

6-9-92 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., June 9, 1992.

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

Members absent: Councilman Payton M. Otey.

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

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 May 26, 1992, were approved as mailed.

City Manager Gross stated that Council has received a draft resolution from the Central Virginia Planning District Commission which endorses the City of Bedford's inclusion in the Lynchburg Metropolitan Statistical Area; however, the task force appointed by the Mayor will evaluate presentations by both the Lynchburg and the Roanoke Chambers of Commerce on Wednesday, June 10, beginning at 4:00 p.m. Councilman Rice asked that the record show he is one hundred per cent in favor of going with the Lynchburg MSA.

Mayor Shelton commented on the Commonwealth Transportation Board's approval of the Route 122 Connector to be funded from federal funds. He reported that the final disposition will be made next month and that he and staff members will attend a public hearing on final allocations in Salem on Thursday.

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

Executive Session pursuant to §2.1-344(a)(3) of the Code of Virginia of 1950, as amended - Discussion of Possible Real Estate Transaction.

The Vice Chairman of the City Planning Commission convened a meeting of the Planning Commission, with the following members present: Ricky Gardner, Carl G. Saunders, John P. Messier, O. P. Stancer, and Henry H. Carey. The minutes of a Planning Commission meeting held on May 7, 1992, were approved.

Mayor Shelton announced that two joint public hearings would be held by City Council and the Planning Commission and that, at the conclusion of those two joint public hearings, the Planning Commission would adjourn to the Conference Room and reconvene there to consider the two requests before it, and would then return to the Council meeting.

The Deputy Clerk of Council read aloud the following public hearing notice:

PUBLIC HEARING NOTICE

Notice is hereby given of a joint public hearing to be held by the City Council and the Planning Commission of the City of Bedford, Virginia at 7:30 P.M. on Tuesday, June 9, 1992 at the City Municipal Building, Council Hall, 215 E. Main St for the purpose of considering a request for the following:

To consider a rezoning request for property currently zoned R-1A Low Density Residential District to R-2 Medium Density Residential District. The property is located north of South St. and west of Bowling Drive. The intent is to develop this property for single-family dwellings.

The application is on file in the Office of Community and Economic Development.

The request is being made by Henry H. Carey, Owner.

Anyone who is in favor of or opposed to the request will have an opportunity to express their view at this hearing.

Mayor Shelton opened the public hearing at 7:42 p.m.

Mr. Donald Duncan, 818 Pinecrest Avenue, spoke in opposition to the rezoning request. Mr. Carey asked Director of Community & Economic Development Jimmy English to explain R-1A and R-2 zoning. Mr. English explained the similarities and differences in the two zones, with the chief differences being that R-2 zoning does not require owner occupancy of apartments and allows for smaller lot sizes. Mr. Carey stated that he wants to build low-income single-family dwellings and does not want apartments in the area. Mr. English noted that if rezoning takes place, it would not restrict building to two-family dwellings.

The following additional persons spoke in opposition to the rezoning request: Carol Hogan, 817 Pinecrest Avenue; Louis Albee, 956 Lyle Street; Glenn Goden, 705 Pinecrest Avenue, and Donald A. Owen, 816 Helm Street.

As there were no further comments, Mayor Shelton closed the public hearing at 8:08 p.m.

The Deputy Clerk of Council read aloud the following public hearing notice:

PUBLIC HEARING NOTICE

Notice is hereby given of a joint public hearing to be held by the City Council and the Planning Commission of the City of Bedford, Virginia at 7:30 P.M. on Tuesday, June 9, 1992 at the City Municipal Building, Council Hall, 215 E. Main St. for the purpose of considering a request for the following:

To consider a conditional use request for property located in an R-1 Single Family Residential District to allow construction of a storage building for use by the Bedford County Recreation Commission. The property is located at 780 Bedford Avenue Extension.

The application is on file in the Office of Community and Economic Development.

The request is being made by the Bedford County Recreation Commission, owner.

Anyone who is in favor of or opposed to the request will have an opportunity to express their view at this hearing.

Mayor Shelton opened the public hearing at 8:10 p.m.

Dr. Anthony Bailey, 846 College Street, spoke in opposition to the conditional use request based on the size of the proposed building.

Mr. Zack Black, 3 Crestview Place, representing the Recreation Commission, spoke in favor of the request for safety reasons and ease of maintenance of equipment. He stated that the proposed building would house equipment used to maintain all of the County recreational facilities.

As there were no further comments, Mayor Shelton closed the public hearing at 8:20 p.m.

The Planning Commission adjourned to reconvene in the Conference Room. Councilman Brookshier stated that as the Council representative on the Planning Commission, he would leave the Council meeting to meet with the Planning Commission. The Mayor excused Councilman Brookshier from the meeting.

The Deputy Clerk of Council read aloud the following public hearing notice:

NOTICE OF PUBLIC HEARING

Notice is hereby given that, pursuant to Section 22.1-29.1 of the Code of Virginia of 1950, as amended, the City Council of the City of Bedford will hold a public hearing at 7:30 p.m. on June 9, 1992, in the Council Hall of the Municipal Building, for the purpose of receiving the views of citizens on the appointment of members to the City School Board.

Mayor Shelton opened the public hearing at 8:24 p.m.

The Mayor noted that Council has had notice of two members seeking reappointment to the School Board. As there were no comments, Mayor Shelton closed the public hearing at 8:25 p.m.

The Deputy Clerk of Council read aloud the following public hearing notice:

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Bedford will hold a public hearing at 7:30 p.m. on June 9, 1992, in the Council Hall of the Municipal Building, for the purpose of receiving the views of citizens on mandatory recycling in the City of Bedford.

Mr. Walt Busch, a member of the Advisory Committee for Responsible Waste Management, spoke in favor of mandatory recycling. Councilwoman Grahame stated that several citizens have expressed the view that the sooner mandatory recycling is instituted, the better.

As there were no further comments, Mayor Shelton closed the public hearing at 8:29 p.m.

The Consent Agenda consisted of the following item:

Appointment of Mr. Clarence Stanley to a term on the Local Building Code Board of Appeals, said term to expire June 11, 1996.

On motion of Councilman Brookshier, seconded by Councilwoman Grahame, voted upon and carried unanimously, Council approved the Consent Agenda.

Councilman Vest reported that the Solid Waste Committee met with the Advisory Committee on Responsible Waste Management, which will present a proposed timetable for mandatory recycling at the Council meeting of June 23, 1992.

City Manager Gross stated that the Central Virginia Planning District Commission is asking its member governmental jurisdictions to approve an amendment of the Commission's Charter Agreement. The amendment will allow for the appointing of a member of Council and the City Manager or his designated administrative staff member as members of the Commission. In the event the City Manager is unable to attend a Commission meeting, his designee would attend on his behalf. If the amendment is

approved, these appointments would be made at Council's organizational meeting on July 1, 1992. Ms. Julie Cobb, Senior Planner with the Central Virginia Planning District Commission, explained that the amendment was being requested because the Commission's work has become more technical in nature.

After considerable discussion, Councilman Rice made a motion to approve the amendment to the Central Virginia Planning District Commission's Charter Agreement. (Councilman Brookshier and the other members of the Planning Commission returned to the meeting at 9:08 p.m.) The motion was seconded by Councilwoman Grahame, voted upon and carried, four members voting aye, two members (Owen and Vest) voting nay.

The City Manager stated that a resolution needs to be adopted in order to apply to the Virginia Resources Authority for funds to close the existing landfill and open a new landfill. The sale of these bonds will be at the VRA credit rating, which is AA. The resolution also allows the City to reimburse itself for expenditures on the landfill prior to the bond closing.

The Deputy Clerk of Council read aloud the following resolution:

RESOLUTION OF THE CITY COUNCIL OF

THE CITY OF BEDFORD, VIRGINIA

WHEREAS, the Council of the City of Bedford, Virginia (the "City"), intends to issue its Bonds, as hereinafter defined, to finance the costs of the closure of the existing City landfill and the opening of a new landfill to be located adjacent to the City's wastewater treatment facility on Orange Street in the City (the "Project"); and

WHEREAS, the City intends to pay costs of the Project prior to the issuance of the Bonds and to receive reimbursement for such expenditures from proceeds of the sale of the Bonds; and

WHEREAS, the City has determined that it will be in the best interest of the City to apply to the Virginia Resources Authority (the "Authority") for a loan in an amount not to exceed \$2,400,000 to finance the Project and to issue the Bonds to the Authority to evidence such loan;

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

1. The City intends to finance the Project through the issuance of its general obligation Bonds in an amount not to exceed \$2,400,000 (the "Bonds"). The Bonds may also be secured by the revenues of the Project.

2. The City intends to receive reimbursement from proceeds of the sale of the Bonds for costs of the Project paid by the City prior to the issuance of the Bonds.

3. The City intends that the adoption of this Resolution be considered as "Official Intent" within the meaning of Treasury Regulations Section 1.103-18 promulgated under the Internal Revenue Code of 1986, as amended.

4. The City Manager is authorized and directed to prepare and submit an application to the Authority for a loan in an amount not to exceed \$2,400,000 to finance the costs of the Project. The City Manager is authorized to take such action as may be necessary or convenient to complete the application process.

5. The City Clerk is directed to make a copy of this Resolution continuously available for inspection by the general public during normal business hours at the City Clerk's office from the date of adoption hereof through the date of issuance of the Bonds.

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:

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

The Planning Commission asked Mr. English to present a report of the action taken during its reconvened meeting. (Mr. Carey announced he would abstain from voting on the rezoning request due to a conflict of interest.) Mr. English reported that after lengthy discussion, Mr. Carey asked to withdraw his rezoning request and the Planning

Commission approved his withdrawal of the rezoning request. Mr. English stated that the Planning Commission commended Mr. Carey for his efforts to provide low-income housing for the community.

After consideration of the conditional use request of the Bedford County Recreation Commission, the Planning Commission reached a tie vote and the request was therefore denied.

The Planning Commission meeting was then adjourned.

Mayor Shelton added Council's commendation of Mr. Carey.

Discussion ensued on the conditional use request of the Bedford County Recreation Commission to allow construction of a storage building at the County Recreation Field. Councilmen Brookshier and Rice voiced their opposition to the request, and Councilman Vest reported that several residents of the area had expressed to him their opposition. Mayor Shelton asked whether the City could assist the County Recreation Commission with storage of their equipment. Mr. Gross reported that the City has some available space that might be appropriate and that he would be happy to meet with the County Recreation Department to discuss the matter.

Councilman Brookshier moved to reject the conditional use request of the Bedford County Recreation Commission. The motion was seconded by Councilman Vest, voted upon and carried unanimously.

Councilman Rice moved that Council adjourn into executive session pursuant to §2.1-344(a)(3) of the Code of Virginia of 1950, as amended, concerning possible acquisition of real estate, and pursuant to §2.1-344(a)(7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel and staff regarding Bedford County's lawsuit against the City of Bedford. The motion was seconded by Councilman Vest, voted upon and carried unanimously by the following roll call vote:

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

Council adjourned into executive session at 9:27 p.m. Non-council members attending were: Council member-elect W. D. Tharp, City Manager Gross, City Attorney Berry, and Deputy Clerk of the Council Flake.

Council reconvened into open session at 10:00 p.m.

The Deputy 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.

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

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

Councilman Vest moved to amend the agenda to add the following:

Report From Council's Library Committee

The motion was seconded by Councilman Brookshier, voted upon and carried unanimously.

Councilman Vest reported on a meeting of Council's Library Committee regarding a proposed financing scenario for the library construction which would allow for the Friends of the Library to pay for architectural and engineering services from their fund-raising monies, with construction to begin in June 1993. Under this scenario, the City would obtain bonds in January 1993, with the first interest payment due in July 1993. This financing scenario would require an 11-cent increase in the real estate tax rate, from 71 cents to 82 cents, beginning July 1993. City Manager Gross reported that without a tax increase there would be a delay of six months to a year before the City could fund the project.

Discussion ensued. Councilmen Brookshier and Rice both stated they would be in favor of waiting six months to a year to finance the project. The City Manager noted that the Library Board has asked for a meeting of the Joint Council/Library Board Committee within the next two weeks.

Mayor Shelton adjourned the meeting at 10:30 p.m.