESOLUTION OF ADOPTION
FY 2005-06 THROUGH FY 2009-10
BEDFORD COUNTY CAPITAL IMPROVEMENT PLAN

WHEREAS, the FY 2005-06 thru FY 2009-10 Capital Improvement Plan has been duly prepared and presented to the Board of Supervisors; and

WHEREAS, the appropriate advertisings and public hearings, as required by the Code of Virginia, have been conducted; and

WHEREAS, several Capital Improvement Plan study sessions, open to the general public have been conducted; and

WHEREAS, the Board of Supervisors has considered the long term services required and desired by the citizens of Bedford County.

NOW, THEREFORE, BE IT RESOLVED, that the FY 2005-06 thru FY 2009-10 Capital Improvement Plan be adopted as presented.

Supervisor Lowry made a motion to adopt the Five Year Capital Improvement Plan for FY 2005-06 thru FY 2009-10.

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

Voting no: None

Absent: Mr. Wheeler and Mr. Arrington

Adopted Unanimously.

(3) ADOPTION OF THE TAX RATE ORDINANCE

AN ORDINANCE TO ESTABLISH THE

TAX RATES FOR TAX YEAR 2005

BE IT ORDAINED by the Board of Supervisors of the County of Bedford, Virginia, that there be, and is hereby levied, the following tax and tax rates for tax year 2005:

- (1) \$0.65 per one hundred dollars of assessed valuation on all taxable real estate located in this County;
- (2) \$0.65 per one hundred dollars of assessed valuation on the property classified in Section 58.1-3506 A 8, Code of Virginia 1950, as amended;
- (3) \$8.50 per one hundred dollars of assessed valuation on all tangible personal property as classified in Section 58.1-3503 of the Code of Virginia, 1950, as amended, except those classifications listed in Sections 58.1-3504 and 58.1-3505 of the Code of Virginia, 1950, as amended and exempted by ordinance adopted by the Board of Supervisors; all personal property classified separately in Section 58.1-3506 of the Code of Virginia, 1950, as amended, except that class of property in Section 58.1-3506 A 12, Code of Virginia, 1950, as amended; except that class of property in Section 58.1-3506 A8 of the Code of Virginia, 1950, as amended, located in this County on January 1, 2004 and except that class of property in Sections 58.1-3506 A5, A7 and A18 of the Code of Virginia, 1950, as amended.
- (4) \$0.65 per one hundred dollars of assessed valuation on all real and tangible personal property of public service corporations assessed on the same ratio as real estate within the County of Bedford, thereof, fixed by the State Corporation Commission, and duly certified.
- (5) \$6.00 per \$100.00 of assessed valuation on the property classified in Sections 58.1-3506 A5, A7, and A18, 58.1-3507 and 58.1-3508 of the Code of Virginia, 1950, as amended.
- (6) \$1.10 per one hundred dollars of assessed valuation on all merchants capital located in this County on January 1, 2004 as authorized in Section 58.1-3509 of the Code of Virginia;
- (7) \$.00 per \$100.00 of assessed valuation on the property classified in Section 58.1-3506 A 12 of the Code of Virginia, 1950, as amended.

Supervisor Bashore made a motion to adopt the above noted ordinance.

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

Voting no: None

Absent: Mr. Wheeler and Mr. Arrington

Adopted Unanimously.

(4) ADOPTION OF AMENDMENT TO CHAPTER 11 "MOTOR VEHICLES AND TRAFFIC", ARTICLE II "VEHICLE LICENSE"

ORDINANCE REVISION TO CHAPTER 11

"MOTOR VEHICLES AND TRAFFIC", ARTICLE II "VEHICLE LICENSE"

VEHICLE LICENSES

Sec. 11-20. Definitions.

The following words and phrases when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

Antique motor vehicle means every motor vehicle, as defined in this article, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five (25) years prior to January 1 of each calendar year and is owned solely as a collector's item and licensed by the commonwealth under Code of Virginia, § 46.2-730.

Camping trailer means every vehicle which has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

Decal means a device to be attached to a license plate or front windshield.

License plate means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the commonwealth and/or county.

~~Mobile~~ **Manufactured home** means a structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Motor home means every private motor vehicle with a normal seating capacity of not more than ten (10) persons, including the driver, designed primarily for use as living quarters for human beings.

Motor vehicle means every vehicle as defined in this section which is self-propelled or designed for self-propulsion except as otherwise provided in this article. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle.

Motorcycle means every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground.

Nonresident means every person who is not domiciled in Bedford County.

Operator or *driver* means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway, or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner means a person who holds the legal title to a vehicle or, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or, if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title; except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle.

Passenger car means every motor vehicle other than a motorcycle designed and used primarily for the transportation of no more than ten (10) persons including the driver.

Pickup or *panel truck* means every motor vehicle designed for the transportation of property and having a registered gross weight of seven thousand five hundred (7,500) pounds or less.

Semitrailer means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

Tractor truck means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

Trailer means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including ~~mobile~~ **manufactured** homes.

Truck means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of seven thousand five hundred (7,500) pounds.

Vehicle means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

(Ord. of 1-7-91)

Sec. 11-21. Violations of article.

Unless otherwise specifically provided, any person who violates any of the provisions of this article shall be guilty of a misdemeanor, the penalty for which shall not exceed that of a Class 4 misdemeanor.

(Ord. of 1-7-91)

Sec. 11-22. Required; exceptions.

(a) Every motor vehicle, trailer and semitrailer subject to licensing by the state and operated on the streets, highways or roads within the county, for business or for the private use or benefit of the owner, or normally garaged, stored or parked within the county shall be subject to licensing under this article. The situs for the imposition of licensing fees under this article shall in all cases be the county, city or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored or parked. If it cannot be determined where the personal property is normally garaged, stored or parked, the situs shall be the domicile of its owner.

(b) This article shall not apply to motor vehicles owned by residents of any incorporated town in the county, which town imposes a license fee upon owners and motor vehicles in the town, if such town constitutes a separate school district; or

(c) Nothing in this article shall be construed to require a license tax on a person or vehicle exempted from same under the provisions of any of the statutes of the commonwealth; or

(d) No license fee on any motor vehicle, trailer, or semitrailer shall be imposed under this article when:

(1) A similar fee is imposed by the county, city, or town wherein the vehicle is normally garaged, stored or parked;

(2) The vehicle is owned by a nonresident of Bedford County and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in subsection (d)(3);

(3) The vehicle is (i) owned by a nonresident and (ii) used for transporting into and within Bedford County, for sale in person or by his employees, wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream, or eggs produced or grown by him, and not purchased by him for sale;

(4) The motor vehicle, trailer, or semitrailer is owned by an officer or employee of the commonwealth who is a nonresident of Bedford County and who uses the vehicle in the performance of his duties for the commonwealth under an agreement for such use;

(5) The motor vehicle, trailer, or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;

(6) The motor vehicle, trailer, or semitrailer is operated by a common carrier of persons or property operating between cities and towns in the commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places outside cities and towns on the other and not in intracity transportation;

(e) No license fee shall be imposed for any one motor vehicle owned and used personally by

any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the department of motor vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in Code of Virginia, § 46.2-739;

(f) No license fee shall be imposed upon any daily rental passenger car, the rental of which is subject to the tax imposed by Code of Virginia, § 58.1-2402 A 4; or

(g) The license required by this article shall be issued free of charge for the following: (i) vehicles owned by volunteer rescue squads; (ii) vehicles owned by volunteer fire companies; (iii) vehicles owned by the commonwealth and political subdivision of the commonwealth; (iv) vehicles owned by an active member of a volunteer rescue squad; and (v) vehicles owned by an active member of a volunteer fire company.

In the case of active members of volunteer rescue squads and fire companies, no member of a volunteer rescue squad or a volunteer fire company shall be issued more than one (1) such license free of charge.

In order for the treasurer to determine the active members of the respective volunteer rescue squads and fire companies, located in Bedford County, a listing of the members that were active as of October 1 of the preceding year and that have remained active through December 31st must be supplied to the treasurer by each respective volunteer rescue squad and/or fire company by January 15th of each year. Such listing shall be in a format as determined by the treasurer but shall include certification by the captain of each respective volunteer rescue squad and fire chief of each respective volunteer fire company as to the accuracy of the respective list.

(Ord. of 1-7-91)

Sec. 11-22.1. Requirements for operation; regional compact.

It shall be unlawful for any person to operate a motor vehicle, trailer or semitrailer, from a situs jurisdiction which is a party to a regional enforcement compact with the county, on any street, highway, road or other travelled way in the county unless a valid local or license decal issued by the appropriate situs jurisdiction of such vehicle is displayed thereon as required by law of such situs locality. The fact that the current license tax of the situs jurisdiction has been paid on such vehicle shall not bar prosecution for a violation of this section.

(Ord. of 3-27-95, § 1)

Sec. 11-23. Separate license for vehicles in combination.

In case of a combination of a tractor-truck and trailer or semitrailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle and separate license decals or plates shall be issued therefor under the provisions of this article.

(Ord. of 1-7-91)

Sec. 11-24. Vehicle license fee imposed.

(a) On each and every motor vehicle ~~trailer and semitrailer in excess of one half ton,~~ there shall be an annual license fee of twenty-five dollars (~~\$20.00~~ **25.00**).

(b) On each and every trailer and semitrailer, there shall be an annual license fee of twenty dollars (\$20.00).

~~**(c)** On each and every motorcycle or motor scooter or other motor vehicle trailer or semitrailer of one half ton or less, there shall be an annual license fee of ten dollars (\$10.00).~~

(ed) On each and every antique motor vehicle there shall be a one-time license fee of five dollars (\$5.00).

(Ord. of 1-7-91; Ord. of 4-19-93; Ord. of 4-18-94; Ord. of 4-14-97)

Sec. 11-25. Vehicle license fee imposed.

The vehicle license fee year shall commence on the first day of April and expire on the thirty-first of March of each year.

(Ord. of 1-7-91)

Sec. 11-26. Proration of vehicle license fee.

Only one-half of the license fee prescribed by this article shall be assessed and collected whenever any such license fee first becomes assessable during the period beginning on the first day of October in any year and ending on the fifteenth day of January in the same year; and only one-third of such license fee shall be assessed and collected whenever any such license fee first becomes assessable after the fifteenth day of January in the same license fee year. Purchasers of new or used motor vehicles shall be allowed a ten-day grace period, beginning with the date of purchase of the new or used motor vehicle during which to pay the license fees imposed under section 11-24 of this chapter.

(Ord. of 1-7-91)

Sec. 11-27. Application.

Any person desiring a license required by this article shall make application for such license on forms supplied by the county, at the office of the county treasurer or at the office of such other agent as may be designated from time to time by the board of supervisors.

(Ord. of 1-7-91)

Sec. 11-28. Payment of vehicle personal property taxes prerequisite to licensing.

No motor vehicle, trailer, or semitrailer shall be licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county. No motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or

Sec. 11-29. Issuance of plate or decal.

Upon the filing of a proper application and payment of the license tax prescribed by this article, a license plate or decal shall be issued for the vehicle for which such fee was paid, subject to the provisions of section 11-28.

(Ord. of 1-7-91)

Sec. 11-30. Display of plate or decal generally.

The license plate or decal issued under this article shall be attached to the vehicle licensed in such manner as to be readable and in a manner similar to state license tags or inspection stickers. It shall be unlawful for any owner or operator of a motor vehicle trailer or semitrailer which is subject to licensing under this article to fail to obtain and display such license of the county after its expiration date.

(Ord. of 1-7-91; Ord. of 3-27-95, § 2)

Sec. 11-31. Loaning, selling, etc., plate or decal or permitting its use by another.

It shall be unlawful for any person to whom a decal or plate is issued under this article, to give, loan, rent, sell, assign or transfer such decal or plate to another or to otherwise permit another to use such decal or plate in any manner during the vehicle fee year for which the same is issued.

(Ord. of 1-7-91)

Sec. 11-32. Display of expired plate or decal.

Each license plate or decal issued under this article shall expire at the end of the vehicle license fee year in which the same is issued. It shall be unlawful for the owner or operator to display thereon any county license plate or decal after the expiration date of such plate or decal. A violation of this section shall constitute a misdemeanor, the penalty for which shall not exceed that of a Class 4 misdemeanor.

(Ord. of 1-7-91; Ord. of 3-27-95, § 2)

Sec. 11-33. Substitute plate or decal.

In the event that any license plate or decal issued under the provisions of this article is lost or mutilated or becomes illegible **or if the decal is transferred to a another vehicle**, the owner ~~person who is entitled thereto~~ shall make immediate application for and obtain a

duplicate or substitute ~~therefor~~, upon furnishing information of such fact satisfactory to the issuing office and upon payment of ~~fifty cents~~ **one dollar (1.00)** (~~\$0.50~~)

(Ord. of 1-7-91)

Sec. 11-34. Disposition of taxes collected under article.

The revenue derived from all county license taxes collected under authority of this article shall be applied to general county purposes.

(Ord. of 1-7-91)

Supervisor Pollard made a motion to amend Chapter 11 "Motor Vehicles and Traffic", Article II "Vehicle License".

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

Voting no: None

Absent: Mr. Wheeler

Adopted Unanimously.

(5) ADOPTION OF AMENDMENT TO CHAPTER 17 "TAXATION"

ORDINANCE REVISION TO CHAPTER 17 "TAXATION", ARTICLE XII.1

"ENHANCED EMERGENCY TELEPHONE SERVICE TAX"

§ 17-142 Enhanced Emergency Telephone Service Tax.

The Board of Supervisors of Bedford County having made a finding that enhanced 911 service has been installed in the County and pursuant to section 58.1-3813.1 of the Code of Virginia, hereby imposes a special tax on consumers of telephone services in the amount of ~~two~~ **three** dollars (~~\$2.00~~ **3.00**) per month for each access line, excluding federal, state and local government agencies and excluding consumers of commercial mobile radio service, as defined in section 56-484.12 of the Code of Virginia, which includes cellular telephone service and personal communications service.

§ 17-143 Definitions.

A. As used in this section and § 58.1-3813.2, unless context requires a different meaning:

"Automatic location identification" or "ALI" means a telephone network capability that enables the automatic display of information defining the geographical location of the telephone used to place a wireline 9-1-1 call.

"Automatic number identification" or "ANI" means a telephone network capability that enables the automatic display of the telephone number used to place a wireline 9-1-1 call.

"Enhanced 9-1-1 service" or "E-911" means a service consisting of telephone network features and PSAPs provided for users of telephone systems enabling such users to reach a PSAP by dialing the digits "9-1-1." Such service automatically directs 9-1-1 emergency telephone calls to the appropriate PSAPs by selective routing based on the geographical location from which the emergency call originated and provides the capability for ANI and ALI features.

"Local exchange carrier" means any public service company granted a certificate to furnish public utility service for the provision of local exchange telephone service pursuant to Chapter 10.1 (§ 56-265.1 et seq.) of Title 56.

"Public safety answering point" or "PSAP" means a communications facility equipped and staffed on a twenty-four-hour basis to receive and process 911 calls.

§ 17-144. Collection and Payment.

It shall be the duty of every seller or provider of telephone services to purchasers or consumers of telephone services within the County to bill and collect this levy on each telephone line rendered by it. After deducting three (3) percent of the total tax collected, the seller shall report and pay over the remaining balance of all tax collected in any calendar month to the County Treasurer on or before the last day of the first calendar month thereafter. The seller shall, upon payment of the tax collected hereunder, report to the County

Treasurer, the names and addresses of all purchasers or consumers of telephone service who have failed to pay the tax imposed by this article.

The seller shall keep complete records showing all purchases of telephone service to consumers in the County, which records shall show the date of service, the date of billing, the date of payment thereof, and the amount of tax imposed hereunder. Such records shall be available for inspection by the duly authorized agents of the County at reasonable times.

§ 17-145. Receipt and Disbursement.

Any such taxes imposed by Section 17-142 shall be accounted for in a separate special revenue fund or accounted for using a cost center and revenue accounting system acceptable to the Auditor of Public Accounts. The Treasurer shall report revenues, expenditures, and balances of the E-911 special revenue fund or cost center in accordance with the specifications set forth in § 15.2-2510. Amounts collected from the tax shall be used solely to pay for reasonable, direct recurring and nonrecurring capital costs, and operating expenses incurred by a public safety answering point in designing, upgrading, leasing, purchasing, programming, installing, testing, administering, delivering, or maintaining all necessary data, hardware and software required to receive and process emergency telephone calls through an E-911 system, including salaries and fringe benefits of dispatchers and direct call-takers of an E-911 system and costs incurred in training dispatchers and direct call-takers in receiving and dispatching emergency telephone calls, and the salary and fringe benefits of the public safety answering point director or coordinator so long as such person has no other duties other than the responsibility for the public safety answering point.

§ 17-146. Severability.

Should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

§ 17-147. Effective Date.

This ordinance is effective upon adoption.

Supervisor Neudorfer made a motion to amend Chapter 17 “Taxation”, Article XII.1 “Enhanced Emergency Telephone Service Tax”.

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

Voting no: None

Absent: Mr. Wheeler

Adopted Unanimously.

(6) ADOPTION OF NURSING HOME DAILY RATE

RESOLUTION
ESTABLISHING PATIENT PER DAY RATE FOR
THE BEDFORD COUNTY NURSING HOME

WHEREAS, the Bedford County Board of Supervisors did previously establish the per day rate of \$118.00 for patient care at the Bedford County nursing Home; and

WHEREAS, the current patient per day rate of \$118.00 does not offset the expenses of the operation of the Bedford County Nursing Home; and

WHEREAS, the Nursing Home Committee has recommended a rate increase to offset the anticipated losses,

NOW, THEREFORE, BE IT RESOLVED, that the patient per day rate be established at \$126.00 per day and to be effective June 1, 2005.

Supervisor Pollard made a motion to adopt the above resolution.

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

Voting no: None

Absent: Mr. Wheeler

Adopted Unanimously.

Supervisor Lowry made the motion to adjourn the meeting.

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

Voting no: None

Absent: Mr. Wheeler

Adopted Unanimously.

Chairman Cheek adjourned the meeting at 8:08 a.m.

Chairman
