



MINUTES
BEDFORD COUNTY BOARD OF SUPERVISORS
LIBERTY MIDDLE SCHOOL
APRIL 22, 2019

5:00 P.M. BUDGET WORK SESSION

- a. Discussion regarding Enterprise Funds (Nursing Home and Solid Waste), the budget in general, and the budget public hearing schedule

Adjourn the Work Session

6:00 P.M. VDOT PUBLIC HEARING ON THE SECONDARY SIX-YEAR PLAN

- *Presented by Mr. Todd Daniel, Salem Residency Administrator*

Adjourn the Public Hearing

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 Sheriff's Office for approval to submit a grant application for the Federal Forensic Capacity Hiring Program for Wounded Veterans. *(Resolution #R 042219-01)*
- b. Consideration of a request from the Solid Waste Department to advertise a Request for Proposals for Leachate Waste Water Hauling and Leachate System Maintenance Services. *(Resolution #R 042219-02)*
- c. Consideration of a request from the Information Technology Department to advertise a Request for Proposals for replacement of the Current Record

Management System and Computer Aided Dispatch System.
(Resolution #R 042219-05)

(7) Public Hearings & Presentations

- a. **Public Hearing** – Tax Rate Ordinance for Tax Year 2019
- b. **Public Hearing** – Consideration of an ordinance amending the Bedford County Zoning Ordinance specifically related to “Freestanding signage regulations by use”, “Location and design of fences”, “Construction standard”, “Required off-street parking”, “Permitted Use Table”, “Wireless Communication Facility”, “Multifamily dwelling”, and “Townhouses”. (Ordinance #O 042219-04)
 - Staff Presentation by Planner Jordan Mitchell

(8) Action & Discussion Items

- a. Consideration of a request to adopt the FY2019 Tax Rate Ordinance (Ordinance #O 042219-03)
 - Staff Presentation by County Administrator Robert Hiss

(9) Board Member Comments

(10) County Attorney Report

(11) County Administrator Report

(12) Board Calendar and Reminders

- May 13 – was originally scheduled as just a Budget Work Session (5:00 to 6:30 pm), but now a Regular Meeting is also needed at 7:00 pm (Authorization to advertise Public Hearing on Budget)
- May 21 – Will join the Planning Commission for their meeting at 7:00 pm
- May 28 (Tuesday) – Regular Meeting at 7:00 pm
- June 10 – Work Session (5:00 – 6:30 pm); Regular Meeting at 7:00 pm
- June 24 – Regular Meeting at 7:00 pm
- Please note:
 - VDOT will need a Work Session in **May** with the Board (approximately one hour long) to determine the Board’s road priorities. Does the Board want to add a work session on May 21st (will be followed by the joint meeting with the Planning Commission)

Adjourn

5:00 P.M. Work Session

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

Absent: Bill Thomasson, District 1

Staff: County Administrator Robert Hiss, County Attorney Patrick Skelley, Finance Director Susan Crawford, Public Works Director Sheldon Cash, Nursing Home Administrator Sue Ellen Clark, Economic Development Director Traci Blido, and Executive Assistant Brigitte Lockett

Chairman Scott called the work session to order and then turned the meeting over to County Administrator Robert Hiss. Mr. Hiss briefly reviewed the items on the work session agenda, and then turned the meeting over to Finance Director Susan Crawford and Nursing Home Administrator Sue Ellen Clark.

Ms. Crawford stated that the FY20 Nursing Home budget request is based on 97% occupancy, with a \$5 per month increase request (effective October 1, 2019). The occupancy split is estimated to be 73% Medicaid and 27% private pay. Significant changes in the Nursing Home request are mostly related to personnel, namely competitive wages and additional positions. Ms. Crawford noted we are using outside agencies to supplement the Nursing Home's staffing shortages.

Public Works Director Sheldon Cash addressed the parking lot issues at the Nursing Home, stating that due to the new parking lot at Falling Creek Center being taken over by Nursing Home staff as soon as it was completed, there is no additional parking for Falling Creek Center. Mr. Cash said it would be more appropriate for the recently paved lot to be part of the Nursing Home, and suggested that the \$190,000 in the budget for a new parking lot for the Nursing Home be used to build another new lot to the rear of Falling Creek Center. Mr. Cash then answered clarifying questions from the Board.

Nursing Home Administrator Sue Ellen Clark reviewed some of the maintenance and renovation projects that have been addressed over the past year at her facility, as well as community service projects, staff events, technology improvements, and personnel changes. Mrs. Clark then reviewed her proposed budget, noting changes to positions and new positions. She noted they are full with regard to occupancy, and there is a waiting list for residents to move in. She said she is currently utilizing contract employees to address staffing shortages, and noted there is a nation-wide nursing shortage. Mrs. Clark stated the Nursing Home is currently one of the least expensive in the market, which is why she is proposing a small increase in the daily rates. She touched on a few other revenue streams they have, such as renting out the therapy room to physical therapists, reimbursements for transports, and other extra services they offer to residents. Throughout her presentation, Mrs. Clark and Ms. Crawford answered questions from the Board.

Mr. Hiss then briefly addressed the Board regarding Solid Waste, noting staff will have more follow-up information at the next Board meeting based on the Supervisors' questions from the April 15 work session. Mr. Hiss noted the Solid Waste budget is still out of balance by approximately \$400,000. Ms. Crawford stated Operations are \$450,000 in the red. Looking at the cash balance, we have approximately \$510,000, so the cash balance could cover the Solid Waste shortage. Ms. Crawford noted there is potential savings of \$194,000 in tonnage (from the difference the General Fund is paying in the tipping fees right now) versus what we would be paying at the regional landfill. However, we would still be approximately

\$220,000 to \$230,000 short in operating revenue to cover operating expenditures. Mr. Hiss noted that leachate disposal was another big cost driver imbalance, which has increased by approximately \$250,000 (we are going from 1¢ per gallon to 7¢ per gallon for leachate disposal due to the City of Lynchburg no longer giving us preferred rates). He said he is negotiating with Lynchburg in the hopes of a smaller rate increase, but nothing has been confirmed at this time. Mr. Hiss and Mr. Cash then answered clarifying questions from the Board. Mr. Hiss noted that the Town is aware that changes may be on the horizon with regard to how the County handles the Town's trash in the near future. Mr. Cash reiterated that the shortfall in Operations is due to the treatment and hauling of excessive leachate; it's becoming more challenging every year, due to both heavier rainfalls and tougher state regulations. Chairman Scott asked staff to also look into details regarding getting out of the trash business completely. Vice-Chairman Dooley noted that even if the we get out of the solid waste business, we will still have expenses. Supervisor Sharp stated it would still be cheaper to not run a landfill, and perhaps there is a hybrid option that could be considered.

Mr. Hiss summarized that the Solid Waste fund is out of balance and staff is still working to bring that back into balance. He then addressed Supervisors Willis and Tuck's budget scenarios, which were presented to the Board a few weeks ago, and turned the discussion over to Ms. Crawford.

Ms. Crawford stated she reviewed Supervisors Tick and Willis' proposal; it does not hurt the fund balance, leaving a positive balance of \$133,575. She noted staff had hoped to have an agenda item from the Sheriff for an SRO grant, but have not had the time to get it done. The Sheriff's office has been advised to go ahead and apply for the grant (which only covers salary and fringes for a new position) in the amount of \$40,339. It is possible to get a total of four years in funding from this particular grant, but it is not guaranteed that this will be the case after it is awarded the first year. This item will be on the agenda for the first meeting in May.

Mr. Hiss then reviewed the proposed budget calendar for the Board: a budget work session and a regular meeting on May 13 (approval to advertise a public hearing on the budget would be requested that evening); a VDOT work session and a regular meeting with a budget public hearing on May 28; and adoption of the budget at the June 10 meeting. The Board concurred with the proposed schedule.

Chairman Scott adjourned the work session at 5:46 pm.

6:00 PM VDOT Public Hearing

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

Absent: Bill Thomasson, District 1

Staff: County Administrator Robert Hiss, County Attorney Patrick Skelley, Public Works Director Sheldon Cash, Finance Director Susan Crawford, and Executive Assistant Brigitte Lockett

Chairman Scott called the VDOT Public Hearing to order and then turned the meeting over to Salem Residency Administrator Todd Daniel.

Mr. Daniel gave a brief summary of the current Secondary Six-year Plan and draft allocations, noting the allocations are based on State projections provided by the Department of Taxation. For year 2020 through 2025, the draft allocation is \$5,485,218 (a copy of the estimated draft allocations will be kept on file in the County Administration office for public review).

There being no questions from the Board, the public hearing was opened.

Lewis Thomas (1426 Founding Way Road, Bedford) addressed the Board regarding the need to place Founding Way Road in the Rural Rustic program, and requested that the west end of the road be repaired (such as repair to ditches to handle the rain, etc.). He noted there were only four houses on his road when he first moved there, but there are now nineteen houses with more anticipated.

Shirldean Thornhill (1033 Cobbs Lane, Goode), addressed the Board for improvements on Bellevue Road. She said they have been there for about sixty years with no improvements, and heavy rain washes away the gravel. (There was another citizen with Ms. Thornhill who reiterated the issues with the road, but she did not give her name or address.)

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

Vice-Chairman Dooley said that although no one from his district came to this evening's VDOT public hearing, he knows he has two roads washed out. He asked if it would be possible for the County to set funds aside to assist where the roadwork is needed. He said he doesn't necessarily want to see us get into the road-building business, but he doesn't see the state helping us. He said he hears frequently from his constituents about roads.

In response to a question from Supervisor Bansley, Mr. Daniel stated there are approximately 200 miles of unpaved roads in Bedford County. It used to be around 208 roads, but they've been slowly making progress; some cost more than others to hard surface depending on stormwater issues, et cetera. As to Vice-Chairman's Dooley suggestion, Mr. Daniel said that just putting funds aside won't guarantee the State will fund some roads. Mr. Daniel said it would be better to list out the roads in the County's CIP and apply through the State's Revenue Sharing Program. That way, Bedford might receive 50% of the funding needed; however, the Revenue Road Sharing Program is very competitive when it comes to fund distribution.

There being no further business, Chairman Scott adjourned the VDOT public hearing 6:25 pm.

The Board took a short break for dinner.

7:00 P.M. REGULAR MEETING

Board of Supervisors: Tommy Scott, Chairman, District 5; Vice-Chairman Andy Dooley, District 6; Bill Thomasson, District 1; Edgar Tuck, District 2; Charla Bansley, District 3; John Sharp, District 4; and Kevin Willis, District 7

Staff: County Administrator Robert Hiss, County Attorney Patrick Skelley, Public Works Director Sheldon Cash, Finance Director Susan Crawford, and Executive Assistant Brigitte Lockett

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- (1) Chairman Scott called the meeting to order and welcomed everyone in attendance.
 - (2) Chairman Scott led the room in a moment of silence.
 - (3) Chairman Scott led the room in the Pledge of Allegiance.

(4) Approval of Agenda

Chairman Scott asked that agenda item #8a (adoption of the tax rate) be moved to #7b, and that the current item #7b be moved to #7c.

A motion was made to approve the agenda (the voice of who made the motion is inaudible on the recording) as amended.

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

Voting no: none

Motion passed.

(5) Citizen Comments

- Benjamin Wiese (1055 South Garrison Court, Goode) addressed the Board to thank them for investing in the new track surfaces at Liberty High School.
- Patricia McDouall (6287 E. Lynchburg Salem Turnpike, Bedford) stated that she is a teacher at Liberty Middle School, and thanked the Board at length for the investment they've made in Liberty Middle School.
- Kelly Steele (5818 Falling Creek Road, Bedford) addressed the Board to thank them for their investment in Liberty Middle School, and thanked the teachers as well. She asked that the Board continue to fund inventive projects for Bedford County Public Schools, and fully funds the School's requested budget.

(6) Consent Agenda

Mr. Hiss reviewed the consent agenda as follows:

- a. Consideration of a resolution from the Sheriff's Office for approval to submit a grant application for the Federal Forensic Capacity Hiring Program for Wounded Veterans.
(Resolution #R 042219-01)

- b. Consideration of a request from the Solid Waste Department to advertise a Request for Proposals for Leachate Waste Water Hauling and Leachate System Maintenance Services. *(Resolution #R 042219-02)*
- c. Consideration of a request from the Information Technology Department to advertise a Request for Proposals for replacement of the Current Record Management System and Computer Aided Dispatch System. *(Resolution #R 042219-05)*

Supervisor Thomasson made a motion to approve the consent agenda.

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

Voting no: none

Motion passed.

(7) Public Hearings & Presentations

(7a) Chairman Scott stated there will be a three-minute time limit to speak. Anyone who has not signed up to speak will be given an opportunity to do so before the public hearing is closed.

The citizen comment portion of the public hearing was then opened.

Monica Bell (303 Lansing Avenue, Lynchburg) stated she is a teacher at Liberty Middle, and both of her children attend school there as well. She commended the Board on providing such a positive learning center.

Gary Jatzlau (404 Homestead Drive, Forest); Edward J. McCoy (1434 Deerview Drive, Forest); Nate Boyer (5239 Everett Road, Forest); Dean Killmon (1349 Callaway Spring Drive, Forest); Ronald Berman (1650 Riley Run Road, Forest); Chris Johnson (217 Jefferson Woods Drive, Forest); Bob Davis (1971 Johnson School Road, Thaxton); Mark Turner (1281 Charmin Drive, Forest); and Teresa Pregnall (1969 Winterberry Lane, Forest) spoke in favor of lowering the tax rate.

Reasons given for wanting the rate lowered included the recent significant increases in property assessments; the concern the latest real estate assessments were not accurate; keeping the rate at \$.52 will result in a surplus the County will waste; keeping the rate at \$.52 is not affordable for many residents; this is an issue that should be voted on; the fear that the reassessment is based on County needs and not market value; retirees cannot afford an increase in the rate and the County should find ways to cut costs instead of keeping the current tax rate at \$.52.

There being no one else desiring to speak, the citizen comment portion of the meeting was closed.

(7b) County Administrator Robert Hiss addressed the Board with an Ordinance to adopt the rate. Mr. Hiss stated the rate had been advertised at the current rate of \$.52. He noted that setting the rate this evening will allow staff to know where their revenue targets are and what they will be building the budget around.

Supervisor Bansley made a motion to adopt an equalized tax rate of \$.50 per \$100 of assessed value.

Supervisor Willis stated he and Supervisor Tuck presented a budget proposal a few weeks ago which was built around a \$.50 tax rate and provided for paid 24/7 emergency services staff for Goode and Big Island; a part-time position for Social Services; and a 3% raise for County employees. This proposal did not sacrifice anything in terms of capital improvement projects for the next five years. The pressing need we still have is working on the landfill, but we are working towards bridging the gap on those funds. He concluded by stating he was in support of a \$.50 tax rate.

Vice-Chairman Dooley said back in 2007 the Board equalized the rate, and a few years after that the rate had to be increased by 2¢. He said he understands what the citizens are saying about the assessments; his own home assessment increased by 13%. He said his concern is that future unknowns such as school needs, roads, drug abuse issues, the landfill, et cetera, will necessitate a rate increase in the near future. He said he could support \$.51, but not \$.50.

Supervisor Tuck stated the proposal he worked on with Supervisor Willis shows we can get the budget done with a \$.50 rate. His reason for doing that was to look ahead to the next twelve to twenty-four months to see what the Board should be focusing on. If we want to keep real estate tax rates low and attractive to businesses (we are much lower than surrounding localities), there isn't a long-term path in staying at \$.50. He said we'll be able to fund what we have, but we need to consider what we can do for economic development long-term. Schools in his district are crumbling, and we can't keep kicking the maintenance can down the road. We don't want to end up like Franklin County, who is considering a 6¢ increase just to get the schools back in shape. Supervisor Tuck said this is why he is not supporting \$.50 tonight, even though he has proven that it can be done; he said he is looking further out than the next twelve months on this budget.

Supervisor Thomasson voiced his concern that a \$.50 or \$.51 tax rate may leave us with a shortfall when we will need to address the pending landfill issues.

Supervisor Sharp said when he joined the Board the rate was \$.65, and the Board was able to roll that rate back; he sees no reason why we can't do that again. He said that even with the \$.50 rate, we will still realize a \$2.5 million revenue increase over last year.

Chairman Scott stated that we should be happy with \$2.5 million in growth, and we should make the budget work on that; government needs to live within its means. Chairman Scott then polled the Board for the vote on Supervisor Bansley's motion.

WHEREAS, the Code of Virginia requires all Counties to annually adopt a budget; and

WHEREAS, the Board of Supervisors has duly advertised and held a public hearing on the subject of tax rates;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Bedford, Virginia, that there be, and is hereby levied, the following tax and tax rates for tax year 2019:

- (1) **\$0.50** per one hundred dollars of assessed valuation on all taxable real estate located in this County;
- (2) **\$0.50** per one hundred dollars of assessed valuation on the property classified in Section 58.1-3506 A 10, Code of Virginia 1950, as amended: manufactured homes;
- (3) **\$2.35** per one hundred dollars of assessed valuation for classifications of tangible personal property as defined in §§58.1-3503 and 3506 of the Code of Virginia: automobiles, trucks, motorcycles, camping trailers, travel trailers, motor homes and other recreational vehicles, trailers, boats, watercraft and aircrafts.
- (4) **\$1.70** per one hundred dollars of assessed valuation for certain other classifications of tangible personal property as defined in §58.1-3506 of the Code of Virginia: heavy construction equipment, forest harvesting and silviculture equipment, computer hardware, programmable computer equipment and peripherals.
- (5) **\$0.00** per \$100.00 of assessed valuation on the property classified in Section 58.1-3506 A 14 of the Code of Virginia: vehicles for the transportation of the physically handicapped.
- (6) **\$0.00** per \$100.00 of assessed valuation on the property classified in Section 58.1-3506 A 19, vehicles for the transportation of qualified disabled veterans.
- (7) **\$1.20** per \$100.00 of assessed valuation on the property classified in Sections 58.1-3506 A5, A7, and A18, 58.1-3507 and 58.1-3508 of the Code of Virginia, commonly known as machinery and tools

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

Voting no: Mr. Thomasson, Mr. Tuck, and Mr. Dooley

Motion passed.

(7c) Planner Jordan Mitchell addressed the Board with an ordinance amending the Bedford County Zoning Ordinance specifically related to “Freestanding signage regulations by use”, “Location and design of fences”, “Construction standard”, “Required off-street parking”, “Permitted Use Table”, “Wireless Communication Facility”, “Multifamily Dwelling”, and “Townhouses”.

Mr. Jordan briefly touched on each text amendment as outlined in his memorandum, which was contained in the Board’s agenda packet (and is also kept posted online for citizen review).

In response to a question from Supervisor Tuck, Mr. Jordan stated only one person has called to complain about the ordinance regulating fence height. Mr. Jordan stated that staff had only wanted to keep the restriction on stockade fencing, but the Planning Commission decided to remove the restriction entirely. Vice-Chairman Dooley said he was not in favor of changing the height restriction due to one single complaint.

In response to a question from Supervisor Bansley, Community Development Director Gregg Zody stated that a high fence is in fact one of the many concerns the Sheriff's Office has when approaching a property.

The citizen comment portion of the public hearing was opened.

Gary Hostutler (1155 Mont View Lane, Forest) addressed the Board to voice his concerns regarding inadequate parking requirements.

Mickey Johnson (2809 Horseshoe Bend Road, Moneta) addressed the Board to voice his opposition to the unlimited restriction on fence height, noting it would have a negative impact on neighborhoods.

Gary Jatzlau (404 Homestead Drive, Forest), addressed the Board to voice his concerns regarding the unlimited restrictions on fence height, especially in front yards. A high fence would keep him from seeing into his neighbor's yards or down the road.

Another person, who did not give either their name or their address, said that high fences make him nervous as this country has issues with people building compounds, et cetera.

John Sharp, Jr. (105 Oakdale Terrace, Forest) addressed the Board regarding the restrictions on fence heights. He said the decision needs to be based on principle, not preference. Unless it is a safety concern, a person should be able to do as they wish with their property.

There being no one else desiring to speak, the citizen comment portion of the meeting was closed.

Supervisor Sharp made a motion to approve Ordinance #O 042219-04.

There followed a brief discussion between Mr. Zody, Attorney Skelley, and the Board. Supervisor Sharp asked that staff look into options for the Board to consider regarding fence heights other than "unlimited" (to be discussed at a future work session).

BE IT HEREBY ORDAINED by the Board of Supervisors of Bedford County, Virginia, that after having conducted a duly advertised public hearing and upon receiving the recommendation forwarded by the Bedford County Planning Commission, that the regulations of the Bedford County Zoning Ordinance be amended and readopted as follows:

PART I.

That *Section 30-93-13, Freestanding signage regulations by use*, be amended to add subsection "e" as follows:

Sec. 30-93-13. Freestanding signage regulations by use

(a) For the purpose of this section:

- (1) A "monument sign" is a freestanding sign generally having a low profile with little (12 inches or less above grade) to no open space between the ground and the sign constructed of masonry, wood, or other similar materials.

(2) A “pylon sign” is a freestanding sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign is 6 feet or more above grade.

(3) “Freestanding sign” shall not include a billboard regulated under (Sec. 30-93-15(a)).

(b) *Maximum amount of freestanding signs.* Only one (1) freestanding sign shall be permissible (either monument or pylon only) on a lot with a legally establish use from the corresponding use categories listing in the permitted use table (section 30-79-2).

(c) *Monument sign.* The following table contains the requirements for the placement of a freestanding, monument style, sign on a lot with a legally establish use from the corresponding use categories listing in the permitted use table (section 30-79-2):

	Civic and Office Use	Commercial Use	Industrial Use	Miscellaneous Use
Maximum Square Footage	32	40	48	32
Maximum Sign Height	10 feet	10 feet	12 feet	8 feet
Minimum Setback*	5 feet	5 feet	5 feet	10 feet

*setback is taken from the edge of the public right-of-way.

(d) *Pylon sign.* The following table The following table contains the requirements for the placement of a freestanding, pylon sign on a lot with a legally establish use from the corresponding use categories listing in the permitted use table (section 30-79-2):

	Office Use	Commercial Use	Industrial Use	Miscellaneous Use
Maximum Square Footage	24	32	32	24
Maximum Sign Height	15 feet	20 feet	20 feet	15 feet
Minimum Setback*	15 feet	15 feet	15 feet	20 feet

*setback is taken from the edge of the public right-of-way.

(1) Pylon signs are not permissible on properties which adjoin the public right-of-ways of Route 24, Route 43, Route 460, Route 122, Route 221, and Route 501

(e) Lots with multiple uses that are not approved as a shopping/multi-tenant retail center may increase the freestanding height permitted through Sec. 30-93-13(c) and Sec. 30-93-13(d) by 25% for each additional use (up to a maximum height of 20 feet) in order to accommodate freestanding signage for each use on the lot.

PART II.

That *Section 30-100-9, Location and design of fences*, is amended to remove subsection “b” as follows:

Sec. 30-100 Miscellaneous

Sec. 30-100-9. Location and design of fences.

(a) Except as provided for in sections 30-92 and 30-100-8, fences may be constructed in any location, on any lot.

~~(b) On any lot occupied by a residential use type, fences located in front of the building line shall not exceed four (4) feet in height.~~

PART III.

That *Section 30-91-6(a), Construction standard*, is amended as follows:

Sec. 30-91 Off-street parking, stacking, and loading

Sec. 30-91-6 Construction standards

(a) All off-street parking and stacking areas with fifteen (15) or more parking spaces, including aisles, stacking spaces, and driveways, except for those required for agricultural uses, civic uses (in the AP, AR, and AV zoning districts), single-family and two-family dwellings, shall be constructed and maintained with a surface in accordance with the Virginia Department of Transportation's latest edition of the Subdivision Streets Requirements Manual.

PART IV.

That *Section 30-91-9, Required off-street parking, Schedule B* is amended as follows:

Schedule B:

~~Specific requirements shall be determined by the administrator based on requirements for similar uses, location of proposed use, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information. Determination of requirements may be appealed to the board of zoning appeals. In lieu of using the Minimum Parking Requirements table or Schedule A in Sec. 30-91-9, parking requirements for a use(s) may be calculated through using acceptable industry publications (i.e. Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or from a study prepared by a traffic engineering firm. Once the study is submitted, the findings are reviewed by the Zoning Administrator to set a minimum parking requirement for a use(s) based on the information provided.~~

PART V.

That *Section 30-79-2, Permitted Use Table*, is amended as follows:

Sec. 30-79-2 Permitted Uses Table

Permitted uses by district shall be as shown in the following table where:

"R" Indicates a use by right

"S" Indicates a special use

"*" Indicates more stringent standards as specified in article IV

USES	AP	AR	AV	R- 1	R- 2	R- 3	R- 4	PRD	RMH	C- 1	C- 2	NC	PCD	I- 1	I- 2	PID	EP
Miscellaneous Uses																	
Wireless Communication facility, Class 4	<u>RS*</u>	<u>RS*</u>	<u>RS*</u>							S*	S*	S*	S*	S*	S*	S*	S*

PART VI.

That *Section 30-87-3, Wireless Communication Facility (WCF), Class 1, Class 2, Class 3 and Class 4*, general standards are amended as follows:

Sec. 30-87-3 Wireless Communication Facility (WCF), Class 1, Class 2, Class 3 and Class 4

- (a) *Intent:* To provide for the siting of wireless communication facilities (WCFs) by establishing guidelines for the construction and modification of towers and associated equipment in accord with the strategic plan for commercial wireless telecommunication facilities, a component of the comprehensive plan. The established guidelines are designed to reduce the adverse impacts and encourage stealth techniques through the placement of towers in locations with appropriate vegetative cover or through alternative tower designs.
- (b) *For purposes of this section:*
- (1) A "distributed antenna system (DAS)" is a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
 - (2) A "stealth structure" is any structure designed to conceal or disguise antenna structures and antennas associated with wireless communication facilities including but not limited to, tree poles, flag poles, silos and "lookout" towers.
- (c) *General standards:*
- (1) All WCFs must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the county, state or federal government with the authority to regulate WCFs. If regulations change and WCFs are required to comply with such changes, the owners of the WCFs governed by this ordinance shall bring WCF(s) into compliance within six (6) months of the effective date of such change in standards or regulations. Failure to comply shall constitute grounds for the removal of the WCFs at the owner's expense.
 - (2) WCFs shall be considered either a principal or accessory use.
 - (3) WCFs shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and designs chosen must cause the least disturbance to the surrounding view.
 - (4) WCFs shall meet the following aesthetic requirements:
 - a. WCFs shall, subject to any applicable FAA standard, be of a neutral color and subject to staff approval so as to reduce visual obtrusiveness. The appearance shall be maintained in the approved neutral color.
 - b. The design of buildings and related structures within the WCF compound area shall, to the extent possible, use materials and colors that will blend into the natural setting and surrounding trees.
 - c. If a WCF is installed on a structure other than a tower (i.e., water tower, light pole,

etc.), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- (5) The county reserves the right to employ the services of a wireless telecommunications consultant to review all WCF applications. All applicable costs will be the responsibility of the applicant.
- (6) WCFs that exceed 50 feet above ground level shall meet the following setback requirements:
 - a. The minimum setback requirement from the base of the tower to any primary or occupied structure on the subject parcel shall be at least equal to forty (40) percent of the height of the tower, measured from the closest structural member of the tower. Guy lines shall be exempt from the minimum setback requirement in side and rear yards for the respective zoning district, but shall comply with the setback requirements for the front yard.
 - b. Certification shall be provided that the tower will not fall onto any adjoining property in the event of failure or collapse of the structure.
 - c. For any building or structure associated with a WCF, the minimum setback from any property line abutting a road right-of-way shall be fifty (50) feet and in all other instances shall be no less than twenty-five (25) feet.
 - d. More than one (1) tower shall be permitted provided all setback requirements have been met.
- (7) Buildings and support equipment associated with WCFs shall comply with the following requirements:
 - a. The cabinet or structure shall not be more than twelve (12) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure.
 - b. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten (10) percent of the roof area.
 - c. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- (8) No advertisement signs shall be allowed on a WCF. Signs of no more than one (1) square foot containing ownership, operational and name plate data shall be allowed.
- (9) WCF applications in a PCTDA location as defined in the strategic plan for commercial wireless telecommunications facilities, a component of the comprehensive plan, shall not be exempt from administrative approval or obtaining special use permit approval. Such

application will be classified based on the height of the proposed WCF (Class 1-4) and subject to the permitted use table requirements by district.

(d) *Uses by right:* The uses listed in this section are deemed to be uses by right subject to administrative approval. The following provisions shall govern the issuance of approvals for WCFs:

- (1) WCFs located on property owned, leased, or otherwise controlled by Bedford County provided a license or lease authorizing such WCF(s) has been approved by Bedford County or collocated on an existing WCF(s).
- (2) The collocation of WCFs on existing WCFs. The collocation must be accomplished in a manner consistent with the following:
 - a. The WCF which is modified or reconstructed to accommodate the collocation of an additional WCF shall be of the same WCF type as the existing WCF(s).
 - b. A WCF which is being rebuilt to accommodate the collocation of an additional WCF may be moved on-site within fifty (50) feet of its existing location. Once the WCF is rebuilt to accommodate the collocation, only one (1) WCF may remain on the site.
- (3) Installing a cable microcell network (distributed antenna system or DAS) through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of WCFs.
- (4) WCF upgrades/equipment maintenance of existing wireless provider on WCF.

(e) *Special application requirements for uses by right:*

- (1) Sufficient copies of the wireless facility site development plan that show the type and height of the proposed WCF, proposed means of access, setbacks from the property lines, elevation drawing of the proposed WCF and any other structures and any other information deemed by the zoning administrator to be necessary to assess compliance with this ordinance.
- (2) A cover letter that outlines what the applicant is proposing to do on-site.
- (3) Any cost associated with the review of the application by the county and/or its consultant shall be paid by the applicant at submittal.
- (4) A structural analysis may be requested by the zoning administrator in order to complete a review of an application.
- (5) The zoning administrator may request additional information if needed while reviewing an application for administrative approval. Failure to provide the requested information shall result in the denial of the application.

(f) *Uses by special use permits:*

- (1) Applications for special use permits under this section shall be subject to the procedures and requirements for allowable uses under article I of this ordinance.
- (2) In granting a special use permit, the planning commission may recommend and the board

of supervisors may impose conditions to the extent the board concludes such conditions are necessary to minimize any adverse effect of the proposed WCF on adjoining properties.

- (3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
- (4) The maximum height of any WCF shall be made a condition of approved special use permits. Lightning rods shall be exempt from the maximum height calculation.
- (g) *Special application requirements for special use permits:* In addition to any information required for applications pursuant to the Bedford County Zoning Ordinance, applicants for a special use permit for WCFs shall submit the following information:
 - (1) A scaled site plan clearly indicating the location, type and height of the proposed WCF, on-site land uses, adjacent land uses (including when adjacent to other jurisdictions), master plan classification of the site, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed WCF and any other structures, topography, parking, and other information deemed by the zoning administrator to be necessary to assess compliance with this ordinance.
 - (2) Legal description of the parent tract and leased parcel (if applicable).
 - (3) The setback distance between the proposed WCF and the nearest residential unit and platted residential properties. This is not required for WCFs that are 50 feet or less above ground level.
 - (4) The applicant shall also identify the type of construction of the existing WCF(s) and the owner/operator of the existing WCF(s), if known.
 - (5) A landscape plan showing specific landscape materials. The board of supervisors may waive this requirement if it deems appropriate upon applicant request with sufficient justification. This is not required for WCFs that are 50 feet or less above ground level.
 - (6) Method of security fencing (no less than six (6) feet in height) with anti-climbing device, and finished color and, if applicable, the method of camouflage and illumination. The board of supervisors may waive this requirement if it deems appropriate upon applicant request.
 - (7) A description of compliance with all applicable federal, state or local laws. This is not required for WCFs that are 50 feet or less above ground level.
 - (8) A statement by the applicant as to whether construction of the WCF will accommodate collocation of additional antennas. This is not required for WCFs that are 50 feet or less above ground level.
 - (9) Identification of the entities providing the backhaul network for the WCF(s) described in the application and other cellular sites owned or operated by the applicant in the county.

- (10) A description of the suitability of the use of existing WCFs, other structures or alternative technology not requiring the use of WCFs or structures to provide the services under consideration.
- (11) A description of the feasible location(s) of future WCFs within Bedford County based upon existing physical, engineering, technological, or geographical limitations in the event the proposed WCF is erected.
- (12) A cost estimate for removal of the WCF and facilities from the site.
- (13) A copy of the initial lease. This is not required for WCFs that are 50 feet or less above ground level.
- (14) A description, including mapping at an appropriate scale, of the search area and coverage objective. This is not required for WCFs that are 50 feet or less above ground level.
- (15) A map depicting all collocation candidates in search area, along with the RF analysis documentation as to their suitability. This is not required for WCFs that are 50 feet or less above ground level.
- (16) High quality photo simulations of the site and proposed WCF.
- ~~(17) TOWAIR Determination results for FAA registration.~~
- (h) Additional standards for Class 1, Class 2, Class 3, and Class 4 wireless communication facilities in districts where permitted by right:
 - ~~(1) WCF antenna support structures shall be constructed of wood in the R-1, R-2, R-3, R-4 and PRD zoning districts.~~
 - (12) The siting of any new antenna support structure associated with by right WCFs shall follow the application requirements listed in subsection 30-87-3(g). Such towers would be exempt from any requirements listed in section 30-19
- ~~(i) Additional standards in the AP, AR, AV and NC districts for Class 2 wireless communication facilities:~~
 - ~~(1) WCFs shall be reviewed administratively if less than ten (10) feet above the surrounding tree line. WCFs that are sited in open areas would not meet the requirement of "stealth techniques" in subsection (i)(2) below, and would be subject to the special use permit approval process for WCFs.~~
 - ~~(2) If the zoning administrator through administrative review determines the proposed WCF does not use stealth techniques to reduce the impact of the WCF on surrounding properties and view sheds, a special use permit shall be required.~~
 - ~~(3) The siting of any new antenna support structure associated with by right WCFs shall follow the application requirements listed in subsection 30-87-3(g). Such towers would be exempt from any requirements listed in section 30-19~~

(ij) *Removal of abandoned WCFs:* Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such WCF shall remove the same within ninety (90) days of receipt of notice from Bedford County notifying the owner of such abandonment. If there are two (2) or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

(jk) *Nonconforming WCFs:*

- (1) WCFs that are constructed, and/or installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (2) Pre-existing WCFs shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing WCFs. New construction other than routine maintenance on pre-existing WCFs shall comply with the requirements of this ordinance.
- (3) Notwithstanding subsection 30-87-3(j), bona fide nonconforming WCFs that are damaged or destroyed may be rebuilt without having to first obtain a special use permit. The type, height, and location of the WCFs on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the WCFs shall be deemed abandoned as specified in subsection 30-87-3(j).

(k) Denial of a new WCF application: the applicant shall be notified of any tower that is denied in accordance with The Code of Virginia, §15.2-2316.4:2. The reason for the denial shall be made clear in such notification.

PART VI.

That *Section 30-82-11, Multifamily dwelling*, general standards are amended as follows:

Sec. 30-82 Residential Uses

Sec. 30-82-11 Multifamily dwelling

- (a) *Intent.* The following minimum standards are intended to accommodate multifamily dwellings, ensuring adequate separation and other design characteristics to create a safe and healthy residential environment while protecting adjoining uses which are less intensive.
- (b) *General standards:*
 - (1) Minimum front yard setback: Thirty (30) feet from any street right-of-way for all structures.
 - (2) Minimum side yard setback: Twenty (20) feet for principal structures.
 - (3) Minimum rear yard setback: Twenty-five (25) feet for principal structures.
 - (4) Additional setbacks in the form of a buffer yard shall be required in accordance with article

V where the property adjoins a less intensive zoning district.

- (5) Each multifamily building shall be separated by forty (40) feet between facing living areas. This separation may be reduced to twenty (20) feet when both multifamily buildings contain windowless walls.
- (6) Where buildings are placed at right angles (ninety (90) degrees) to one another and both interior walls are windowless, the minimum separation of buildings shall be twenty (20) feet.
- (7) Standards for open space and recreational areas required below:
 - a. Shall be in addition to any buffer yard required under article V of this ordinance;
 - b. Shall be in addition to, and not be located in, any required front, side or rear yard setback;
 - c. Shall have a horizontal dimension of at least fifty (50) feet, except that areas with a horizontal distance of not less than twenty (20) feet shall be counted as open space provided such areas contain facilities such as, but not limited to, bikeways, exercise trails, tot lots, gazebos, picnic tables, etc.;
 - d. Shall not include proposed street rights-of-ways, open parking areas, driveways, or sites reserved for other specific uses; and
 - e. Shall be of an appropriate nature and location to serve the residents of the multifamily development.
- (8) One (1) structure may be permitted for tenants/property owners to wait for the transportation (School Bus, Public Transit, etc.) that does not have to meet any setback requirement. This structure is limited to a maximum size of 500 square feet and must be placed in a location that is acceptable to the Virginia Department of Transportation.

PART VI.

That *Section 30-82-14, Townhouses*, general standards are amended as follows:

Sec. 30-82 Residential Uses

Sec. 30-82-14 Townhouses

- (a) Intent. It is the intent of this section that townhouses be allowed in areas where they are or may be appropriately intermingled with other compatible types of housing. The purpose of the following design standards is to ensure the efficient, economical, comfortable and convenient use of land and open space and serve the public purposes of zoning by providing an alternative to conventional arrangements of yards and buildable areas.
- (b) General standards:
 - (1) All townhouse developments shall be served by public sewer and water.
 - (2) The facades of townhouses in a group shall be varied by changed front yards and variations in design so that no more than four (4) abutting townhouses will have the same front yard setback and the same or essentially the same architectural treatment of facades and roof lines.

- (3) The minimum separation between any building containing a group of five (5) or more townhouse units shall be forty (40) feet from any other townhouse building. The minimum separation between any building containing a group of four or fewer townhouse units shall be twenty (20) feet from any other building containing a group of four (4) or fewer townhouses.
- (4) The height of all townhouses shall be limited to forty-five (45) feet. Accessory buildings shall not exceed fifteen (15) feet.
- (5) Accessory structures for townhouse units shall be permitted only in rear yard areas and shall be no larger than ten (10) feet by ten (10) feet in area.
- (6) Only one (1) yard, either the front yard or the rear yard, or in the case of an end unit, the side yard, shall be improved with a driveway or other impermeable surface intended for the storage of motor vehicles or for access to a garage, or other parking areas.
- (7) The maximum building and lot coverage requirements applying to townhouses shall be computed for the site of the entire development.
- (8) Public street frontage shall not be required for any proposed lot of record platted for townhouse development within R-3 and R-4 districts. In the AV and R-2 districts, the applicant shall designate as part of the special use permit application, the location of any lot that is not proposed to front on a public street.
- (9) One (1) structure may be permitted for tenants/property owners to wait for the transportation (School Bus, Public Transit, etc.) that does not have to meet any setback requirement. This structure is limited to a maximum size of 500 square feet and must be placed in a location that is acceptable to the Virginia Department of Transportation.

PART V.

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

This ordinance shall become effective immediately upon its adoption.

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

Voting no: Mr. Thomasson, Mr. Tuck, and Mr. Dooley

Motion passed.

(8) Action & Discussion Items

(8a) *moved to #7b*

(9) Board Member Comments – *There were no comments*

(10) **County Attorney Report** – *Attorney Skelley had nothing to report*

(11) **County Administrator Report** – *Mr. Hiss had nothing to report*

(12) **Board Calendar and Reminders**

May 13 – was originally scheduled as just a Budget Work Session (5:00 to 6:30 pm), but now a Regular Meeting is also needed at 7:00 pm (Authorization to advertise Public Hearing on Budget); May 21 – Will join the Planning Commission for their meeting at 7:00 pm; May 28 (*Tuesday*) – Regular Meeting at 7:00 pm; June 10 – Work Session (5:00 – 6:30 pm); Regular Meeting at 7:00 pm; June 24 – Regular Meeting at 7:00 pm.

Supervisor Sharp made a motion to adjourn the meeting at 8:22 pm.

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

Voting no: None

Motion passed.