

8-28-90 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held at the Liberty Lake Park Community Building at 7:30 p.m., August 28, 1990.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilman Payton M. Otey; Vice Mayor John M. Owen, III; Councilman Ronnie C. Rice; and Councilman James A. Vest.

Members absent: None.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on August 14, 1990, were approved as mailed.

Barbara Ring, Bedford Area Chamber of Commerce, introduced a video of the Bedford area that was prepared for the Certification Program. Council members then watched the video.

Mayor Shelton expressed Council's appreciation to Scott & Bond, Inc., for volunteering to coordinate this year's Christmas Parade.

The City Manager is to notify Scott & Bond of Council's thanks and support.

City Manager Gross stated that Council had received a copy of an ordinance which provides access across City property to Specialty Electronic Systems Co. for the purpose of maintaining transmitting equipment on a site they own adjacent to the City's repeater on No Business Mountain. Mr. Gross stated that an easement has been agreed upon which will require Specialty Electronic Systems to do the road maintenance on that part of the road which the City owns.

The Clerk of Council read aloud the following proposed ordinance:

AN ORDINANCE AUTHORIZING CONVEYANCE OF AN
EASEMENT ACROSS THE CITY COMMUNICATIONS SITE
LOCATED ON NO BUSINESS MOUNTAIN

WHEREAS, the City owns a communications site located on No Business Mountain in Bedford County, Virginia, which was purchased in 1989; and

WHEREAS, access to the City Communications site is provided from Virginia Secondary Route No. 665 by proceeding along 3.3 miles of a CC Camp Road and then over a

ten foot access road: and

WHEREAS, in the Deed to the City, the City agreed to maintain the right of way from the CCC Road to the City site so as to provide ingress and egress for normal vehicular traffic; and

WHEREAS, Specialty Electronic Systems Company has purchased land for its own communication site on the other side of the City facility and has requested an easement across the City communication site to obtain access to its own property; and

WHEREAS, the City of Bedford has agreed to provide such right of way in consideration of Specialty Electronics agreeing to assume the obligations of the City of Bedford in respect to the maintenance of the right of way as set forth in its Deed and has agreed to maintain the said right of way for the benefit of the City of Bedford and its successors and assigns.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

1. It is hereby determined to be in the best interests of the City of Bedford to grant to Specialty Electronics an easement across the City of Bedford communication site in order to provide ingress and egress to the Electronic Systems site from the existing access road and in order to provide the installation of utility lines serving the Specialty Electronics site, all in consideration of the Agreement by Specialty Electronics to maintain the access road for the benefit of the City of Bedford and to assume the obligations of the City of Bedford in respect to such maintenance.

2. The Mayor and the City Clerk are hereby authorized to execute and deliver an agreement in proper form, as approved by the City Attorney, conveying such easements for access and for utility easements.

3. This ordinance shall take effect immediately.

On motion by Councilman Otey, seconded by Councilman Rice, voted upon and carried unanimously by the following roll call vote, Council adopted the ordinance as read:

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| Councilman Brookshier | aye |
| Councilwoman Grahame | aye |
| Councilman Otey | aye |
| Vice Mayor Owen | aye |
| Councilman Rice | aye |
| Councilman Vest | aye |

City Manager Gross reported that the City has contracted to purchase a 21-acre tract as an addition to Liberty Lake Park. He stated that this purchase is being financed in part with a grant from the Virginia Division of Parks and Recreation, and it is a condition of the grant that the City acknowledge in the deed of transfer that the real estate is being dedicated for outdoor recreation use in perpetuity.

The Clerk of Council read aloud the following proposed ordinance:

ORDINANCE AUTHORIZING THE DEDICATION FOR PARK

PURPOSES OF ADDITIONS FOR LIBERTY LAKE PARK

WHEREAS, the City has contracted to purchase a tract of twenty one (21) acres of land as an addition to the Liberty Lake Park property; and

WHEREAS, the Purchase price for the twenty one acres is financed in part by a Grant administered by the Virginia Division of Parks and Recreation; and

WHEREAS, as a condition of the Grant the Division of Parks and Recreation requires that the City of Bedford as the sponsoring agency acknowledge in the Deed of Transfer that the real estate is being dedicated for outdoor recreation use in perpetuity;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA;

1. The City agrees to dedicate the twenty one (21) acres being purchased to the use of the public for the purpose of developing and maintaining in perpetuity a public outdoor recreation park, consonant with the provisions of the Land and Water Conservation Fund Act of 1965 (78 Stat. 987) and as amended, applicable to the acquisition and development of outdoor recreation facilities.

2. The Mayor and the City Clerk hereby are authorized to execute and enter into the Deed of Conveyance agreeing to said dedication on behalf of the City of Bedford, in a form approved by the City Attorney.

3. This ordinance shall take effect immediately.

Councilman Brookshier moved that the ordinance be adopted as read. The motion was seconded by Councilwoman Grahame, voted upon and carried unanimously by the following roll call vote:

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| Councilwoman Grahame | aye |
| Councilman Otey | aye |
| Vice Mayor Owen | aye |
| Councilman Rice | aye |
| Councilman Vest | aye |
| Councilman Brookshier | aye |
| Mayor Shelton | aye |

The City Treasurer presented the annual report of uncollected real estate and personal property taxes for the fiscal years 1987-88 through 1989-90.

REAL ESTATE AND PERSONAL PROPERTY TAX STATUS AS OF AUGUST 15, 1990:

REAL ESTATE TAXES

| <u>YEAR</u> | <u>UNCOLLECTED</u> | <u>ASSESSMENT</u> | <u>PERCENTAGE COLLECTED</u> |
|-------------|--------------------|-------------------|-----------------------------|
| 1987-88 | \$ 6,713.38 | \$1,036,723.35 | 99.35% |
| 1988-89 | 7,923.10 | 1,062,140.60 | 99.25% |
| 1989-90 | 10,132.65 | 1,076,734.85 | 99.05% |

PERSONAL PROPERTY TAXES

| | | | |
|------|----------|------------|--------|
| 1987 | 1,555.79 | 555,276.70 | 99.71% |
| 1988 | 2,614.06 | 601,605.37 | 99.56% |
| 1989 | 4,639.80 | 650,107.12 | 99.28% |

City Manager Gross stated that Scott & Bond, Inc., is sponsoring and organizing this year's Christmas Parade, which will be held on December 1, 1990, at 2:00 p.m. Scott & Bond is requesting that Council consider closing College Street and Ashland Avenue (around the Recreation Field) for the forming of the parade from 12 noon to 2:00 p.m. on that date, and as necessary along the parade route. Mr. Gross stated that the street closing and parade route have been cleared with the Police Department, Fire Department and Rescue Squad, and Scott & Bond will also clear the street closing with the Elks National Home. The residents of College Street have been notified of the plan to close the street and arrangements have been

made to provide them with ingress and egress to their homes. Ample notice of the street closings will also be given on the radio and in the newspaper.

On motion by Councilman Rice, seconded by Councilman Otey, voted upon and carried unanimously, the request to close the streets was approved.

City Manager Gross stated that Council has received a memorandum from Jimmy English, Director of Community & Economic Development, with a copy of the Section 504 Grievance Procedure providing for prompt and equitable resolution of complaints alleging any actions prohibited by the Department of Housing and Urban Development which have taken place against handicapped individuals. Mr. Gross stated that the adoption of this grievance procedure is required by the Department of Housing and Urban Development before entering into a contract for the proposed Community Development Block Grant which has been offered to the City.

Councilwoman Grahame moved that Council adopt the Section 504 Grievance Procedure. The motion was seconded by Councilman Brookshier, voted upon and carried unanimously.

City Manager Gross stated that in connection with the Community Development Block Grant for the Plunkett Street/Greenwood Park Neighborhood, City Council is required to adopt a Nondiscrimination Policy a copy of which Council has received, stipulating that the City will promote and provide equal employment opportunities in its practices and those with whom it contracts with Community Improvement Grant funds. Mr. Gross said that the City already has a nondiscrimination policy but it is required by the Community Development Block Grant that the City readopt it. This policy declares that the City will not discriminate against any employee or applicant for employment regardless of race, color, sex, religion, age, handicap or national origin.

On motion by Councilman Brookshier, seconded by Councilman Rice, voted upon and carried unanimously, Council adopted the Nondiscrimination Policy (in connection with the Community Development Block Grant).

On motion by Councilwoman Grahame, seconded by Councilman Rice, voted upon and carried unanimously by a roll call vote, Council adjourned into executive session for:

Consultation with Legal Counsel and Briefing Regarding Water Connection Policy, pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended.

Consultation with Legal Counsel and Briefing Regarding Armory Contract, pursuant to Section 2.1-344(a)(7) of the Code of Bedford of 1950, as amended.

Roll call vote:

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| Councilman Otey | aye |
| Vice Mayor Owen | aye |
| Councilman Vest | aye |
| Councilman Brookshier | aye |
| Councilwoman Grahame | aye |

Councilman Otey aye

Mayor Shelton aye

Council adjourned into executive session at 8:04 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, Clerk of the Council Hatcher, and Engineering Project Manager Dave Ballard.

Council reconvened into open session at 9:34 p.m.

The Clerk read aloud the following proposed resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

On motion by Councilman Brookshier, seconded by Councilwoman Grahame, voted upon and carried unanimously by a roll call, Council approved the resolution:

Vice Mayor Owen aye

Councilman Rice aye

Councilman Vest aye

Councilman Brookshier aye

Councilwoman Grahame aye

Councilman Otey aye

Mayor Shelton aye

On motion by Councilman Vest, seconded by Councilwoman Grahame, voted upon and carried unanimously, the following item was added to the agenda:

Request for Utility Connection - Northwood Heights Subdivision

Mayor Shelton stated that after consultation with staff, it appears that no action of Council is required because the exceptions mentioned in the June 1989 moratorium have been handled administratively by the City Manager, and that this was the intention of Council when the policy was adopted.

Mayor Shelton adjourned the meeting at 9:35 p.m.

