



MINUTES
BEDFORD COUNTY BOARD OF SUPERVISORS
BEDFORD COUNTY ADMINISTRATION BUILDING
NOVEMBER 26, 2018

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 resolution from the ICAC program (Internet Crimes Against Children) authorizing the acceptance of the Office of Juvenile Justice and Delinquency Prevention grant in the amount of \$429,604.00; and an appropriation in the amount of \$322,203. (*Resolution #R 112618-01*)
 - b. Consideration of a resolution authorizing the acceptance of grant funding from the Virginia Department of Social Services for a regional Kinship Care Program; and for an appropriation in the amount of \$30,666.00. (*Resolution #R 112618-02*)
 - c. Consideration of a resolution from the Commissioner of the Revenue's office requesting a tax refund for a disabled veteran. (*Resolution #R 112618-11*)
 - d. Consideration of a resolution from VDOT requesting the addition and abandonment of various portions of Goode Station Road and Goode Road. (*Resolution #R 112618-12*)

- e. Consideration of a resolution from VDOT requesting the addition of Landfall Section II to the Secondary System of State Highways. (*Resolution #R 112618-13*)
- f. Consideration of a resolution from VDOT requesting the addition of Farmington at Forest subdivision to the Secondary System of State Highways. (*Resolution #R 112618-14*)
- g. Consideration of resolution authorizing the advertisement of a Request for Proposals for Solid Waste Consulting Services. (*Resolution #R 112618-15*)

(7) Approval of Minutes – September 24, October 9, and October 22, 2018

(8) Public Hearings & Presentations

- a. **Public Appearance** – Gary Christie, Executive Director of Region 2000, with his annual report, and a resolution requesting name amendments from regional organizations. (*Resolution #R 112618-10*)
- b. **Public Hearing** – Consideration of an ordinance to add Thomas Jefferson Crossings (tax map numbers 117-13-1 through 117-13-25 and 117-10-1 through 117-10-7), Wellington Court at Thomas Jefferson Crossing (tax map numbers 117-14-1 through 117-14-22) and Spring Creek (tax map numbers 117-23-1 through 117-23-18), as areas under Section 4-48 of the Bedford County Code where dogs shall not run at large. (*Ordinance #O 112618-04*)
 - *Staff Presentation by County Attorney Patrick Skelley*
- c. **Public Hearing** – Consideration of an ordinance to add Gilfield Subdivision (tax map numbers 81-8-1 through 81-11-13) as an area under Section 4-48 of the Bedford County Code where dogs shall not run at large (*Ordinance #O 112618-05*)
 - *Staff Presentation by County Attorney Patrick Skelley*

(9) Action & Discussion Items

- a. Consideration of a resolution authorizing the reclassification of Chief Deputy I to Chief Deputy III. (*Resolution #R 112618-16*)
 - *Staff Presentation by County Administrator Carl Boggess*
- b. Consideration of a resolution adopting the 2019 Legislative Priorities. (*Resolution #R 112618-03*)
 - *Staff Presentation by County Attorney Patrick Skelley*

(10) Board Committee Reports

- a. Town/County Committee meeting notes from October 22, 2018

(11) Board Member Comments

(12) Board Appointments

- a. Reminder – upcoming appointments and re-appointments (*no action needed at this time*)

(13) County Attorney Report

(14) County Administrator Report

(15) Board Information

- a. Bedford County Transportation Safety Commission meeting minutes from September 20, 2018
- b. Bedford Communication Center report for September and October 2018

(16) Board Calendar and Reminders

- December 10th - Regular Meeting at 7:00 pm (Work Session – 5:00 to 6:30 pm)
- January 14th - Regular Meeting at 7:00 pm (Work Session – 5:00 to 6:30 pm)

Adjourn

7:00 P.M. – Regular Meeting

Board of Supervisors: Tommy Scott, Vice-Chairman, District 5; Edgar Tuck, District 2; Charla Bansley, District 3; John Sharp, District 4; Andy Dooley, District 6; and Kevin Willis, District 7

Absent: Bill Thomasson, Chairman, District 1

Staff: County Administrator Carl Boggess, County Attorney Patrick Skelley, Registrar Barbara Gunter, and Executive Assistant Brigitte Lockett

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

(4) Approval of Agenda

Supervisor Sharp made a motion to approve the agenda.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

(5) Citizen Comments

- Bedford County Registrar Barbara Gunter addressed the Board to acknowledge the hard work of her staff, volunteers, and Electoral Board. Mrs. Gunter commented on the procedures necessary in planning for the elections, noting that there are over 56,000 registered voters in Bedford. She thanked the school liaisons, teachers, bus drivers, Fire & Rescue, the Sheriff's Department, the Maintenance Department, the Solid Waste Department, and the County staff that volunteer to serve as Officers of Election. She noted that it is a major production every time there is an election.
- Southside Electric Community Relations Coordinator Mark Thomas addressed the Board, noting they have more members in Bedford than in any of the other 17 counties they serve. He said they stand ready to work with Bedford County on any issues that they can. In response to a question from Mr. Boggess, Mr. Thomas said that Southside is not ready to venture into broadband.

(6) Consent Agenda

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

- a. Consideration of a resolution from the ICAC program (Internet Crimes Against Children) authorizing the acceptance of the Office of Juvenile Justice and Delinquency Prevention grant in the amount of \$429,604.00; and an appropriation in the amount of \$322,203. (*Resolution #R 112618-01*)
- b. Consideration of a resolution authorizing the acceptance of grant funding from the Virginia Department of Social Services for a regional Kinship Care Program; and for an appropriation in the amount of \$30,666.00. (*Resolution #R 112618-02*)
- c. Consideration of a resolution from the Commissioner of the Revenue's office requesting a tax refund for a disabled veteran. (*Resolution #R 112618-11*)
- d. Consideration of a resolution from VDOT requesting the addition and abandonment of various portions of Goode Station Road and Goode Road. (*Resolution #R 112618-12*)
- e. Consideration of a resolution from VDOT requesting the addition of Landfall Section II to the Secondary System of State Highways. (*Resolution #R 112618-13*)
- f. Consideration of a resolution from VDOT requesting the addition of Farmington at Forest subdivision to the Secondary System of State Highways. (*Resolution #R 112618-14*)
- g. Consideration of resolution authorizing the advertisement of a Request for Proposals for Solid Waste Consulting Services. (*Resolution #R 112618-15*)

Supervisor Dooley made a motion to approve the consent agenda.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

(7) Approval of Minutes

Supervisor Dooley made a motion to approve the minutes of September 24, October 9, and October 22, 2018 as presented.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

(8) Public Hearings & Presentations

(8a) Gary Christie and Ben Bowman from Region 2000 addressed the Board with their annual report and a resolution requesting name amendments for their regional organizations. Mr. Christie gave a brief explanation of why they are requesting their name change, noting that they are in the planning business with an eye towards assisting with economic development and communication. He then briefly reviewed some of Region 2000 accomplishments over the past year (the full annual report will be kept on file for public review in the County Administration building). He noted that they bring in \$27 for every \$1 paid in membership dues.

Mr. Ben Bowman then addressed the Board, noting that the State is going through a rebranding effort for the entire “Workforce” system; he then distributed a brochure with the new branding logo, et cetera, to the Board. He stated that there is also a new video clip that features the Bedford Library System, since job seekers can now job hunt through the libraries, and interviews have even been conducted at the libraries. Mr. Bowman noted there are a few events coming up for students that will showcase some of the careers available in the region.

Mr. Christie and Mr. Bowman then answered minor clarifying questions from the Board regarding the upcoming student events.

Supervisor Sharp made a motion to approve Resolution #R 112618-10.

WHEREAS, Bedford County is an active Party of Virginia’s Region 2000 Local Government Council; and

WHEREAS, Region 2000 desires to amend the names of four of their organizations to reflect those organizations evolving missions; and

WHEREAS, Region 2000 is proposing the following name changes:

- From “Region 2000 Planning District Commission” to “Central Virginia Planning District Commission”
- From “Region 2000 Workforce Development Council” to “Central Virginia Workforce Development Council”
- From “Region 2000 Workforce Development Board” to “Central Virginia Workforce Development Board”
- From “Region 2000 Radio Board” to “Central Virginia Radio Communications Board”

and;

WHEREAS, in all other respects, the aforesaid organizations shall continue in full force and effect until otherwise agreed to by the Parties or as required by law.

NOW, THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors hereby approves of the name changes for the above named organizations.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

(8b) County Attorney Patrick Skelley addressed the Board with an ordinance to add Thomas Jefferson Crossings (tax map numbers 117-13-1 through 117-13-25 and 117-10-1 through 117-10-7), Wellington Court at Thomas Jefferson Crossing (tax map numbers 117-14-1 through 117-14-22) and Spring Creek (tax map numbers 117-23-1 through 117-23-18), as areas under Section 4-48 of the Bedford County Code where dogs shall not run at large. Attorney Skelley stated the petitions came in meeting the threshold for 70% resident approval.

Supervisor Sharp said he had received inquiries from the public asking if the street names could be used instead of the tax map numbers for clarity. Attorney Skelley said both could be included, but he also noted that this ordinance includes the entire area – all streets in these subdivisions would be considered part of the ordinance.

In response to a question from Supervisor Bansley, Attorney Skelley said that “under your control” means the dog is on your property, even if the dog is not leashed. He said you are walking a fine line when you state that your dog is under your control but not on a leash when you walk your dog.

In response to a question from Vice-Chairman Scott, Attorney Skelley said that if a dog is picked up by Animal Control, they will attempt to contact the owner. If the owner cannot be located, it will be put up for adoption. He said there is a separate nuisance animal ordinance for other animal issues.

In response to a question from Supervisor Dooley, Attorney Skelley clarified there is no set time limit on how old the signatures on the petitions can be. He confirmed that a homeowner's association could also address these issues through their association rules.

The citizen comment portion of the public hearing was opened; the following citizens spoke against the ordinance: Donna Hensley, 1201 Jefferson Drive W., Forest; Tracy Marshall, 1099 Jefferson Drive West, Forest.

Reasons given for not wanting the ordinance passed included the fact that some people have changed their mind about signing the petition; people thought this was about stray dogs and would not include pets; a concern that the dogs will be put down if the owners can't be located; barking is not an issue in the neighborhood; some of the people who signed the petition have moved.

The following citizens spoke in favor of the ordinance: Gary Hostetler, 1155 Mont View Lane, Forest; Mary Shively, 1158 Jefferson Drive West, Forest

Reasons given for supporting the ordinance included the number of people that signed the petitions; that there are loose dogs that menace people who are walking their dogs; that people are not taking responsibility for controlling their dogs and numerous residents have been bitten; that there have been dogs getting into fights; that people can't work in or enjoy their yards in some areas due to aggressive dogs; that leash laws also provide safety for the dogs from traffic and dangerous interactions with other animals.

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

There followed a discussion among the members of the Board regarding this request; staff was asked to verify the petitions still amount to 70% of the residents now that some of the residents wish to remove their signatures. Attorney Skelley said a decision on this ordinance should be tabled until the next meeting to give staff time to check into the number of signatures.

Supervisor Dooley made a motion to table Ordinance #O 112618-04 until the December 10, 2018 meeting.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

(8c) County Attorney Patrick Skelley addressed the Board with an ordinance to add Gilfield Subdivision (tax map numbers 81-8-1 through 81-11-13) as an area under Section 4-48 of the Bedford County Code where dogs shall not run at large. Attorney Skelley said 72% of the property owners have signed the petition.

The citizen comment portion of the public hearing was opened.

Gilliam M. Cobbs, Developer, 2216 Dorchester Court, Lynchburg, said things have changed a lot in the area since he grew up in Gilfield. Mr. Cobbs said there is some danger in having dogs run loose – traffic poses a concern, as well as dogs who are not on leashes that may be overzealous in greeting people walking in the area with their dogs.

David Bell, 1115 Otelia Court, Gilfield Village, Forest, said many people are now walking dogs in the neighborhood who are under the impression that their dogs will follow voice commands; this is not the case and has sometimes resulted in dogs getting into fights. Mr. Bell said there have been complaints to their community group regarding some owners not keeping their dog on their property; last week someone was bitten. He noted that they have tried to contact the owners of certain dogs in their neighborhood without success, as they have been met with silence and/or a lack of action on the dog owners part.

Bob LeVeque, 1031 Garden Circle, Gilfield Village, Forest, stated that they are a very dog-friendly subdivision and dogs are welcomed as long as they are kept under control. He said this ordinance is the only option they have for dealing with this situation.

There being no one else desiring to speak, this portion of the public hearing was closed

Supervisor Sharp made a motion to approve Ordinance #O 112618-05.

WHEREAS, a request has been received from certain homeowners of Gilfield Subdivision to have the subdivision declared to be a “No Dogs Running at Large” area, and

WHEREAS, Gilfield Subdivision has met the requirements of Section 4-48 of the Bedford County Code and the Board’s procedures for the establishment of areas where dogs may not run at large,

NOW, THEREFORE, BE IT ORDAINED, that the Bedford County Board of Supervisors does hereby approve the request for the addition of Gilfield Subdivision (tax map numbers 81-8-1 through 81-11-13); specifically, Gilfield Drive, Otelia Court, Leveque Place, Howards Scenic Trail, Valter Court, Lauras Home Place, Irenes Petite Court, Greenway Trail, Halfmoon Court, Garden Circle and Smartview Lane as areas under Section 4-48 of the Bedford County Code where dogs shall not run at large.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

(9) Action & Discussion Items

(9a) Treasurer Kim Snow addressed the Board with a resolution authorizing the reclassification of Chief Deputy I to Chief Deputy III. Mrs. Snow stated this employee has been with the County for 23 years, and her position is critical to the Treasurer’s Office. She noted that the position reclassification has been approved by the State Compensation Board. Mr. Boggess added that 50% of this position is funded by the Compensation Board.

Supervisor Willis commented that he asked for raises earlier in the year during the budget process, and his suggestion was declined. Since that time, the Board has approved numerous requests like this since the new budget was adopted. He said this has allowed some employees to be given raises, while others receive nothing.

In response to a question from Supervisor Sharp, Mr. Boggess said the Personnel Committee did review this request; Supervisor Willis was in favor, while Chairman Thomasson was not. Supervisor Willis clarified that he will always be in favor of bringing these requests to the Board, so that the entire Board votes on the request and not just two members.

Supervisor Dooley said he is against this process as well, and this is just people getting around the system. That being said, he stated that he felt this employee deserved this reclassification and raise.

Supervisor Dooley made a motion to approve Resolution #R 112618-16.

WHEREAS, the current Chief Deputy I has been employed with Bedford County Treasurer's Office for almost 23 years and has been in this position for almost 6 years; and

WHEREAS, due to other reclassifications within the Office of the Treasurer, the fiscal impact to the County is minimal.

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that the Board does hereby authorize the re-classification of the Chief Deputy I to Chief Deputy III; with grade adjustment from grade 119 to grade 125. This reclassification is effective December 1, 2018.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

Vice-Chairman Scott commented that this process needs to be reviewed.

(9b) County Attorney Patrick Skelley addressed the Board with a resolution adopting the 2019 Legislative Priorities. Attorney Skelley noted that he had sent the draft to the Board several weeks ago, and asked if they had any other concerns or corrections.

Mr. Boggess clarified for Supervisor Sharp that the “concealed carry” issue was tied into the bigger issue of school public safety so that it would receive consideration.

Supervisor Sharp voiced his concerns with the internet sales tax; he said he is not comfortable creating another tax, especially with all the streaming services he uses. There followed a discussion between Mr. Boggess and the Board, with Supervisor Bansley clarifying that this would not apply to streaming services – this is a sales tax that is already being collected and we want the additional revenue to go to support our schools.

Supervisor Dooley made a motion to approve Resolution #R 112618-03.

WHEREAS, the Board of Supervisors of Bedford County, Virginia, has identified major legislative issues of statewide concern to be considered by the 2019 session of the Virginia General Assembly; and

WHEREAS, the Board adopts this resolution as its Legislative Program for the 2019 session of the Virginia General Assembly.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Bedford County, Virginia, that the following legislative initiatives are submitted for its legislative program for the 2019 session of the Virginia General Assembly for its favorable consideration and adoption.

1. Rural Broadband

- The County strongly supports efforts to expand broadband capabilities in underserved and rural areas to adequately serve unserved and underserved areas.
- Efforts to enhance the deployments of 5G technology must include expansion of high-speed service to rural areas.
- The County requests that the Commonwealth continue to increase grant funds available through the Department of Housing and Community Development and other avenues for aid to rural localities.
- The County strongly opposes any regulations that remove or unreasonably inhibit local control over the siting and construction of internet service facilities.

2. Local Retention of Revenue for Internet based services

The County requests that the Assembly's position on any Internet Sales Tax revenues allows for the greatest impact at the local level. The County supports the efforts of the General Assembly to pass legislation to assist localities in the state-wide upgrade of school facilities.

3. Transportation

The County continues to be concerned about funding for our public highways and roadways, and respectfully requests:

- That funding be restored for the Secondary Six-Year Plan to fill in the funding gap for general roadways to assist local governments in providing needed secondary roads.
- Support for a robust Revenue Sharing program with sufficient funding to encourage

localities to target and improve roadways.

- Completion of the Interstate 81 Corridor Improvement Plan which is determining potential revenue sources and is targeting improvements for Interstate 81.
- Opposing a pilot program for trucks over 90,000 pounds on I-81 so as to avoid additional truck traffic on an over-crowded interstate.

4. Education Funding

To assure each child in Virginia a quality education necessary for their success, the County calls upon the Governor and General Assembly to fully fund the Standards of Quality as recommended by the Board of Education and the Standards of Accreditation.

5. State and Local Fiscal Relationship

- Specific local revenue authority should not be upended or restricted without granting alternative revenue sources, including Machinery and Tool tax.
- The County requests that local governments be included in study commissions or other bodies formed to review local revenue authority or governance.
- The County opposes any additional unfunded mandates imposed upon localities.

6. Workforce Development

The County supports changes in curriculum and funding that will increase the number of students leaving the K-14 system with workforce ready credentials. The County supports incorporating career and technical education curriculum at the elementary school level. We support high school students earning academic credit for participating in an internship, apprenticeship, credential and other work programs. The County supports innovative models for schools to give academic credit for students that earn industry workforce skills through certifications, or licensure from an approved education or training provider. The County supports establishing partnerships to strengthen the school-to-workforce pipeline in a variety of ways including guaranteed employment opportunities with local businesses and learning opportunities shared between local community college and high school.

7. Opioids and Methamphetamine

The County supports all efforts, both state and federal, to support solutions to opioid and methamphetamine abuse facing our communities.

8. Children's Services Act

Propose legislation to allow the option of a public school special educational program established and funded jointly by a local governing body and school board for the purpose of providing special education, related services or both within a public day school. In the alternative, request that the Department of Education develop a pilot program in certain local

school divisions allowing a process for redirecting federal, state and local funds, including CSA funds for the purpose of providing services currently offered in a private day setting in the public school setting as an alternative.

9. School Public Safety

The County supports dedicated state funding to improve school security for both capital and operational costs including funding that would serve as an incentive for local school divisions to hire additional Resource Officers, School Protection Officers, or other security personnel and measures. The Board urges consideration by the General Assembly to allow, as an option of the local School Board, the carrying of concealed firearms on school property by specially-trained school personnel as a means of enhancing the safety and security of children and employees.

10. Advertising-Public Notices

The advent of social media and other electronic forms of communication has fundamentally reshaped the means for disseminating information to the public. The County supports legislation that would grant localities greater flexibility to meet certain legal notice requirements including the authority to advertise legal notices on local radio, television or on the locality's website, in lieu of the newspaper advertisement requirement.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.

(10) Board Committee Reports

(10a) The Board was given a copy of the Town/County Committee meeting notes from October 22, 2018 for review. Supervisor Dooley commented that they discussed the property on Bedford Avenue, which was leased to the County for recreational purposes for years. He said the School Board is currently using the building; he said that since the County already maintains the property and uses it for recreation purposes, it should be deeded to the County. He said the tennis courts could possibly be replaced with pickleball courts.

(11) Board Member Comments

(12) Board Appointments

(12a) County Administrator Carl Boggess reminded the Board there would be appointments needed for the Bedford Regional Water Authority, the Economic Development Authority, the Building Code Appeals Board, and the Economic Development Agricultural Advisory Board at their next meeting.

(13) County Attorney Report – *nothing to report*

(14) County Administrator Report

Mr. Boggess requested, and received, consensus to hold a public hearing at the next meeting with the Broadband Authority regarding the comprehensive agreement with Blue Ridge Tower. He said he would send the agreements to the Board ahead of the meeting for their review. In response to a question from Vice-Chairman Scott, he stated the Boonsboro tower would be located behind the fire & rescue station; Big Island's tower would be on land leased from Georgia-Pacific.

(15) Board Information

(15a) The Board was given a copy of the Bedford County Transportation Safety Commission meeting minutes from September 20, 2018 for review.

(15b) The Board was given a copy of the Bedford Communication Center report for September and October 2018 for review.

(16) Board Calendar & Reminders

Mr. Boggess noted the following upcoming meetings on the Board's calendar: December 10 – Regular Meeting at 7:00 (Work Session – 5:00 to 6:30 pm); January 14 – Regular Meeting at 7:00 pm (Work Session – 5:00 to 6:30 pm)

(17) Adjourn

Supervisor Dooley made a motion to adjourn the Board of Supervisors meeting at 8:37 pm.

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

Voting no: None

Absent: Mr. Thomasson

Motion passed.