

AGENDA
BEDFORD COUNTY BOARD OF SUPERVISORS
NOVEMBER 28, 2005

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 – October 11, 2005
- (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 – Earl Bowyer, Citizen – Tax Exempt Status For Clubs With An Alcohol Beverage License
- b. Public Appearance – Pam Dinkle, Lake Management and Project Coordinator – Recommendation For Consideration Of A Mandatory Septic System Pumpout Ordinance

(Please note: Items 5c, d and e will be presented together.)

- c. Public Hearing – Philip Thompson, Director Of Planning – Rezoning Application #RZ060002, The Lake Team, LLC (Tom Buck)
- d. Public Hearing – Philip Thompson, Director Of Planning – Special Use Permit #SU060005, The Lake Team, LLC (Tom Buck)
- e. Public Hearing – Philip Thompson, Director Of Planning – Special Use Permit #SU060006, The Lake Team, LLC (Tom Buck)
- f. Public Hearing – Philip Thompson, Director Of Planning – Rezoning Application #RZ060004, Jefferson Parc Associates, LLC
- g. Public Hearing – Carl Boggess, County Attorney – Consideration Of An Ordinance To Amend Chapter 17 “Taxation” To Add Section 17-5 Personal Property Tax Relief Act.
- h. Public Hearing – Carl Boggess, County Attorney – Consideration Of An Ordinance To Amend Chapter 11 “Motor Vehicles And Traffic” Article II “Vehicle License”.

(6) ACTION ITEMS

- a. Consideration Of A Request From The Department Of Fire And Rescue To Hire A Volunteer Recruitment/Retention And Marketing Specialist, To Amend The County Pay And Classification Pay Plan, And To Transfer Funds From The Contingency Fund (To Be Combined With

The Available Funds) To Meet The Salary And Benefit Requirements For The Remainder Of 2005-2006 Fiscal Year.

- *Staff Presentation: Jack Jones, Jr.*

b. Consideration Of A Request To Authorize The Department Of Fire And Rescue To Purchase One 2005/2006 Triple Combination Pumper Fire Engine To Be Assigned To Montvale Fire Company.

- *Staff Presentation: Jack Jones, Jr.*

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

- a. Bedford County Library System Board Of Directors Meeting Minutes For October 11, 2005
- b. Bedford County Planning Commission Meeting Minutes For October 17, 2005
- c. Bedford County Department Of Fire And Rescue (Fire Division, Fire Commission) Meeting Minutes From October 18, 2005
- d. Fire And Rescue Committee Meeting Minutes From November 3, 2005

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

(9a) CLOSED SESSION – Pursuant to Section 2.2-3711 (A) (1) To Discuss Personnel Matters Regarding The County Attorney

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

- a. Building Report And Permits Issued In October 2005

(11) PENDING MATTERS

- Mission Statement

(12) UPCOMING MEETINGS

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

*Items added at meeting

Board of Supervisors:

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

Staff Present:

Kathleen Guzi, Frank Rogers, Carl Boggess, Bill Hoy, Sue Montgomery, Philip Thompson, Tommy Mason, 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:

- Mr. Pollard will have an additional item under Committee Reports.
- The Public Hearing for Action Item 5e, Special Use Permit #SU060006 for a wastewater treatment plant at Mitchels Marina, has been cancelled.

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

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

Voting no: None

Motion Passed.

CONSENT AGENDA

BEDFORD COUNTY BOARD OF SUPERVISORS

NOVEMBER 28, 2005

ITEM 1 RESOLUTIONS/MOTIONS

a. Consideration Of A Request To Add Ivy Lake Drive To The Secondary System Of State Highways.

b. Consideration Of A Resolution Recognizing The Staff Of The Bedford County Nursing Home For Being Chosen A Select Group Facility By The Virginia Nursing Home Quality Initiative.

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,
Mr. Arrington and Mr. Pollard**

Voting no: None

Motion Passed.

(3) APPROVAL OF MINUTES – October 11, 2005

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

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

Voting no: None

Motion Passed.

(4) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

- Jack Mills, citizen, appeared before the Board to thank Mr. Pollard for getting the railroad tracks fixed, and Dr. Bashore for all the support he has given Mr. Mills. Mr. Mills also stated that he admires Mr. Bowyer, who is also on tonight's agenda.

(5) PUBLIC HEARINGS/PUBLIC APPEARANCES

(5a) Earl Bowyer, Citizen, appeared before the Board to question why clubs with an alcohol beverage license are allowed tax exempt status. Mr. Bowyer asked why the Moose Lodge does not pay property taxes; he stated that while the Moose Lodge does good work, it should not exempt them from paying their fair share of their property tax. He said there are plenty of other groups, such as the teamsters, who assist the community and also pay their property taxes. Mr. Bowyer said it's a matter of integrity, and stated this tax break for the Moose Lodge should be repealed.

(5b) Pam Dinkle, Lake Management and Project Coordinator, and Bob Camicia, from the Tri-County lake Administration Commission's Environmental Committee, appeared before the Board with a recommendation for consideration of a mandatory septic system pump-out ordinance.

Ms. Dinkle stated she has been aware of the potential of contamination to Smith Mountain Lake due to aging and damaged septic systems. During the past eight years, the TLAC office has worked with Bedford and Franklin County, researching a number of ways to protect the Lake from contamination. The Lake has already been designated a 'no disposal zone' to prevent boats from emptying sewage into the water. Tonight, TLAC is asking the Board to consider a mandatory septic system pump-out ordinance for the three counties bordering the Lake. This ordinance would affect septic tanks and drain fields within 500 feet of the shoreline.

Mr. Camicia stated that after a considerable amount of research, the TLAC Environmental Committee strongly endorses this proposed septic ordinance. Mr. Camicia briefly

outlined the research that led to this conclusion, the history of septic failure and contamination on the Lake and how the proposed ordinance would operate.

Mr. Wheeler asked if Mr. Camicia knew what the average cost is to pump-out a septic tank. Mr. Camicia stated it would differ in each county, but one company that is frequently used in Bedford charges, on average, \$125.00 for one of the older tanks that needs to be dug out. For a newer tank that is easier to access, it should be considerably less. Mr. Wheeler asked if this would lead to a county-wide ordinance. Mr. Camicia replied that currently, they are only dealing with this septic issue at the Lake. Mr. Wheeler stated that while he had no more questions, he said it was obvious that we do not know how many tanks this would affect, how it would be paid for, or what the actual cost would be, so he will need more information to consider this further. Mr. Camicia reiterated that there will be no cost to the County, and that if everyone is following the VDH recommendations and pumping their tank every three-to-five years, there should be no additional costs to the County.

Mr. Neudorfer stated that he would like to see what procedures would be in place to effectively enforce the ordinance and ensure everyone was not trying to get their tank pumped out on the same day. He also asked what is meant by septic 'maintenance', as it is written in the ordinance, outside of pumping out the tank. Mr. Camicia stated that the VHD inspectors that check to see if the tank needs to be pumped should also ascertain the system is working properly. Mr. Neudorfer stated this would be a very difficult ordinance to enforce, and it does not make sense to implement a rule that cannot be enforced.

Dr. Bashore stated that, in contrast to what Mr. Camicia believes, there will in fact be a cost to the County in the way of gathering information and certifications on the septic systems this would impact, etc.

Mr. Pollard said that if this request is only concerning septic tanks along the shore of Smith Mountain Lake, he could support it; but if it also encompasses all the tributaries in Bedford County he would not support it. Mr. Pollard pointed out that if a septic system is properly installed it should not have to be pumped out; the Health Department recommends that tanks be checked every five years, but this does not mean the tanks must be pumped out.

Mr. Lowry said he could not see how those who were not following the ordinance would be caught. Mr. Camicia replied that the initial list of homes that would need to comply would be gathered from tax records; if they do not send their form back in (which shows their tank has been inspected), it will be pursued at that point.

Mr. Wheeler stated that the County would be forced to hire 'enforcers', which is an additional expense the County.

Mrs. Guzi stated that the Board may want to recommend that the Planning Commission take a look, as part of the Comprehensive Plan, at the option of a mandatory septic pump-out along with the issues raised tonight and then report back to the Board.

The Board concurred with Mrs. Guzi's recommendation.

(5c, d) Philip Thompson, Director of Planning, appeared before the Board with a rezoning application (#RZ060002) and a special use permit (#SU060005) for The Lake Team, LLC. Mr. Thompson presented these requests simultaneously, stating that The Lake Team, LLC is requesting to rezone two pieces of property (identified as Tax Map Numbers 258C-6-14A1 & 14A2) from R-1, Low Density Residential District, to PCD, Planned Commercial Development District, south of Trading Post Road (Route 734) approximately 0.10 mile east of Saunders Point Road. The applicant/owner is The Lake Team, LLC/Tom Buck, 1129 Marina Lane, Huddleston, VA 24104. The agent/engineer is Scott Easter, ACS Design, LLC, 2203 Peters Creek Road, NW, Roanoke, VA 24017. The Lake Team is also requesting a special use permit to expand an existing campground on the same two pieces of property.

Mr. Thompson stated the rezoning request proposes to change the existing zoning from R-1, Low Density Residential District, to PCD, Planned Commercial Development District. The developer has requested to rezone the two pieces of property to expand an existing campground at Mitchell's Marina. The expansion includes 16 new campsites, a paved access road, and a central sewer system. The proposed one-way access road runs from an entrance off Trading Post Road and intersects with an existing gravel road in the campground. A 25-foot buffer yard with large evergreen trees (spaced 20 feet on center) and evergreen shrubs (spaced 5 feet on center) is provided along the eastern property line. The campground expansion (SU#060005) requires the approval of separate special use permits. In September 2003, Mitchell's Marina was rezoned to PCD from R-1 as part of several county-initiated zoning amendments. When the Zoning Ordinance was adopted in 1998, it was the intent to have all existing marinas zoned PCD. Mr. Thompson stated the special use permit request does not propose to change the existing zoning but does proposed to allow the expansion of the campground at Mitchell's Marina. The expansion includes 16 new campsites, a paved access road, and a central sewer system. The proposed one-way access road runs from an entrance off Trading Post Road and intersects with an existing gravel road in the campground. A 25-foot buffer yard with large evergreen trees (spaced 20 feet on center) and evergreen shrubs (spaced 5 feet on center) is provided along the eastern property line. A rezoning application (RZ#060002) and special use permit application for the central sewer system (SU#060006) require separate approvals. In September 2003, Mitchell's Marina was rezoned to PCD from R-1 as part of several county-initiated zoning amendments. When the Zoning Ordinance was adopted in 1998, it was the intent to have all existing marinas zoned PCD.

Mr. Thompson then explained each request as detailed in the Board's agenda packet, including potential impacts on the environment, transportation, utilities and public facilities, as well as aesthetic and visual impacts.

Mr. Thompson briefly reviewed the proffers and then stated that the Planning Commission held a public hearing on the rezoning application on November 7, 2005. Four citizens spoke on the application, three in favor of the application and one opposed. The Planning Commission voted 6-0 to recommend approval of the rezoning application with the

proffers submitted by the applicant. At that same meeting, the special use permit was also discussed. Four citizens spoke on the special use application, three in favor of the application and one opposed. The Planning Commission voted 6-0 to recommend approval of the special use permit with the following conditions:

1. Sections 30-57 (PCD, Planned Commercial Development District) and 30-85-10 (Campground) of the Bedford County Zoning Ordinance shall apply to approval of the project.
2. The project shall be developed in general conformance with the concept plan dated August 18, 2005, and prepared by ACS Design, LLC.
3. The applicant shall comply with all local, state, and federal laws.

After a brief question and answer period between Mr. Thompson and members of the Board, the property, Mr. Tom Buck, addressed the Board. He briefly explained the history of his campground and marina, and his plans for the future of this property. He also stated that his campground is frequently the first introduction many people have to Smith Mountain Lake, and that many of these campers have since become property owners around the Lake.

Mr. Neudorfer asked if the proffers would only apply to these two lots. Mr. Thompson replied that the proffers would only apply to the two lots being rezoned, and that they would run with the property.

Mr. Buck then briefly answered questions from the Board. The public hearing was opened; the following people were signed up to speak in favor of these requests: Dale Whiteis, Raymond Judd, and Margaret Schmidt. There being no one else desiring to speak, the public hearing was closed.

After some short comments from the Board in favor of these requests, the following motions were made:

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 Zoning Ordinance, Supervisor Neudorfer made a motion to amend and readopt the Bedford County Zoning Ordinance by changing the zoning district designation of two properties identified as TM# 258C-6-14A1 & 258C-6-14A2 from R-1, Low Density Residential, to PCD, Planned Commercial Development, with proffers, as indicated on the attached ordinance.

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

Voting no: None

Motion Passed.

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 Lowry made a motion to

approve Special Use Permit Application SU060005, The Lake Team/Tom Buck, Campground Expansion, with the following conditions:

- 1. Sections 30-57 (PCD, Planned Commercial Development District) and 30-85-10 (Campground) of the Bedford County Zoning Ordinance shall apply to approval of the project.**
- 2. The project shall be developed in general conformance with the concept plan dated August 18, 2005, and prepared by ACS Design, LLC.**
- 3. The applicant shall comply with all local, state, and federal laws.**

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

Voting no: None

Motion Passed.

(5e) The Public Hearing for Special Use Permit #SU060006 was cancelled.

(5f) Philip Thompson, Director of Planning, appeared before the Board with a rezoning application request from Jefferson Parc Associates, LLC. to rezone property (see attachment for tax map numbers) from PCD, Planned Commercial Development District and C-1, Office District to PD-1, Planned Development District, on the North side of Forest Road (Route 221) and to the South of Forest Road (Route 221) between Reynard Run and the Norfolk Southern Railroad tracks. The property also falls within the Corridor Overlay (CO) District. The application proposes to change the underlying zoning district (PCD), but does not propose to change the overlay zoning district (CO). The applicant/owner is Jefferson Parc Associates, LLC, 1101 Cloverhill Boulevard, Forest, VA, 24551. The agent/engineer is Russ Orrison, 17 West Nelson Street, Lexington, VA 24450. The property proposed for rezoning contains approximately 98.06 acres.

Mr. Thompson stated the request proposes to change the existing zoning from PCD, Planned Commercial Development District and C-1, Office District, to PD-1, Planned Development District. The developer does not propose to change the CO, Corridor Overlay District. The developer has requested to rezone the property to construct a nontraditional neighborhood design approach that highlights the Jeffersonian architectural influence and open space combined with various commercial, residential, and recreational uses. The project began to develop in the early 1990s and the master plan consisted of approximately 80% residential uses and 20% commercial uses. The project evolved during the early implementation of zoning in the County and the master plan was revised to have a mixture ratio of 42% commercial uses, 43% residential uses, with the remaining 15% being utilized for open space. The proposed plan under PD-1, Planned Development District, shows a mixture ratio of 36% commercial uses, 37.5% residential uses, 10.2 % of the project being dedicated for street rights of way, with 16.3% being utilized for open space. The project proposes single-family detached, single-family

attached and multi-family dwellings in the area east of Cloverhill Boulevard. Townhomes are proposed in the rear area, adjacent to Reynard Run. Single-family attached and/or Single-family detached is proposed for the rear of the property in the vicinity of Spring Lake. Single-family lots are proposed to be 50' X 90' (4, 500 sq. ft.) and Townhouse lots are proposed to be 20' X 85' (1,700 sq. ft.). Commercial development is proposed along Forest Road (Route 221) on the north and south sides. The proposal includes the construction of public and private streets with sidewalks, street lights, and street trees, improvements to Route 221 and the completion of a frontage road (Crossings Centre Drive). The development of open space and pocket parks is spread throughout the development. The development will have architectural guidelines, unified signage, and extensive landscaping. The project proposes the use of 30-foot rights of way for public streets. If approved, this would be a waiver of Section 6.8 of the subdivision ordinance.

Mr. Thompson then reviewed various aspects of the request in relation to the surrounding area and explained the potential impacts on the environment, transportation, utilities and public facilities, as well as aesthetic and visual impacts.

Mr. Thompson stated the applicant has submitted the following proffers:

1. Jefferson Parc Associates (JPA) agrees to fund and construct one traffic signal at a location agreeable to JPA, VDOT and Bedford County.
2. JPA agrees to fund and construct Crossings Centre Drive from Vista Centre Drive to Reynard Run to be used as a frontage road to State Route 221.
3. JPA agrees to fund and construct additional water and sewer utilities to serve this development.
4. Jefferson Parc Associates agrees to fund and construct over two miles of hiking and walking trails utilizing existing sidewalks and new mulched walking trails and sidewalks.
5. JPA agrees to install a silt fence per attached Forest Lakes requirements in those portions of Residential Area Three that front Spring Lake.
6. JPA agrees to install turbidity curtain in Spring Lake to minimize impact to Spring Lake during construction of Residential Area Three.
7. JPA agrees to construct Residential Area Three in a minimum of two phases at the end of the residential construction phase of this development.
8. JPA agrees to install VDOT approved traffic calming devices on Jefferson Drive West.
9. JPA agrees to install a 25' landscape buffer along the FLPOA property line as shown in the attached drawing to be used as a buffer and access easement by FLPOA for future cleaning of forebays in Spring Lake.
10. JPA agrees to relocate five lots in Residential Area Three to other portions of the property outside of Residential Area Three and provide for additional open space in this area as shown on the attached plan.
11. JPA agrees to develop and incorporate a Commercial Property Owners Association Agreement applicable to all Commercial Properties referenced in this PD-1 rezoning request.

Mr. Thompson stated the Planning Commission held a public hearing on this application on November 7, 2005. Two citizens spoke on the application and raised several concerns. The Planning Commission voted 6-0 to recommend approval of the rezoning application with the proffers submitted by the applicant.

After Mr. Thompson answered a few questions from members of the Board, Mr. David St. John, the landowner, addressed the Board. Mr. St. John briefly reviewed the history of this project and how the current plan was developed. He stated that the developer has worked very hard to address the environmental concerns that have been raised by citizens. Mr. St. John said two storm water ponds were already in place, and another pond will be located nearby to ensure almost all the runoff from the site is captured. The developer is also proposing three silt fences to protect Spring Lake. Mr. St. John stated that when the project is complete they will have donated 18,000 feet of waterline, 19,000 feet of sewer line and over 10 acres of roads and right-of-ways to the County. Mr. St. John also reviewed what he believed would be the financial advantages for the County in this development.

The public hearing was opened. The following people were registered to speak against this project: Edward Coffey, Darla Miller (who noted that she is neither for or nor against this project; rather, she is concerned about the future impact on the schools in Forest) and Pete Smith, who was concerned with how certain smaller lots of this development would affect the property value of his own home. There being no one else desiring to speak, the public hearing was closed.

Chairman Cheek invited Mr. St. John to respond to the public comments. Mr. St. John stated that, after careful consideration, he and the developer do not feel this project will negatively impact local schools. He also does not feel that the size of the lots will negatively impact property values, and pointed out that these lots did not sell until their overall size had been reduced.

Mr. Dan Reber, Jefferson Parc Associates, then addressed the Board and stated the he does not own Spring Lake, the damn, or the land leading down to the lake. He said that while there is concern about build out with regard to schools, citizens should understand that he cannot build anymore houses down toward the water. He stated he is giving the County the only parallel road (that he knows of) to Route 221.

John Shaner, citizen, was allowed by the Chairman to ask the developer what would happen to the cul-de-sac if the new road goes through it, and asked if it would change his property line. Mr. St. John said the property line would not change. Mr. Reber also stated that the road is owned and maintained by VDOT. Mr. Thompson stated that VDOT would determine whether a new road would be pushed through the cul-de-sac, but he believes it will remain a cul-de-sac.

Again, the public hearing was closed, and the Chairman called for comments from the Board.

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 Zoning Ordinance, Supervisor Bashore made a motion to amend and readopt the Bedford County Zoning Ordinance by changing the zoning district designation of several properties from PCD, Planned Commercial Development, and C-1, Office, to PD-1, Planned Development, with proffers, as indicated on the attached ordinance.

Mr. Arrington and Dr. Bashore stated that they believe this was a quality development, and that the County could certainly do a lot worse. Mrs. Guzi briefly reviewed the control advantages (for the Board) of the various zoning districts.

Mr. Wheeler said all growth, no matter how well planned, will eventually create an infrastructure problem; however, he believes this is a good development with benefits for the County.

Mr. Cheek stated he is concerned with more development and the impact on the schools.

After a few more brief comments from the Board, the following vote was taken:

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

Voting no: Mr. Cheek

Motion Passed.

(5g) Carl Boggess, County Attorney, appeared before the Board with an ordinance to amend Chapter 17 "Taxation". Due to modifications in 2004 in the Personal Property Tax Relief Act of 1998, Mr. Boggess stated this is a required ordinance in order to establish the computation and allocation of relief provided pursuant to the PPTRA. Mr. Boggess stated vehicles valued under \$1,000.00 would be exempt from this ordinance. He also stated that the County would be allowed to collect 100% of delinquent taxes owed in 2006.

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

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-05 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS, these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PRT") on such vehicles, and provide the opportunity for the County to fashion a program of tax relief that serves the best interests of its citizenry.

NOW THEREFORE BE IT ORDAINED by the Bedford County Board of Supervisors as follows:

§1. Purpose: Definitions; Relation to other Ordinances.

- (a) The purpose of this Ordinance is to provide for the implementation of the changes to PPTRA effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.
- (b) Terms used in this Ordinance that have defined meanings set forth in PPTRA shall have the same meanings as set forth in Va. Code §58.1-3523, as amended.
- (c) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of the County, this Ordinance shall control.

§ 2. Method of Computing and Reflecting Tax Relief.

- (a) For tax years commencing in 2006, the County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.
- (b) The Board shall as part of the annual budget by resolution set the percentage of tax relief at such level that it is anticipated to fully exhaust PPTRA relief funds provided to the County by the Commonwealth. Any amount of PPTRA relief not used within the County's fiscal year shall be carried forward and used to increase the funds available for personal property tax relief in the following fiscal year. The Board shall, as part of the annual budget adopted pursuant to Chapter 25 of Title 15.2 of the Code, set the rate of tax relief at such a level that it is anticipated fully to exhaust PPTRA relief funds provided to the County by the Commonwealth. Any amount of PPTRA relief not used within the County's fiscal year shall be carried forward and used to increase the funds available for personal property tax relief in the following fiscal year.
- (c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

§ 3. Allocation of Relief among Taxpayers.

- (a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the County's annual budget relating to PPTRA relief.
- (b) Relief shall be allocated in such manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less.
- (c) Relief with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a rate, annually fixed in the County budget and applied to the first \$20,000 in value of each such qualifying vehicle that is

estimated fully to use all available state PPTRA relief. The rate shall be established annually as a part of the adopted budget for the County.

§ 4. Transitional Provisions.

- (a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the County Treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.
- (b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in §17-4.1 from the original due date of the tax.

Effective Date.

This ordinance is effective as of 1 January 2006.

Supervisor Arrington made a motion to amend Chapter 17 "Taxation" to add Section 17-5 "Personal Property Tax Relief Act".

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

Voting no: None

Motion Passed.

(5h) Carl Boggess, County Attorney, appeared before the Board with an ordinance revision to Chapter 11 "Motor Vehicles and Traffic, Article II "Vehicle License". Mr. Boggess stated the revision would change the license fee for a trailer weighing less than one-half ton from \$10.00 to \$8.00, and the license fee for a trailer weighing more than one-half ton from \$20.00 to \$18.50 to comply with the State's registration fee.

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

ARTICLE II.

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.

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 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.

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.

Sec. 11-22. License required.

(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.

Sec. 11-23. Exemptions.

(a) 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

(b) 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

(c) 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 (c)(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;

(d) 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;

(e) 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

(f) 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.

Sec. 11-24. 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.

Sec. 11-25. 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.

Sec. 11-26. Vehicle license fee imposed.

(a) On each and every motor vehicle there shall be an annual license fee of twenty-five dollars (\$25.00).

(b) On each and every trailer and semitrailer, there shall be an annual license fee of :

(1) one-half ton or less \$8.00

(2) more than one-half ton \$18.50

(c) On each and every motorcycle or motor scooter, there shall be an annual license fee of ten dollars (\$10.00).

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

Sec. 11-27. 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.

Sec. 11-28. 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.

Sec. 11-29. 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.

Sec. 11-30. 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. 11-31. 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.

Sec. 11-32. 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.

Sec. 11-33. 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.

Sec. 11-34. 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.

Sec. 11-35. 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 shall make immediate application for and obtain a duplicate or substitute upon furnishing information of such fact satisfactory to the issuing office and upon payment of one dollar (1.00).

Sec. 11-36. 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.

Supervisor Bashore made a motion to amend Chapter 11 “Motor Vehicles and Traffic” Article II “Vehicle License”.

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

Voting no: None

Motion Passed.

(6) ACTION ITEMS

(6a) Jack Jones, Chief of Fire and Rescue, appeared before the Board to request authorization to hire a Volunteer Recruitment / Retention and Marketing Specialist. This position would require the Board to amend the County Pay and Classification Plan and to transfer \$13,000.00 from the Contingency Fund to be combined with the available funds (\$7,000.00) within the Department of Fire and Rescue to meet the salary and benefits for the remainder of 2005-2006 fiscal year. Chief Jones outlined the duties of this position, as well as the need in the fire and rescue community for an employee operating in this capacity. Chief Jones reiterated that the Master Study also supports this position based on volunteer member’s needs and requests. Due to a vacancy left within the Department of Fire and Rescue there are some funds available to support the position for the remaining FY 2005-2006 budget.

Dr. Bashore made a motion to extend the meeting to complete the agenda.

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

Voting no: None

Motion Passed.

Both Captain Eddie Witt and Captain John Singer appeared before the Board to voice their support for this position, and gave examples of recent situations that illustrated the need for recruitment of more volunteers for Fire and Rescue.

Supervisor Bashore made a motion to direct the Department of Fire and Rescue to hire a Volunteer Recruitment / Retention & Marketing Specialist and to amend the County Pay and Classification Plan, and to transfer \$13,000.00 from the Contingency Fund to be combined with the available funds (\$7,000.00) within the Department of Fire and Rescue to meet the salary and benefits for the remainder of 2005-2006 fiscal year.

Mr. Wheeler requested that the person in this new position regularly appear before the Board with updates regarding their work within the Fire and Rescue Department.

Mr. Arrington stated he would like to hear the opinion of the current volunteers regarding this position. Chief Jones replied that their input was solicited as part of the Master Study, and while it is never possible to get a full consensus, this is what would benefit the majority of members.

Mr. Lowry asked who this position would report to; Chief Jones replied that this position reports directly to himself as Chief. Mrs. Guzi also clarified for the Board the chain of command regarding this position.

Mr. Neudorfer asked if any steps had been taken to standardize the application process for volunteers. Chief Jones said steps had already been taken in that direction.

Mr. Arrington asked if the "left over funds" for this position were from Capt. Shrader's former position. Mrs. Guzi responded that they were. Mr. Arrington asked if this new position would require the purchase of a new vehicle; Mrs. Guzi replied that this position may from time-to-time require the use of a pool vehicle.

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

Voting no: None

Motion Passed.

(6b) Jack Jones, Chief of Fire and Rescue, appeared before the Board with a request to purchase one triple combination Pumper Fire Engine for the Montvale Fire Company. Chief Jones stated this purchase is part of the ongoing vehicle replacement program as budgeted in the CIP. He stated the Montvale Department's vehicle was used when they purchased it, and is now quite old. He said the new truck will meet the needs of the community and comply with national standards. If the purchase is approved, the apparatus should be received in Bedford County during late summer 2006.

There followed a brief discussion between Mrs. Guzi, Chief Jones and members of the Board.

Supervisor Pollard made a motion authorizing the Department of Fire and Rescue to purchase (1) 2005/2006 triple combination Pumper Fire Engine to be assigned to Montvale Fire Company.

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

Voting no: None

Motion Passed.

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

Mr. Pollard stated that over the past few months he has had a lot of pressure put on him by different people pertaining to the Big Otter Mill. He stated that back in 2000 or 2001 the Mill was donated to the County and the Mill Committee was supposed to determine what was to be done with the Mill. Although a Charter was approved in 2002, there have never been any meetings. Mr. Pollard stated it is time to get that committee together and make some decisions.

Dr. Bashore stated that he thought there had been an offer to purchase the Mill and some discussion to put out an RFP to sell the property.

Attorney Boggess confirmed that this had been discussed in closed session, but no action had been taken.

Supervisor Pollard stated it was his impression that the mill had been donated with the intention it not be sold. Mr. Boggess stated that he would forward suggestions to the Buildings and Grounds Committee, as well as the Board Chairman.

Supervisor Pollard stated he would like the Committee members to be contacted to see if they can be called to meet on this issue. Mr. Lowry requested a copy of the Committee's Bylaws.

Mrs. Guzi stated Attorney Boggess will get copies of the Charter and Bylaws for this Committee to the Building and Grounds Committee for their input and advice.

Dr. Bashore noted that Nanci Drake, Director of Tourism, had been featured in Virginia View magazine. He asked if the monetary increases mentioned in the article were due in part to more visitors; Mrs. Guzi responded that they were.

(7a) The Board was given a copy of the Bedford County Library System Board of Directors Meeting minutes from October 11, 2005.

(7b) The Board was given a copy of the Bedford County Planning Commission's Meeting Minutes from October 17, 2005.

(7c) The Board was given a copy of the Bedford County Department of Fire and Rescue (Fire Division, Fire Commission) Meeting Minutes from October 18, 2005.

(7d) The Board was given a copy of the Fire and Rescue Committee Meeting Minutes from November 3, 2005.

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

(9a) Closed Session

Attorney Boggess requested the Board postpone the closed session regarding his review until the next meeting, due to the lateness of the hour. The Board consented.

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

- Information Item – The Board was given a copy of the Permits Issued in October 2005

(11) PENDING MATTERS

- **Mission Statement**
-

(12) UPCOMING MEETINGS

- **December 1, 2005 – 4th Quarterly Joint Meeting with the School Board at BSTC**
- **December 7, 2005 – CIP Work Session**
- **December 12, 2005 – Regular Meeting**

Supervisor Bashore made the motion to adjourn the meeting.

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

Voting no: None

Motion Passed.

Chairman Cheek adjourned the meeting at 11:07 p.m.

Chairman
