



AGENDA

BEDFORD COUNTY BOARD OF SUPERVISORS

BEDFORD COUNTY ADMINISTRATION OFFICE

JANUARY 26, 2009

7:30 P.M. WELCOME

- a. Moment of Silence
- b. Pledge of Allegiance

(1) APPROVAL OF AGENDA

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

(For items on this agenda that have not been addressed at a Public Hearing)

(3) APPROVAL OF CONSENT AGENDA

(4) APPROVAL OF MINUTES – There are currently no minutes available for approval

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

- a. Special Use Permit SU090004 Conterra Ultra Broadband Wireless Communication Facility – Boonsboro Elementary (*Resolution # R0109-18*)
 - *Staff Presentation: Mrs. Mary Zirkle, Chief of Planning*
- b. Special Use Permit SU090005 Conterra Ultra Broadband Wireless Communication Facility – Body Camp Elementary (*Resolution # R0109-19*)
 - *Staff Presentation: Jordan Mitchell, Planner*
- c. Special Use Permit SU090004 Conterra Ultra Broadband Wireless Communication Facility – Huddleston Elementary (*Resolution # R0109-20*)
 - *Staff Presentation: Mr. Jordan Mitchell, Planner*

(6) ACTION ITEMS

- a. Proposed change in payments for scheduled meetings of appointed officials (*Resolution # R0109-15*)
 - *Staff Presentation: Mrs. Kathleen D. Guzi, County Administrator*

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

- a. Letter from the Bedford Community Christmas Station thanking Bedford County for their support
- b. Bedford County Transportation Safety Commission minutes of December 18, 2008
- c. Memorandum from Fiscal Management advising of new mileage reimbursement rate

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

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

- a. Building Inspector's report for December 2008
- b. Tri-County Lake Administrative Commission board meeting minutes of December 2, 2008

(11) PENDING MATTERS

(12) UPCOMING MEETINGS.

- February 9 – Regular meeting w/budget work session at 5:00 P.M. in Ground Floor Training Room (*Extension Office Annual Report & Dinner at 6:00*)
- February 17 – Budget work session at 5:00 P.M. (*Tuesday*) in Ground Floor Training Room
- February 23 – Regular meeting w/budget work session at 5:00 P.M. in Ground Floor Training Room

Board of Supervisors:

Charles Neudorfer - District 2, Roger Cheek - District 3, John Sharp – District 4, Steve Arrington – District 5, Annie Pollard - District 6 and Gary Lowry – District 7

Absent – Dale Wheeler – District 1

Staff Present:

Kathleen D. Guzi, Frank Rogers, Carl Boggess, George Nester, Mary Zirkle, Mark Jordan, Bill Hoy and Sue Prunty

Chairman Sharp welcomed everyone to the meeting, a moment of silence was held and the Pledge of Allegiance was said.

(1) APPROVAL OF AGENDA

Mrs. Kathleen D. Guzi, County Administrator, appeared before the Board and noted there were no changes to the agenda.

Supervisor Arrington made a motion to approve the agenda as amended

Voting yes: Mr. Arrington, Mr. Cheek, Mr. Neudorfer, Mr. Lowry, Mrs. Pollard and Mr. Sharp

Voting no: None

Absent: Mr. Wheeler

Motion Passed

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

There being no citizens wishing to speak, the public comment period was closed.

(3) APPROVAL OF CONSENT AGENDA

Mrs. Kathleen D. Guzi, County Administrator, read the consent agenda for the Board's consideration including the following items.

- a. Request from Fiscal Management for grant acceptance and a supplemental appropriation in the amount of \$20,000 for fiscal year 2008-2009 for the Domestic Violence Victim Fund Grant
- b. Request from the Commissioner of the Revenue for issuance of a tax refund for payment in error of personal property taxes to Venning & Company Developers LLC in the amount of \$3,157.50, plus accrued interest

(4) APPROVAL OF MINUTES

There were no minutes available for approval

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

31 **(5a)** Mrs. Mary Zirkle, Chief of Planning, appeared before the Board to present a Special Use
32 application (SU090004) from Conterra Ultra Broadband to construct a 111 foot wireless communication
33 facility in an Agricultural Village Center and Corridor Overlay zoning district on property identified as
34 Tax Map number 63-A-62. The property is located at 1234 Eagle Circle on Route 501 approximately .2
35 mile north of the boundary with the City of Lynchburg and the property is owned by Boonsboro
36 Elementary School. Mrs. Zirkle then reviewed the project through the use of various photographs and
37 drawings, as well as the conditions. The Planning Commission approved the application unanimously on
38 December 15, 2008.

39 Mr. Jonathan Yates of Conterra Ultra Broadband, the applicant, appeared before the Board to
40 provide additional information and answer any concerns or questions. Mr. Yates also introduced Mr. Ed
41 Hoisington and Mr. Barry Sexton. Mr. Hoisington, is the Director of Technology and Media for Bedford
42 County Public Schools. He noted that this update will enable a network with faster speed and better
43 security. This upgrade is also needed for on-line testing that is required by the State. Mr. Hoisington
44 then spoke on the E-Rate program, which involves the school system receiving a return of 51% of the
45 monies spent on networking. Mr. Yates described the cosmetic details of the communication tower. He
46 noted that this is not a cell tower, it is a concrete pole. There are no lights required to illuminate it. The
47 coaxial cable will run down the center of the pole and then underground to the side of the building and
48 then on to the equipment room. The location of the pole was chosen because of the tree cover and also
49 the proximity to the school.

50 The public hearing was opened. Mr. John Cominaki, Director of Golfing at the Boonsboro
51 Country Club appeared before the Board with concerns over the placement of the tower and the aesthetic
52 impact to the Country Club. Mr. Al Majeske, resident of Boonesboro Commons, which is located across
53 the street from the school also appeared. He has concerns with the location of the pole; he would like to
54 see it more towards the center. He also wanted to know the possibility of the residents in his subdivision
55 sharing the costs of the high speed internet to receive service.

56 The applicant responded that they are trying to get the tower as close to the building and to the
57 trees to make it less visible. Mr. Hoisington stated that due to the funding assistance the schools will be
58 receiving from E-Rate they will not be allowed to share the connection. He also noted that this will not
59 be possible due to the fact that the connections come down into the school's IT Room and that is where
60 the service is being generated. Mr. Lowry had concerns about the safety of the pole and wanted to know
61 if this was the type that could be climbed. Mr. Yates answered no and the pole was in a fenced area. Mr.
62 Arrington asked about placing it in the back of the building away from Highway 501. The applicant
63 noted that there was a drop off in this location. Mr. Arrington asked about how far off of Highway 501
64 this pole is, to which Mr. Yates answered 150 feet. Mr. Hoisington also noted that by placing it in the
65 back of the building this could present a problem since they only have 490 feet of cable available to run

and the connection has to go into their IT room. Mr. Arrington also asked about the dimension of the pole, to which Mr. Yates responded that it starts at about 32” at the bottom and is about 11” at the top. Mr. Sharp clarified that the applicant was including the drawing titled Revision 0 for his application, to which Mr. Yates said yes.

Supervisor Arrington made a motion to approve Resolution # R0109-18

WHEREAS, Conterra Ultra Broadband has submitted application SU090004 requesting a Special Use Permit to allow the construction of a new 111-foot wireless communication facility and appurtenances in Agricultural Village Center (AV) and Corridor Overlay (CO) zoning districts on property identified as Tax Map number 63-A-62; and

WHEREAS, the application has been submitted pursuant to Section 30-79-2 of the Zoning Ordinance, which allows a wireless communication facility in the AV Zoning District after a Special Use Permit has been approved in accordance with Section 30-19 of the Zoning Ordinance; and

WHEREAS, the Board of Supervisors has carefully considered the public record, the public testimony, and the recommendation of the Planning Commission; and now

THEREFORE, BE IT RESOLVED by the Board of Supervisors that a Special Use Permit pursuant to application SU090004 be and it hereby is approved with the following conditions:

1. The wireless communication facility shall not exceed 111 feet in height.
2. Only the antenna shown on the plan dated 6/5/2008 shall be used on the wireless communications facility. (Revised plan received December 10, 2008).
3. The applicant must submit a copy of the actual tower drawings and/or structural analysis for review prior to the approval of the site plan.
4. RF Site exposure warning signage shall be placed at this site.
5. All General Safety recommendations from the Atlantic Technology Consultants, Inc. report shall be followed, including site identification information, routine and emergency contact information, as well as an OSHA approved style of fall prevention cable (from page 5 of 13).
6. All disturbed areas not otherwise finished shall be seeded with grass, other suitable ground cover, or mulched.
7. Lighting, if used, shall be the minimum required for safety and security and shall be directed away from adjacent property and roadways.
8. The applicant shall comply with all applicable local, state and federal laws.

Voting yes: Mr. Arrington, Mr. Cheek, Mr. Neudorfer, Mr. Lowry, Mrs. Pollard and Mr. Sharp

Voting no: None

Absent: Mr. Wheeler

112 **Motion Passed**

113 -----
114 **(5b)** Mr. Jordan Mitchell, Planner appeared before the Board to present a Special Use application
115 (SU090005) from Conterra Ultra Broadband to construct a 76 foot wireless communication facility in an
116 Agricultural Rural Preserve zoning district on property identified as Tax Map number 199-A-29. The
117 property is located at 1051 Elementary Way off Shingle Block Road approximately .06 miles northwest
118 of the intersection with Wilson Church Road and is owned by Bedford County Public Schools. Mr.
119 Mitchell then reviewed the project through a use of various photographs and drawings, as well as the
120 conditions. The Planning Commission approved the application by a vote of 7-0 on December 15, 2008.

121 Mr. Yates then provided an overview of the project at Body Camp Elementary. This will be a 76
122 foot pole and will be erected next to the gym, which is the tallest building. Mr. Hoisington explained the
123 cable length will be 400 feet, where the limit is 490 feet. Mr. Neudorfer wanted to know about placing it
124 along the other side the gym. Mr. Hoisington noted that the proposed area is not used by students. Mr.
125 Yates noted this area is in an existing fenced area to keep it out of the reach of the students.

126 The public hearing was opened. There being no citizens wishing to speak, the public hearing was
127 closed.

128 **Supervisor Neudorfer made a motion to approve Resolution # R0109-19**

129 **WHEREAS**, Conterra Ultra Broadband has submitted application SU090005 requesting a Special Use
130 Permit to allow the construction of a new 76-foot wireless communication facility and appurtenances in
131 Agricultural Rural Preserve (AP) zoning district on property identified as Tax Map number 199-A-29;
132 and
133

134 **WHEREAS**, the application has been submitted pursuant to Section 30-79-2 of the Zoning Ordinance,
135 which allows a wireless communication facility in the AP Zoning District after a Special Use Permit has
136 been approved in accordance with Section 30-19 of the Zoning Ordinance; and
137

138 **WHEREAS**, the Board of Supervisors has carefully considered the public record, the public testimony, and
139 the recommendation of the Planning Commission; and now
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141 **THEREFORE, BE IT RESOLVED** by the Board of Supervisors that a Special Use Permit pursuant to
142 application SU090005 be and it hereby is approved with the following conditions:
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- 144 1) The wireless communication facility shall not exceed seventy six (76) feet in height.
- 145
- 146 2) Only the antenna array shown on the plan dated 6/2/08 shall be used on the wireless
147 communications facility.
- 148
- 149 3) The applicant must submit a copy of the new tower drawings and/or structural analysis for review
150 prior to the approval of the site plan.
- 151
- 152 4) RF Site exposure warning signage shall be placed at this site.
- 153

- 154 5) All General Safety recommendations from the Atlantic Technology Consultants, Inc. report shall
155 be followed, including site identification information, routine and emergency contact information,
156 as well as an OSHA approved style of fall prevention cable (from page 5 of 12).
157
158 6) All disturbed areas not otherwise finished shall be seeded with grass, other suitable ground cover,
159 or mulched.
160
161 7) Lighting, if used, shall be the minimum required for safety and security and shall be directed
162 away from adjacent property and roadways.
163
164 8) The applicant shall comply with all applicable local, state and federal laws.
165

166 **Voting yes: Mr. Neudorfer, Mr. Lowry, Mrs. Pollard, Mr. Arrington, Mr. Cheek and**
167 **Mr. Sharp**

168 **Voting no: None**

169 **Absent: Mr. Wheeler**

170 **Motion Passed**

171 -----
172 **(5c)** Mr. Jordan Mitchell, Planner appeared before the Board to present a Special Use application
173 (SU090006) from Conterra Ultra Broadband to construct a 80 foot wireless communication facility in an
174 Agricultural Village Center zoning district on property identified as Tax Map number 226-1-4. The
175 property is located at 1123 Huddleston Drive off Smith Mountain Lake Parkway and is owned by
176 Bedford County Public Schools. Mr. Mitchell then reviewed the project at Huddleston Elementary
177 through a use of various photographs and drawings, as well as the conditions. The Planning Commission
178 approved the application by a vote of 7-0 on December 15, 2008.

179 Mr. Arrington had a question on why the pole was moved 9 feet and not 10 feet. Mr. Yates noted
180 that Mr. Corbett, the nearest resident, had picked the location of the tower. Mr. Sharp questioned the
181 location of the wire, and Mr. Hoisington stated that some of the wiring will be run above the breezeway.

182 There being no Citizens wishing to speak, the public hearing was closed.

183 **Supervisor Cheek made a motion to approve Resolution # R0109-20 with the change to**
184 **Condition #10 from 10 feet to 9 feet (as reflected in the resolution below)**

185 **WHEREAS**, Conterra Ultra Broadband has submitted application SU090006 requesting a Special Use
186 Permit to allow the construction of a new 80-foot wireless communication facility and appurtenances in
187 Agricultural Village Center (AV) zoning district on property identified as Tax Map number 226-1-4; and
188

189 **WHEREAS**, the application has been submitted pursuant to Section 30-79-2 of the Zoning Ordinance,
190 which allows a wireless communication facility in the AV Zoning District after a Special Use Permit has
191 been approved in accordance with Section 30-19 of the Zoning Ordinance; and
192

193 **WHEREAS**, the Board of Supervisors has carefully considered the public record, the public testimony, and
194 the recommendation of the Planning Commission; and now

THEREFORE, BE IT RESOLVED by the Board of Supervisors that a Special Use Permit pursuant to application SU090006 be and it hereby is approved with the following conditions:

- 1) The wireless communication facility shall not exceed eighty (80) feet in height.
- 2) Only the antenna array shown on the plan dated 01/12/09 shall be used on the wireless communications facility.
- 3) The applicant must submit a copy of the new tower drawings and/or structural analysis for review prior to the approval of the site plan.
- 4) A 20' x 20' x 6' chain link shall be installed around the base of the tower.
- 5) RF Site exposure warning signage shall be placed at this site.
- 6) All General Safety recommendations from the Atlantic Technology Consultants, Inc. report shall be followed, including site identification information, routine and emergency contact information, as well as an OSHA approved style of fall prevention cable (from page 5 of 10).
- 7) All disturbed areas not otherwise finished shall be seeded with grass, other suitable ground cover, or mulched.
- 8) Lighting, if used, shall be the minimum required for safety and security and shall be directed away from adjacent property and roadways.
- 9) The applicant shall comply with all applicable local, state and federal laws.
- 10) The proposed tower shall be moved approximately 9 feet southeast of the proposed location

Voting yes: Mr. Cheek, Mr. Neudorfer, Mr. Lowry, Mrs. Pollard, Mr. Arrington and Mr. Sharp

Voting no: None

Absent: Mr. Wheeler

Motion Passed

(6) ACTION ITEMS

(6a) Ms. Susan Crawford appeared before the Board to explain the reasoning behind the request to change the payment methods for appointed officials. During an IRS Employment Tax Examination the County was made aware that that these payments to elected and appointed officials should be treated as salaries and wages. Mrs. Pollard asked what Boards this involved. Ms. Crawford responded the Welfare Board, Planning Commission, Board of Zoning Appeals, Economic Development Authority and the Public Service Authority (PSA). Mrs. Pollard inquired if the PSA receives payment from both the County and the PSA for attending meetings. Ms. Crawford answered yes they get a payment from the

Authority and also the minimum payment of \$25 from the County. She noted that they are paid whether or not they attend the meeting. Mr. Lowry made note of the amount of work that his PSA representative puts into his position. Mrs. Guzi inquired if the Board wants to pay them a monthly salary or by their attendance of the meetings. Mr. Neudorfer noted that he feels it would be best to keep it simple and pay them monthly. Mr. Sharp noted that each of these Boards have an attendance policy so if there is an issue it can be addressed at that time.

Supervisor Lowry made a motion to approve Resolution R0109-15

Voting yes: Mr. Lowry, Mrs. Pollard, Mr. Arrington, Mr. Cheek, Mr. Neudorfer and Mr. Sharp

Voting no: None

Absent: Mr. Wheeler

Motion Passed

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

Mr. Cheek made a note of the 4 star rating that the County Nursing home received, which is above average. Mr. Cheek would like the Nursing Home staff to know that the accomplishment is appreciated. Mrs. Pollard made a request that a resolution be drafted to request Verizon to extend high speed internet service to the Goose Creek Valley Road residents. Mr. Sharp made note that Congressman Perriello referenced the economic stimulus package for rural broadband, which hopefully Bedford County can tap into as a resource

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

None

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

Nothing to report

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

Mrs. Kathleen D. Guzi, County Administrator, provided a copy of a letter that she received from VDOT on the Revision of the FY 2009-2014 Six Year Improvement Program. She also noted the Board meeting schedule. She also provided an update on legislation. She gave an update on the budget and

273 noted that as of this date, the budget is not balanced. Mr. Arrington asked the requests be made up front
274 so he knows what they are dealing with. Mrs. Pollard agreed with that request. Mrs. Guzi noted that the
275 format would be similar to last year in that there would be requests and staff recommendations.

276 Mr. Sharp also presented his Committee Listing for 2009 to the Board. Mr. Sharp made a
277 recommendation that a staff person fill the position on the Community Services Board.

278 a. The Board was given a copy of the Building Inspector's report for December 2008

279 b. The Board was given a copy of the Tri-County Lake Administrative Commission board
280 meeting minutes of December 2, 2008

281 _____

282 **Supervisor Cheek made the motion to adjourn**

283 **Voting yes: Mr. Cheek, Mr. Neudorfer, Mr. Lowry, Mrs. Pollard, Mr. Arrington and**
284 **Mr. Sharp**

285 **Voting no: None**

286 **Absent: Mr. Wheeler**

287 **Motion Passed.**

288 **Chairman Sharp adjourned the meeting at 8:57 P.M.**