

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., November 13, 1990.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier (arrived at 7:40 p.m.); 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 October 23, 1990, were approved as mailed.

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

Executive Session - Consultation with Legal Counsel and Staff Regarding Pending Lawsuits, pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended

The Clerk of Council read aloud the following Public Hearing Notice:

PUBLIC HEARING NOTICE

The Bedford City Council and the City of Bedford Redevelopment and Housing Authority will hold a joint public hearing on Tuesday, November 13, 1990, at 7:30 p.m. during the regularly scheduled City Council meeting at Liberty Lake Park, Bedford, Virginia 24523. The purpose of the hearing is to solicit public comment on the proposed Plunkett Street Redevelopment Plan to be implemented by the Bedford City Redevelopment and Housing Authority in accordance with Title 36 of the Code of Virginia. The plan is an integral part of the City of Bedford's Community Development Block Grant Program for the Plunkett Street/Greenwood Park Neighborhood Revitalization area.

Citizens are encouraged to attend and will be given an opportunity to comment on the Plunkett Street Redevelopment Plan. For additional information or to obtain a copy of the plan, please contact the City's Assistant Grants Coordinator at (703) 586-7127, Room B-16 of the Municipal Building, 215 East Main Street, Bedford, Virginia.

By authority of the Department of

Community & Economic Development

Ms. Peggy Morrison, of K. W. Poore & Associates, gave a presentation regarding the Plunkett Street Redevelopment Plan.

Councilman Brookshier arrived at 7:40 p.m.

Mayor Shelton opened the public hearing at 7:50 p.m.

Mr. Damon Wright, 615 Plunkett Street, spoke regarding lots 39 and 38 on Plunkett Street, which he owns.

Discussion ensued.

Ms. June Jackson, 611 Federal Street, spoke regarding relocating people living in the area.

Ms. Morrison explained how this would be handled.

Mayor Shelton closed the public hearing at 8:01 p.m.

The City Manager read aloud the following proposed resolution:

RESOLUTION OF CITY COUNCIL OF CITY OF BEDFORD, VIRGINIA
APPROVING THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF
PROPERTY ACQUISITION AND RELOCATION FOR
PLUNKETT STREET REDEVELOPMENT AREA

WHEREAS, Section 36-51 of Title 36 of the Code of Virginia requires the governing body of each municipality in which any area to be covered by a redevelopment plan is situated to approve the redevelopment plan which provides an outline for the redevelopment of the area; and

WHEREAS, the Redevelopment Plan must indicate its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements; indicate proposed land uses and building requirements in the area; indicate the land in the area to be made available to private enterprise for redevelopment and that land which is to be made available to public enterprise for redevelopment and indicate the method for the temporary relocation of persons living in such areas and the method for providing decent, safe and sanitary dwellings in the locality substantially equal in number to the number of substandard dwellings to be cleared from the area at rents within the financial reach of the income groups displaced from substandard dwellings; and

WHEREAS, the City and the City of Bedford Redevelopment and Housing Authority have caused studies to be made of the location, physical condition of structures, land use, environmental influences; and social, cultural and economic conditions of the redevelopment area comprising the Plan and has determined as a result of the studies that 66.5 percent of the total area is a blighted and detrimental slum area and that it is detrimental and a menace to the

safety, health, and welfare of the inhabitants and users thereof and of the City at large; and

WHEREAS, attached hereto is a true and correct copy of the Redevelopment Plan presented during a joint public hearing of Bedford City Council and the City of Bedford Redevelopment and Housing Authority and to be approved by the Authority by resolution on this date and it is desirable and in the public interest that the Authority undertake and carry out the Plunkett Street Redevelopment Plan encompassing the area described on the boundary description in the attached Plan dated October, 1990, in the City of Bedford, State of Virginia; and

WHEREAS, there has been prepared and referred to the Bedford City Council for review and approval a said Redevelopment Plan for the Plunkett Street Redevelopment Area, dated October, 1990, and consisting of 26 pages and 2 maps; and

WHEREAS, the approval of the Authority of the Redevelopment Plan will be evidenced by a copy of said Authority's duly certified resolution approving the Redevelopment Plan being attached thereto; and

WHEREAS, the City Council has found that financial assistance to be provided to the Authority from the Small Cities Community Development Block Grant program as authorized under the Housing and Community Development Act of 1974, as amended, is necessary to enable the redevelopment to be undertaken in accordance with the Plan; and

WHEREAS, there will be presented to City Council information and data respecting the acquisition and relocation by the Authority as a result of implementation of the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA;

1. That it is hereby found and determined that the redevelopment area comprising the Plan is a blighted and deteriorated area and qualifies as an eligible area under Title 36, Code of Virginia 1950, as amended.
2. That the Redevelopment Plan for the area, having been duly reviewed and considered, is hereby approved and the Clerk of the Council be and is hereby directed to file said copy of the Redevelopment Plan with the minutes of this meeting.
3. That it is hereby found and determined that where clearance is proposed that the objectives of the Redevelopment Plan cannot be achieved through rehabilitation of portions of the redevelopment area comprising the Plan.
4. That it is hereby found and determined that the Redevelopment Plan for the area conforms to the general plan for the locality.
5. That it is hereby found and determined that the financial assistance to be provided pursuant to the City of Bedford's 1990 Community Development Block Grant award is necessary to enable the Plan to be undertaken in accordance with the Redevelopment Plan for the area.

6. That it is hereby found and determined that the Redevelopment Plan for the redevelopment area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the area by private enterprise.

7. That it is hereby found and determined that the Redevelopment Plan for the proper relocation of individuals and families displaced in carrying out the Redevelopment Plan in decent, safe, and sanitary dwellings in conformity with acceptable standards is feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the Plan; and that such dwellings or dwelling units available or to be made available to such displaced individuals and families, are at least equal in number to the number of displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families in the area comprising the Plan, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment.

8. That, in order to implement and facilitate the effectuation of the redevelopment Plan hereby approved, it is found and determined that certain official action must be taken by this Council with reference, among other things, to changes in zoning, the vacating and removal of public rights-of-ways; and accordingly, this Council hereby pledges its cooperation in helping to carry out the Redevelopment Plan and requests the various officials, department heads, boards, and agencies of the City having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Redevelopment Plan and stand ready to consider to take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan.

Councilwoman Grahame moved that Council approve the Plunkett Street Redevelopment Plan as a part of the City's Community Development Block Grant Program for the Plunkett Street/Greenwood Park Neighborhood Revitalization and to adopt the resolution. The motion was seconded by Councilman Rice.

The Chairman of the Redevelopment and Housing Authority indicated that the Authority was in favor of the Plan.

The motion was then voted upon by the following roll call vote and carried unanimously:

Councilman Brookshier aye

Councilwoman Grahame aye

Councilman Otey	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Mayor Shelton	aye

Ms. Morrison briefly explained the terms of a proposed cooperation agreement between the City of Bedford and the Redevelopment and Housing Authority in regard to the Plunkett Street Redevelopment Project.

Councilman Brookshier moved that the cooperation agreement be approved. The motion was seconded by Councilman Rice, voted upon and carried unanimously.

The Redevelopment and Housing Authority then approved the cooperation agreement and the resolution, after Ms. Morrison gave an explanation of the resolution.

Mayor Shelton declared a five minute recess from 8:21 p.m. until 8:26 p.m.

The Clerk of Council read aloud a proposed resolution.

(The resolution follows as amended)

RESOLUTION

WHEREAS, In recognition of the positive impact in design, image and economic development that the Main Street program has had in downtown Bedford, the City Council wishes to express its commitment and support for this program, and

WHEREAS, Building improvements, an organized downtown community, new businesses, job creation and increased private investment have occurred because of the efforts of the local Main Street organization, and

WHEREAS, The City of Bedford entered the Virginia Main Street program in 1985. Participation in the program guaranteed Bedford three years of intensive technical and free design assistance to downtown property owners. While that three-year commitment ended in 1988, the services were extended until June of 1990.

NOW, THEREFORE, BE IT RESOLVED that, because of the success the Main Street program has had in Bedford, the City Council urges that the momentum of downtown revitalization in Virginia cities and towns be continued through the inclusion of additional communities in the Virginia Main Street program.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to Governor Douglas Wilder, State Senator Elliot Schewel, Delegate Lacey Putney, Secretary of Economic Development Larry Framme, and Director of the Department of Housing and Community Development Neal Barber.

Councilman Vest moved that the resolution be adopted, as amended, in support of the Virginia Main Street Program. The motion was seconded by Councilman Otey, voted upon and carried unanimously by the following roll call vote:

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

The City Manager stated that the existing City Code, as it pertains to parking violations, is not in strict compliance with state legislation, which requires a municipal corporation to have an administrative procedure for the payment of uncontested parking fines. He stated that the City Attorney has prepared a proposed ordinance to address these problems.

Vice Mayor Owen moved that Council dispense with the reading of the proposed ordinance. The motion was seconded by Councilwoman Grahame, voted upon and carried unanimously.

Vice Mayor Owen moved that the proposed ordinance be adopted. The motion was seconded by Councilman Brookshier, voted upon and carried unanimously by the following roll call vote (after discussion):

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

The Ordinance follows as adopted:

An Ordinance to establish new enforcement provisions
for parking ordinances and to establish penalties
for violation.

BE IT ORDAINED by the Council of the City of Bedford that:

Section 1. Section 13-38 and Section 13-40 of the Code of the City of Bedford are hereby repealed.

Section 2. The following new Sections are enacted and added as part of Chapter 13, Article II of the City Code:

Sec. 13-40 Uncontested payment of parking citations.

A person to whom a parking citation has been issued may make an uncontested payment of parking citation penalties to the City Treasurer within five (5) days of issuance or five (5) days of receipt of notice of issuance as hereinafter provided, whichever shall occur later. The notice of violation shall be placed on the front windshield of the vehicle which is in violation and shall advise the violator of the applicable fine as set forth in the schedule of uncontested fines herein, that he may pay the fine at the Treasurer's office in person or by mail, and that failure to comply within five (5) days may result in filing a case in the applicable Court. If payment is not received in the Treasurer's Office within five (5) days of issuance, the Office of the Treasurer shall notify the violator by mail at his last known address or at the address shown for such violator on the records of the Virginia Department of Motor Vehicles and such notice shall advise the violator that he may pay the fine allocated for uncontested payment of parking citations within five days of receipt of such notice. The notice to the violator, required by the provisions in this section, shall be contained in an envelope bearing the words "law enforcement notice" stamped or printed on the face thereof in type at least one-half inch in height. Penalties and fines for uncontested payment of parking violations shall be imposed as follows:

(a) Overtime parking fines shall be those set forth in Section 13-39.

(b) Unlawful parking in a parking space reserved for the handicapped on public property or on privately owned parking areas opened to the public by a vehicle not displaying a license plate, decal, or special parking permit issued under applicable state statutes shall carry a fine of Twenty Five Dollars (\$25.00).

(c) All other parking violations shall carry a penalty of Five Dollars (\$5.00), which penalty shall be increased by Fifty Percent (50%) for failure to make payment within twenty four (24) hours after issuance.

Sec. 13-41 Enforcement of Delinquent or Contested Parking Citations.

If payment of a parking citation is not received by the Office of the City Treasurer within five (5) days after receipt of a notification of violation by mail as set forth in Section 13-40, the Office of the Treasurer shall notify the Officer who issued the citation that the violator has failed to pay such fine within such time. Upon such notification, after the mailing of such notice by the City Treasurer pursuant to Section 13-40 and upon the failure of the violator to pay the uncontested fine within five (5) days of receipt of such notice, the appropriate law enforcement officer may issue or cause to be issued a summons or warrant in the appropriate Court.

Sec. 13-42 Penalty for Parking Citations in Case of Court Hearings.

Any person violating the provisions of this Article or any parking violations promulgated pursuant to Section 13-3 shall, upon conviction thereof, be punished by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00); however, in no case shall the fine for unlawful parking in a parking space reserved for the handicapped be less than Twenty Five (\$25.00).

Sec. 13-43 Authority of law enforcement officers to enforce handicapped parking restrictions in private parking areas.

On privately owned parking areas opened to the public a summons or ticket may be issued by law enforcement officers employed by the City to enforce parking regulations without the necessity of a warrant being obtained by the owner of the private parking area.

Section 3. This ordinance shall become effective one week after publication in the Bedford Bulletin or after posting at three or more places in the City for one week pursuant to Section 19 of the City Charter.

City Manager Gross stated that during a recent meeting held by Stephen J. Roger to which all members of Council were invited, the developer provided information on the housing development concept which he is planning for a site off Coolbrook Road. He stated that the project is conceived under the City's PRD zoning and is proposed to be built in several phases. Mr. Gross said that initially the development plan was presented with only one entrance, but during the meeting it was suggested by someone in the audience that a second entrance off the new Industrial Avenue extension be considered. He stated that the developer has offered to change the original first phase to include such an entrance if the City would be willing to extend Industrial Avenue to his property, which is approximately 125 linear feet at a cost of approximately \$28,000. Since that meeting, the developer has since indicated that he wants the City to construct the street approximately 335 feet instead of 125 feet. Mr. Dave Ballard, Engineering Project Manager, stated that the City's cost for extending the street would be approximately \$40,000.

Discussion ensued.

It was the consensus of Council that this matter be tabled until the City Manager and staff have the opportunity to meet with the developer and find out exactly what the developer is planning, what the cost will be, and give consideration to the impact of the development on the whole area.

The Clerk of Council read aloud an amended resolution regarding a request for street additions for municipal assistance payments:

RESOLUTION

WHEREAS, the City of Bedford has accepted into the City street system the following streets or portions thereof:

Grand Arbre Drive, from Smith Street to end, .34 center line miles and .68 lane miles; Independence Boulevard, from Orange Street to Dawn Drive, .31 center line miles and 1.24 lane miles; Dawn Drive from Independence Boulevard to 290 feet west, .05 center line miles and .10 lane miles; Industrial Avenue from original end to the end, .17 center line miles and .34 lane miles.

WHEREAS, the City wishes to receive payment from the Virginia Department of Transportation for assistance in maintaining these streets;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bedford, Virginia, that the City requests that the Virginia Department of Transportation add for payment those portions of the aforementioned streets.

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

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

Vice Mayor Owen reported that the Finance Committee recommends that the funding of the following agencies should be by line item in the budget:

Bedford Volunteer Fire Department

Bedford Life Saving & First Aid Crew

Central Virginia Mental Health

Central Virginia Community College

Transportation & Safety Commission

Central Virginia Air Pollution Control Committee

Central Virginia Area Agency on Aging

Central Virginia Planning District Commission

Central Piedmont Employment Consortium

BREMS Life Line

Vice Mayor Owen stated that the Finance Committee further recommends that the following agencies be considered on a case-by-case basis:

Bedford Area Chamber of Commerce

Bedford Sheltered Workshop

Peaks of Otter Soil & Water Conservation District

The Finance Committee also recommends that Council consider using the City's supplemental payment to the Museum only for the City's share of the maintenance expense on the building.

Discussion ensued.

Councilman Brookshier moved that Council accept the Finance Committee's report and recommendations. The motion was seconded by Councilwoman Grahame, voted upon and carried unanimously.

Councilman Brookshier moved that Council adjourn into executive session for consultation with legal counsel and staff regarding pending lawsuits, pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended. The motion was seconded by Councilwoman Grahame, voted upon and carried unanimously by the following roll call vote:

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

Mayor Shelton

aye

Council adjourned into executive session at 9:07 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, and Clerk of the Council Hatcher.

Council reconvened into open session at 9:42 p.m.

The Clerk of Council 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.

Councilman Brookshier moved that the resolution be approved. The motion was seconded by Councilwoman Grahame, voted upon and carried by the following roll call vote:

Councilman Vest aye

Councilman Brookshier aye

Councilwoman Grahame aye

Councilman Otey aye

Vice Mayor Owen aye

Councilman Rice aye

Mayor Shelton aye

Mayor Shelton adjourned the meeting at 9:43 p.m.

