



## MINUTES

### BEDFORD COUNTY BOARD OF SUPERVISORS

BEDFORD COUNTY ADMINISTRATION BUILDING

JULY 9, 2018

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**7:00 P.M. REGULAR MEETING**

- (1) Call to Order & Welcome**
- (2) Moment of Silence**
- (3) Pledge of Allegiance**
- (4) Approval of Agenda**
- (5) Citizen Comments (15 Minutes)**
- (6) Consent Agenda**
  - a. Consideration of a request from the Sheriff's Office to accept the State Internet Crimes Against Children Award in the amount of \$1,250,000.00; and for a Supplemental Appropriation in the amount of \$250,000.00. (*Resolution #R070918-01*)
  - b. Consideration of a resolution appropriating FY2018 Miscellaneous Receipts. (*Resolution #R 070918-02*)
  - c. Consideration of a resolutions authorizing the transfer of funds from Contingency for the repair of the elevator located at the Bedford Museum. (*Resolution #R 070918-03*)
  - d. Consideration of a resolution authorizing the issuance of an invitation to bid for a replacement roof for the northern portion of the Courthouse. (*Resolution #R 070918-04*)
- (7) Approval of Minutes – May 29 and June 25, 2018**
- (8) Public Hearings & Presentations – none**

**(9) Action & Discussion Items**

- a. Consideration of a resolution appropriating funds for Fiscal Year 2017-18 budget adjustments. (*Resolution #R 070918-05*)
  - *Staff Presentation by Fiscal Management Director Susan Crawford*
- b. Consideration of a resolution amending the Bedford County Personnel Policy Manual. (*Resolution #R 070918-07*)
  - *Staff Presentation by County Administrator Carl Boggess*
- c. Consideration of a resolution to award the contract for executive search services (documentation will be distributed following the closed session). (*Resolution #R 070918-06*)
  - *Staff Presentation by County Administrator Carl Boggess*

**(10) Board Committee Reports - none**

**(11) Board Member Comments**

**(12) Board Appointments - none**

**(13) County Attorney Report**

**(14) County Administrator Report**

- a. **Closed Session: §2.2-3711 (A) (1)** as to the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; specifically related to the County Administrator position; **§2.2-3711 (A) (3)** Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically, the former Body Camp School property; and **§2.2-3711 (A) (7)** Consultation with legal counsel and briefings by staff members or consultants 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. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter; specifically, to give status updates on the "Craig vs County" and "TEVA vs County" lawsuits.

**(15) Board Information**

- a. Tri-County Lakes Administrative Commission meeting minutes from February 13, 2018.
- b. Department of Social Services Board meeting minutes from April 20 and May 18, 2018.
- c. Bedford Regional Water Authority Board of Directors meeting minutes from May 15, 2018

**(16) Board Calendar and Reminders**

- July 23<sup>rd</sup> – Regular Meeting at 7:00 pm
- August 13<sup>th</sup> – Regular Meeting at 7:00 pm (Work Session in the new large conference room – 5:00 to 6:30pm)

**Adjournment of the Board of Supervisors**

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**BROADBAND AUTHORITY MEETING**

- (1) Call to Order**
- (2) Approval of Agenda**
- (3) Action Item** - Consideration of a resolution authorizing the acquisition of the Montvale Tower from Mid-Atlantic Broadband Communities Corporation.  
(*Resolution #R 070918-01BA*)
  - *Staff Presentation by County Administrator Carl Boggess*

**Adjourn the Broadband Authority**

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**7:00 P.M. – Regular Meeting**

**Board of Supervisors:** Bill Thomasson, Chairman, District 1; Tommy Scott, Vice-Chairman, District 5; Edgar Tuck, District 2; Charla Bansley, District 3; John Sharp, District 4; and Andy Dooley, District 6

**Absent:** Kevin Willis, District 7

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**Staff:** County Administrator Carl Boggess, County Attorney Patrick Skelley, Fiscal Management Director Susan Crawford, Public Works Director Sheldon Cash, General Properties Manager Stephen Shrader, and Executive Assistant Brigitte Luckett

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- (1)** Chairman Thomasson called the meeting to order and welcomed those in attendance.
  - (2)** Chairman Thomasson asked the room to observe a moment of silence.
  - (3)** Chairman Thomasson led the room in the pledge of allegiance.
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**(4) Approval of Agenda**

**Supervisor Bansley made a motion to approve the agenda.**

**Voting yes: Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Sharp, Mr. Scott, and  
Mr. Dooley**

**Voting no: None**

**Absent: Mr. Willis**

**Motion passed.**

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**(5) Citizen Comments**

- *none*

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**(6) Consent Agenda**

County Administrator Carl Boggess reviewed the items on the consent agenda as follows:

- a.** Consideration of a request from the Sheriff's Office to accept the State Internet Crimes Against Children Award in the amount of \$1,250,000.00; and for a Supplemental Appropriation in the amount of \$250,000.00. (*Resolution #R070918-01*)
- b.** Consideration of a resolution appropriating FY2018 Miscellaneous Receipts. (*Resolution #R 070918-02*)
- c.** Consideration of a resolutions authorizing the transfer of funds from Contingency for the repair of the elevator located at the Bedford Museum. (*Resolution #R 070918-03*)
- d.** Consideration of a resolution authorizing the issuance of an invitation to bid for a replacement roof for the northern portion of the Courthouse. (*Resolution #R 070918-04*)

Mr. Boggess, Mr. Cash, and Ms. Crawford answered minor clarifying questions from the Board regarding the consent agenda.

**Supervisor Tuck made a motion to approve the consent agenda as presented.**

**Voting yes: Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Sharp, Mr. Scott, and  
Mr. Dooley**

**Voting no: None**

**Absent: Mr. Willis**

**Motion passed.**

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**(7) Approval of Minutes**

Supervisor Dooley corrected the spelling of Mr. Ashwell's surname on line #115 in the June 25<sup>th</sup> minutes.

**Supervisor Dooley made a motion to approve the minutes of May 29, 2018 as presented.**

**Voting yes: Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Scott, and Mr. Dooley**

**Voting no:** None  
**Absent:** Mr. Willis  
**Abstained:** Mr. Sharp  
**Motion passed.**

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**Supervisor Dooley made a motion to approve the minutes of June 25, 2018 as amended.**

**Voting yes:** Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Sharp, Mr. Scott, and  
**Mr. Dooley**

**Voting no:** None

**Absent:** Mr. Willis

**Motion passed.**

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**(8) Public Hearings & Presentations - none**

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**(9) Action & Discussion Items**

**(9a)** Fiscal Management Director Susan Crawford addressed the Board with a resolution appropriating funds for Fiscal Year 2017-18 budget adjustments. Ms. Crawford reviewed the adjustments with the Board, the details for which are given in the resolution below.

**Supervisor Tuck made a motion to approve Resolution #R 070918-05.**

**WHEREAS,** staff has reviewed the year end balances for departments within the General Fund and has made recommendations concerning budget deficits; and

**WHEREAS,** the Board of Supervisors has reviewed the recommendations; now therefore

**BE IT RESOLVED,** that the Bedford County Board of Supervisors authorizes the supplemental appropriation and transfer of funds for year-end budget adjustments as follows:

<b>From</b>	<b>To</b>	<b>Amount</b>
5311 Welfare Administration	1221 County Attorney	\$9,500
2210 Commonwealth Attorney	2211 V-Stop Paralegal	675
8141 Board of Zoning Appeals	8142 Board of Building Appeals	50
Supplemental	8150 Emergency	140,000
Contingency Fund Xfer	1110 Board of Supervisors	5,000
Contingency Fund Xfer	9901 Debt Service	25
	<b>TOTAL</b>	<b>\$ 155,250</b>

**Voting yes:** Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Sharp, Mr. Scott, and  
**Mr. Dooley**

**Voting no:** None

**Absent:** Mr. Willis

**Motion passed.**

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**(9b)** County Administrator Carl Boggess addressed the Board with a resolution amending the Bedford County Personnel Policy Manual. Mr. Boggess stated that he has observed some employees abusing the car use policy; this modification would allow the County to put GPS tracking devices on vehicles that are suspected of misuse. He then answered minor clarifying questions from the Board regarding this request.

**Supervisor Sharp made a motion to approve Resolution #R 070918-07.**

**WHEREAS**, it has been the stated policy of the Board of Supervisors that the use of County Vehicles, outside of public safety vehicles, shall be limited to county purposes and use during business hours and that only personnel that are on call are authorized to drive a county vehicle outside of business hours; and

**WHEREAS**, County Administration and the Director of Human Resources have met with several directors and personnel as to abuses of this policy; and

**WHEREAS**, in order to enforce this policy, staff is recommending an amendment to the personnel policy to give staff the right to monitor the usage of county owned vehicles, including the use of GPS tracking devices.

**NOW, THEREFORE, BE IT RESOLVED**, by the Bedford County Board of Supervisors that the Board does hereby authorize the amendment of the County's Personnel Policy specifically section 6-9 of the policy, the revised section to read as follows:

**CHAPTER 6**

**EMPLOYEE RESPONSIBILITIES**

**6-9 County Owned Vehicles**

County employees are responsible for the proper use and maintenance of County owned vehicles used in their work. Any defects noted by the employee should be reported to the immediate supervisor as soon as possible. County owned vehicles will be parked at the Central Garage vehicles and are to be used for County business only. Persons who are not employees of the County are not authorized to ride in these vehicles unless prior permission is received from the County Administrator.

**The County reserves the right to monitor the usage and location of County owned vehicles, including the use of GPS tracking devices.**

**Voting yes: Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Sharp, Mr. Scott, and Mr. Dooley**

**Voting no: None**

**Absent: Mr. Willis**

**Motion passed.**

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**(9c)** County Administrator Carl Boggess stated that the contract award for executive search services will be voted on following the closed session.

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**(10) Board Committee Reports - none**

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**(11) Board Member Comments**

Supervisor Bansley stated that while she agrees Forest Middle School needs expansion, there are many other building that need renovation (especially those schools that currently have classrooms in trailers). She asked that the Board be given a chance to discuss the Forest Middle project with the School Board before any further action is taken by the School Division.

Mr. Boggess stated that the School Board has hired an architect and design workshops regarding Forest Middle are scheduled for August 9<sup>th</sup> and 16<sup>th</sup>. He said he has asked the School Board to meet with the Board of Supervisors at the Supervisors' work session on September 10<sup>th</sup>. Mr. Boggess noted that he would forward the email he'd received from Dr. Schuch regarding the design workshops to the Board. He said there would also be an update on the Tourism re-branding project at the work session.

Supervisor Dooley asked if there have been any updates from VDOT regarding the storm damage on Pike Road. Mr. Boggess said he has not heard anything, but he will contact them for information. He noted that VDOT representatives will also be at the September 10<sup>th</sup> work session to give an update on road projects and issues.

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**(12) Board Appointments - none**

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**(13) County Attorney Report - nothing to report, except for what was scheduled to be discussed in closed session.**

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**(14) County Administrator Report**

**Supervisor Bansley made a motion to go into Closed Session regarding:**

**§2.2-3711 (A) (1)** as to the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; specifically related to the County Administrator position;

**§2.2-3711 (A) (3)** Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically, the former Body Camp School property; and

**§2.2-3711 (A) (7)** Consultation with legal counsel and briefings by staff members or consultants 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. For the purposes of this subdivision,

"probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter; specifically, to give status updates on the "Craig versus County" and "TEVA versus County" lawsuits.

**Voting yes: Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Sharp, Mr. Scott, and Mr. Dooley**

**Voting no: None**

**Absent: Mr. Willis**

**Motion passed.**

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**Supervisor Dooley made a motion to go back into regular session.**

**Voting yes: Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Sharp, Mr. Scott, and Mr. Dooley**

**Voting no: None**

**Absent: Mr. Willis**

**Motion passed.**

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**WHEREAS**, the Bedford County Board of Supervisors has convened a Closed Meeting, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, §2.2-3712 of the Code of Virginia requires a certification by the Bedford County Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law.

**NOW, THEREFORE BE IT RESOLVED**, that the Bedford County Board of Supervisors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the Bedford County Board of Supervisors.

**MEMBERS:**

**VOTE:**

Bill Thomasson, Chairman

Yes

Tommy Scott, Vice-Chairman

Yes

Charla Bansley

Yes

Edgar Tuck

Yes

John Sharp

Yes

Andy Dooley

Yes



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**Supervisor Tuck made a motion to award the executive search contract to Novak Consulting Group, Inc., and to allow the County Administrator to execute the contract.**

WHEREAS, on the 4<sup>th</sup> day of June 2018, the County of Bedford issued a Request for Proposal for Executive Recruitment Services; and

WHEREAS, the County received seven responses to the proposal on or before the 2<sup>nd</sup> day of July 2018 at 2:00 p.m. EST; and

WHEREAS, the Board has carefully considered the responses in accordance with the Evaluation Criteria set forth in the Request for Proposals; and

WHEREAS, in accordance with the Evaluation Criteria, it is the finding of the Board of Supervisors that one company is more highly qualified than the others.

**NOW, THEREFORE BE IT RESOLVED**, that the Bedford County Board of Supervisors authorizes the County Administrator, as the Board's agent, to negotiate the price for the services and to enter into a contract with Novak Consulting Group, Inc. to provide executive recruitment services to assist the Board in the selection of a new County Administrator.

**Voting yes: Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Sharp, Mr. Scott, and Mr. Dooley**

**Voting no: None**

**Absent: Mr. Willis**

**Motion passed.**

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**(15) Board Information**

**(15a)** The Board was given a copy of the Tri-County Lakes Administrative Commission meeting minutes from February 13, 2018 for review.

**(15b)** The Board was given a copy of the Department of Social Services Board meeting minutes from April 20 and May 18, 2018 for review.

**(15c)** The Board was given a copy of the Bedford Regional Water Authority Board of Directors meeting minutes from May 15, 2018 for review.

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**(16) Board Calendar & Reminders**

Mr. Boggess noted the following upcoming meetings on the Board's calendar: July 23<sup>rd</sup> – Regular Meeting at 7:00 pm; and August 13<sup>th</sup> – Regular Meeting at 7:00 pm (Work Session – 5:00 to 6:30pm)

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**(17) Adjourn**

**Supervisor Sharp made a motion to adjourn the Board of Supervisors meeting at 8:10 pm.**

**Voting yes: Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Sharp, Mr. Scott, and Mr. Dooley**  
**Voting no: None**  
**Absent: Mr. Willis**  
**Motion passed.**

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**BROADBAND AUTHORITY MEETING**

Chairman Thomasson called the Broadband Authority meeting to order.

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Mr. Boggess addressed the Authority with a resolution authorizing the acquisition of the Montvale Tower from Mid-Atlantic Broadband Communities Corporation for \$150,000.00. He stated that Mid-Atlantic will use these funds to be pay back the Tobacco Commission for the grant that was used for the construction of this tower. (He noted that the price the County is paying had been reduced through depreciation to \$150,000.00.)

**Supervisor Dooley made a motion to approve Resolution #R 070918-01BA.**

**WHEREAS**, the Bedford County Broadband Authority entered into a Memorandum of Understanding with Mid-Atlantic Broadband Communities Corporation in November of 2015 for the construction of a broadband tower in Montvale; and

**WHEREAS**, as owner of the Montvale Tower, Mid-Atlantic entered into a lease with SCS Broadband for providing wireless internet service to the Montvale Community; and

**WHEREAS**, Mid-Atlantic has dissolved its tower division and is seeking to divest itself of its tower assets; and

**WHEREAS**, the majority of the funds that Mid-Atlantic used to construct the Montvale Tower was in the form of a grant from the Virginia Tobacco Region Revitalization Commission, which must be repaid upon the sale of its assets; and

**WHEREAS**, the Executive Director for the Tobacco Commission has stated that the Commission will accept the re-payment of its grant funds from Bedford County in the amount of \$150,000.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Directors of the Bedford County Broadband Authority, that the Authority authorizes the purchase of the Montvale Tower from Mid-Atlantic Broadband Communities Corporation for the sum of \$150,000 under the express condition of re-paying this sum to the Virginia Tobacco Region Revitalization Commission. The County Administrator, with the assistance of the County Attorney is authorized to prepare the necessary closing documents for the tower, including an assignment of the current lease between Mid-Atlantic Broadband and SCS Broadband.

**Voting yes: Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Scott, and Mr. Dooley**  
**Voting no: Mr. Sharp**  
**Absent: Mr. Willis**

**Motion passed.**

In response to a question from Supervisor Dooley, Mr. Boggess noted that he will review the lease to be sure it allows other providers on the tower.

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**Vice-Chairman Scott made a motion to adjourn the Broadband Authority meeting at 8:18 pm.**

**Voting yes: Mr. Thomasson, Mr. Tuck, Mrs. Bansley, Mr. Sharp, Mr. Scott, and Mr. Dooley**

**Voting no: None**

**Absent: Mr. Willis**

**Motion passed.**