



MINUTES

BEDFORD COUNTY BOARD OF SUPERVISORS

BEDFORD COUNTY ADMINISTRATION BUILDING

MAY 28, 2019

5:00 P.M. WORK SESSION

- a. Secondary Six-Year Plan Priorities (*no documentation*)
 - Presented by VDOT Residency Administrator Todd Daniel
- Adjourn the Work Session*

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 for Supplemental Appropriations of funds for the Bedford County School Board (*Resolution #R 052819-01*)
 - b. Consideration of a resolution authorizing the Sheriff's Office to submit a grant application in the amount of \$79,500 to the Virginia Department of Emergency Management (no local match required). (*Resolution #R 052819-03*)
- (7) **Approval of Minutes – February 25, 2019**
- (8) **Public Hearings & Presentations**
 - a. **Public Hearing** – Proposed Bedford County Budget FY 2019-2020
- (9) **Action & Discussion Items**
 - a. Consideration of a resolution authorizing a re-appropriation of \$662,754.86 to the School Maintenance Fund and \$662,754.86 to the Self-Funded Health Fund. (*Resolution #R 052819-04*)

- b. Consideration of a resolution authorizing the transfer of funds from Contingency and the execution of a contract to repair the Courthouse prisoner elevator. *(Resolution #R 052819-07)*
- c. Consideration of a resolution authorizing the County Administrator to execute an easement agreement to F&B Contractors at the Moneta Solid Waste Convenience Center. *(Resolution #R 052819-05)*
- d. Consideration of a request to enter into a permanent pump and haul agreement with the State Health Commissioner. *(Resolution #R 052819-06)*

(10) Board Committee Reports

(11) Board Member Comments

(12) Board Appointments

- a. Appointments/re-appointments are needed for the Library Board of Trustees. *(Resolution #R 052819-02)*

(13) County Attorney Report

(14) County Administrator Report

- a. **Closed Session pursuant to Section 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 future use and disposition of the former Body Camp Elementary School; **and (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 pertaining to the New London airport.

(15) Board Information

- a. Bedford County Transportation Safety Commission meeting minutes from March 21, 2019
- b. Bedford Communications E911 reports for April 2019
- c. Bedford Public Library System Board of Trustees meeting minutes from April 2, 2019

(16) Board Calendar and Reminders

- June 10 – Work Session (5:00 – 6:30 pm); Regular Meeting at 7:00 pm (Budget Adoption)
- June 24 – Regular Meeting at 7:00 pm

Adjourn

5:00 P.M. WORK SESSION

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

**Arrived at 5:10 pm*

Staff: County Administrator Robert Hiss, County Attorney Patrick Skelley, Public Works Director Sheldon Cash, Community Development Director Gregg Zody, and Executive Assistant Brigitte Lockett

Chairman Scott called the work session to order and turned the meeting over to County Administrator Robert Hiss.

Mr. Hiss stated the work session is being held to discuss the Secondary Six-Year Plan with VODT, and turned the meeting over to VDOT Residency Administrator Todd Daniel and Assistant Residency Engineer J. P. Morris.

Mr. Daniel stated that \$631,379 is available to be programmed into the plan. He briefly reviewed the material he had presented to the Board earlier (the entirety of which is kept on file for public review in the County Administration Office). Mr. Daniel reminded the Board that the plan is based on revenue projections and is subject to change; currently, the draft plan has \$5,454,652 allocated and available for allocation. All of the projects in the plan are fully funded, with the \$631,379 he mentioned earlier left over. Mr. Daniel mentioned there are 199.39 miles of unpaved roads in Bedford County; he is not anticipating additional funds for unpaved roads or the secondary system. However, roads with safety issues *may* qualify for SmartScale funds in the future.

After his review of proposed additions to the plan and discussion with the Board, Mr. Daniel received a consensus, with Vice-Chairman Dooley dissenting, to add Bateman Bridge Road, Templeton Mill, and Lipscomb Road (in that exact order) to the Secondary Six-Year Plan for 2020-2025. In response to a question from Vice-Chairman Dooley, Mr. Daniel said he does not anticipate the State voting for more funding or staff for the residency maintenance projects.

Mr. Morris said they are waiting for the contractor to execute the agreement to begin work on Highpoint Road. Once the agreement is in place, his office will need to work on easement and utility issues. Mr. Morris said they will have an estimate on Hickory Cover before this week is over; Turning Tide is

estimated to be over half a million to work on, as it is really just a farm road someone put gravel on and there may be well heads, making its viability questionable. Valleywood has been placed back in for revenue sharing; they are waiting on the County's pre-applications.

Chairman Scott adjourned the work session at 6:18 pm.

Board of Supervisors: Tommy Scott, Chairman, District 5; Andy Dooley, Vice-Chairman, 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 those in attendance.
 - (2) Chairman Scott asked the room to observe a moment of silence.
 - (3) Chairman Scott led the room in the pledge of allegiance.

(4) **Approval of Agenda**

Supervisor Thomasson made a motion to approve the agenda.

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**

- Mr. Mickey Johnson, 2809 Horseshoe Bend Road, Moneta, addressed the Board to request recognition for the twelve men from Bedford who died in the Vietnam War.

(6) **Consent Agenda**

County Administrator Robert Hiss reviewed the following items on the consent agenda:

- a. Consideration of a resolution for Supplemental Appropriations of funds for the Bedford County School Board (*Resolution #R 052819-01*)
- b. Consideration of a resolution authorizing the Sheriff's Office to submit a grant application in the amount of \$79,500 to the Virginia Department of Emergency Management (no local match required). (*Resolution #R 052819-03*)

Supervisor Sharp 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) Approval of Minutes

Vice-Chairman Dooley made a motion to approve the minutes for February 25, 2019 as corrected on line 151 to read “Chairman Scott”.

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

Voting no: None

Abstained: Mr. Thomasson

Motion passed.

(8) Public Hearings & Presentations

(8a) Chairman Scott noted the budget will not be voted on until the June 10, 2019 meeting, and opened the citizen comment portion of the public hearing; there being no one desiring to speak, this portion of the hearing was closed.

There being no discussion among the Board members, the public hearing was ended.

(9) Action & Discussion Items

(9a) School Chief Financial Officer Randy Hagler addressed the Board with a resolution authorizing the re-appropriation of \$662,754.86 to the School Maintenance Fund and \$662,754.86 to the Self-Funded Health Care. Mr. Hagler stated this is an annual request to bring carry-over amounts from the preceding year. He said the School Board voted to have the carry-over split between these two funds, noting this balance is a bit higher than usual due to a one-time accounting change wherein they were allotted more grant money last because they were able to submit their May reimbursements in a more timely manner. Mr. Hagler then answered minor clarifying questions from the Board.

Vice-Chairman Dooley made a motion to approve Resolution #R 052819-04.

WHEREAS, during the 2017-2018 school year the Bedford County School Board received funding from County tax dollars, State, Federal and other monies allotted for the operation of the schools; and

WHEREAS, there was a balance in the School Operating Fund of \$1,325,509.72 at June 30, 2018; and

WHEREAS, the Bedford County School Board would like to allot half of these funds to the Maintenance Fund as reserves for large dollar equipment failures; and

WHEREAS, the Bedford County School Board would like to allot half of these funds to the self-funded health account to offset future large claims and future premium increases; now therefore

BE IT RESOLVED, that the Bedford County Board of Supervisors authorize a re-appropriation in the amount of \$662,754.86 to the Maintenance Fund and \$662,754.86 to the Self-Funded Health Fund in FY 2018-2019 School Budget.

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

Voting no: None

Motion passed.

(9b) Public Works Director Sheldon Cash addressed the Board with a resolution authorizing the transfer of funds from Contingency and the execution of a contract to repair the Courthouse prisoner elevator. Mr. Cash briefly detailed the need for the repair (as outlined in the resolution below), noting the entire cylinder has to be replaced; he then answered clarifying questions from the Board.

Supervisor Sharp made a motion to approve Resolution #R 052819-07.

WHEREAS, the Courthouse prisoner elevator has experienced an unexpected leak within the main cylinder; and

WHEREAS, the anticipated repair, through Otis Elevator, is anticipated to cost \$80,877; and

WHEREAS, this elevator is critical to the overall operation of the Courthouse; and

WHEREAS, funds are available within the Contingency Fund; and

NOW, THEREFORE, BE IT RESOLVED that the Bedford County Board of Supervisors does hereby authorize the transfer of funds from contingency and the execution of a contract in the amount of \$80,877 to repair the Courthouse prisoner elevator.

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

Voting no: None

Motion passed.

(9c) County Attorney Patrick Skelley addressed the Board with a resolution authorizing the County Administrator to execute an easement agreement to F&B Contractors at the Moneta Solid Waste Convenience Center. Attorney Skelley stated this property is surrounded by F&B Contractors site and, due to the layout of the property, F&B does not have good access to get to their property without an easement over a small portion of the County's property. In exchange for granting them this easement, F&B has agreed to take up the responsibility for snow removal and grass cutting up to their entrance; they will also be responsible for all costs associated with putting in their entrance. Approval of this request will reduce the County's maintenance costs at this site. Attorney Skelley then answered minor clarifying questions from the Board.

Supervisor Tuck made a motion to approve Resolution #R 052819-05.

WHEREAS, F&B Contractors, Ltd. (“F&B”) owns property surrounding the Moneta Solid-Waste Convenience Center, and proposes to locate its own facilities thereon; and

WHEREAS, due to the topography of their property, F&B requires access across the County’s property in order to access their site; and

WHEREAS, in exchange for such easement, F&B will provide certain ongoing maintenance activities on the County’s property;

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that the Board does hereby authorize the County Administrator to execute an easement with F&B Contractors, Ltd. for purposes of ingress and egress, in a form approved by the County Attorney.

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

Voting no: None

Motion passed.

(9c) County Attorney Patrick Skelley addressed the Board with a request to enter into a permanent pump and haul agreement with the State Health Commissioner. Attorney Skelley stated this request is specifically regarding the Virginia Dare Marina, as they have lost their septic on site. The local Health Department approached the County with this request, and the Health Department will be responsible with ensuring everything is in place with construction, engineering, permitting, et cetera. The County is only involved because the agreement cannot be issued directly to a business or a citizen. There followed a brief question and answer period between Attorney Skelley and the Board.

Supervisor Tuck made a motion to approve Resolution #R 052819-06.

WHEREAS, from time to time it is possible for septic systems to fail for County residents and businesses; and

WHEREAS, the State Health Commissioner will only grant a permanent pump and haul agreements to a locality; and

WHEREAS, the County has previously entered into a permanent pump and haul agreement with the Commonwealth of Virginia, through the State Health Commissioner, and has a general permit therefor; and

WHEREAS, County business Virginia Dare Marina, d/b/a Ryals-Jordan, Inc. is requesting pump and haul services.

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors, that the Board does hereby authorize the County Administrator, with the assistance of the County Attorney, to enter into a Permanent Pump and Haul Agreement with the State Health Commissioner pursuant to the State Board of Health Sewage Handling and Disposal Regulations; and, the County Administrator is authorized to execute the aforesaid Agreement and related documents. Further, the County Administrator, with the assistance of the County Attorney, is authorized to enter into a pump and haul agreement with Virginia

Dare Marina, d/b/a Ryals-Jordan, Inc., upon the placement in escrow of a sufficient sum of money to protect and hold the County harmless. No permits for the property in question shall be issued until the agreements are signed, the monies are placed in escrow, the system is designed by a licensed engineer, the facilities are constructed by an approved and licensed contractor, and Virginia Dare Marina, d/b/a Ryals-Jordan, Inc. has complied with all requirements and regulations of the Virginia Department of Health.

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

Voting no: None

Motion passed.

(10) Board Committee Reports - none

(11) Board Member Comments

Supervisor Tuck stated there is nothing in the Parks & Recreation CIP to wire the field lights for Liberty High School; he asked that this be addressed by staff for the fall athletics season. Supervisor Tuck also stated he has received a resolution from Smith Mountain Lake Association for consideration of a request to adopt a septic pump-out ordinance to match what has already been adopted in Franklin and Pittsylvania Counties. He noted we already have an ordinance for this for short-term rentals at the lake, and he would like to see it expanded to all homes around the waterfront since it is a primary water source. A brief discussion between the Supervisors followed regarding the merits of this request, with the Board asking staff to look into it and come back with recommendations at a work session later in the year.

Vice-Chairman Dooley said he was surprised to read a headline in the media that four Supervisors supported a specific candidate for Sheriff, since the Board never voted on any such thing. He was also surprised to see that it stated that the Board had agreed to cover the fee for concealed carry permits, when it was his understanding the Board only reached a consensus to discuss this issue in the budget. He said the Board cannot “take action” in a work session.

Attorney Skelley clarified that the discretion to set the fee lies solely with the Sheriff’s department. The consensus that was taken stated that if the Sheriff would agree to lower the fee to \$15, the shortfall in his budget would be given to him out of the County budget. Attorney Skelley confirmed that no affirmative action can be taken in a work session.

A discussion followed regarding the accuracy of media reporting in general, followed by Chairman Scott stating he thought the lowering of the fee was a done deal. Supervisor Thomasson disagreed, saying it would not be a done deal as it was just a consensus, not a vote. More discussion followed, with Mr. Hiss stating the anticipated loss of revenue would not be realized nor would the lower fee take effect until the Board votes on the budget. More discussion followed, with Mr. Hiss stating that staff understood the direction from the Board is to build a budget reflecting \$40,000 less in revenue to cover the loss of the fee

for the Sheriff's Office, which is set to be adopted at the June 10, 2019 meeting. In response to a question from Supervisor Tuck, Attorney Skelley stated that the Sheriff's Office could decide to not lower the fee, as this is set at their discretion. Supervisor Sharp said the Board could cut the Sheriff's budget if they chose to not lower the fee.

Supervisor Thomasson said that people are paying property taxes on approximately 50,000 parcels, and 2,500 concealed carry permits issued every year. He said that he holds a concealed permit himself, but this proposal regarding supplementing the lower fee with tax dollars is supplementing what is, to some degree, a hobby. Supervisor Sharp said that defending his life is not a hobby. A heated debate followed, which Chairman Thomasson ended by stating the Board had already decided by consensus to ask the Sheriff to lower the rate to \$15 and then supplement the Sheriff's budget from County revenues. Supervisor Sharp interjected that two of the Sheriff's candidates have stated they would support lowering the rate. Chairman Scott said this could be taken up again when the Board votes on the budget.

(12) Board Appointments

(12a) Mr. Hiss noted that one of the two appointees for the Library Board has withdrawn their application.

Supervisor Tuck made a motion to reappoint Debra Bahouth to the Library Board of Trustees for a term beginning July 1, 2019 and ending June 30, 2023.

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

Voting no: None

Motion passed.

(13) County Attorney Report - none

(14) County Administrator Report

Mr. Hiss announced that on June 11 at 1:00 pm there will be a ground breaking ceremony at the Forest Middle School, and on June 19 at 10:00 am there will be a ground breaking for the Broadband Initiative at a location to be disclosed at a later date. In addition, since the Governor has added July 5 as a holiday, the County offices will be closed on that day as well.

Vice-Chairman Dooley made a motion to go into Closed Session pursuant to Section 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 future use and disposition of the former Body Camp Elementary School; **and (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 pertaining to the New London airport.

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

Voting no: None

Motion passed.

Supervisor Willis made a motion to go back into regular session.

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

Voting no: None

Motion passed.

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:

Bill Thomasson

Edgar Tuck

Charla Bansley

John Sharp

Tommy Scott

Andy Dooley

Kevin Willis

VOTE:

Yes

Yes

Yes

Yes

Yes

Yes

Yes

(15) Board Information

(15a) The Board was given a copy of the Bedford County Transportation Safety Commission meeting minutes from March 21, 2019 for review.

(15b) The Board was given a copy of the Bedford Communications E911 reports for April 2019 for review.

(15c) The Board was given a copy of the Bedford Public Library System Board of Trustees meeting minutes from April 2, 2019 for review.

(16) Board Calendar & Reminders

Mr. Hiss noted the following upcoming Board meeting dates: June 10 – Work Session (5:00 – 6:30 pm); Regular Meeting at 7:00 pm (Budget Adoption) and June 24 – Regular Meeting at 7:00 pm

(17) Adjourn

Vice-Chairman Dooley made a motion to adjourn the meeting at 8:33 pm.

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

Voting no: None

Motion passed.