

7-28-92 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., July 28, 1992.

Members present: Mayor G. Michael Shelton; Councilwoman Joanne A. Grahame; Councilman Payton M. Otey; Councilman Ronnie C. Rice; Councilman W. D. Tharp; and Vice Mayor James A. Vest.

Members absent: Councilman Larry D. Brookshier.

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 July 14, 1992, were approved as mailed.

Councilwoman Grahame expressed thanks to Ms. Linda Kochendarfer, Executive Director of Bedford Main Street, Inc., and the Bedford Main Street program for the "Welcome to the Neighborhood Party" that was held for the new businesses in the downtown area. Councilwoman Grahame also thanked Vice Mayor Vest for his participation in the event.

Vice Mayor Vest stated that the Finance Committee is working on a proposal that will impact the November 14 Council retreat. Vice Mayor Vest indicated that the Committee will begin working on a program to present prior to the November 14th meeting concerning possible revenue streams, such a meals tax and a motel occupancy tax.

The Mayor thanked the City Manager and staff for inviting Council to the "Employee Picnic" held on July 25. The Mayor congratulated Bill Gross, the winner of the "Hot Legs" contest.

The Mayor stated that \$2.2 million dollars of federal highway money is being applied to the 122 North/South Connector road project.

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

PUBLIC HEARING NOTICE

A public hearing will be held by the City Council of the City of Bedford on Tuesday, July 28, 1992, at 7:30 p.m. in the Council Hall of the City Municipal Building to consider the following:

A conditional use request to construct a private medical clinic facility in an R-1 Low Density Residential District. The property is located off of Whitfield Drive on 4.113 acres.

The request is made by John H. Fretz, Administrator for Bedford County Memorial Hospital.

The application is on file in the Office of Community & Economic Development in the City Municipal Building.

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

By the Authority of the City Council
of the City of Bedford

Mayor Shelton opened the public hearing at 7:35 p.m.

As there were no comments, the Mayor closed the public hearing at 7:36 p.m.

The Consent Agenda consisted of the following item: appointment of Mrs. Nancy Barker to a three-year term on the Central Virginia Area Agency on Aging Advisory Council, said term to expire October 1, 1995.

Councilman Rice moved that the Consent Agenda be accepted. The motion was seconded by Councilwoman Grahame, voted upon and carried.

Mr. Jimmy English, Director, Community & Economic Development, reported that the Planning Commission, at its meeting on July 24, 1992, recommended that Council approve the conditional use request of Bedford County Memorial Hospital on behalf of Internal Medicine of Bedford to construct a new private medical clinic facility on 4.113 acres off of Whitfield Drive with the stipulation that there would a minimum of three years to begin construction of a maximum of four private medical clinic facilities. Mr. English explained the recommendation of the Planning Commission.

Councilman Tharp moved that Council accept the recommendation of the Planning Committee for the conditional use permit as described. The motion was seconded by Councilman Rice.

Vice Mayor Vest indicated that the City Attorney informed him that he would not have a conflict of interest in this matter.

The motion was then voted upon and carried.

The City Manager stated that a letter has been received from the Bedford Area YMCA requesting permission to conduct the Annual Peaks of Otter Christmas Classic foot race on Saturday, December 5, 1992, from 10:00 a.m. to 12:00 noon. The course will be as follows: Ashland Avenue from the Primary School to Lake Drive; Lake Drive to Peaks Street, Mountain Avenue and College Street.

Mr. Gross indicated that the Chief of Police, the Fire Chief and the Life Saving Crew have been notified of this request and have been provided with copies of the map showing the route of the race. Mr. Gross stated that the YMCA will be responsible for sending residents of the area a letter regarding the street closings. Provision will be made for residents to leave or enter the area if necessary during the time of the race.

Councilwoman Grahame moved that the request be granted as read. The motion was seconded by Councilman Tharp, voted upon and carried.

The City Manager stated that Council has been provided with a draft of the proposed E911 ordinance which will establish a telephone surcharge to be collected by the telephone company and used for the purpose of

purchasing E911 equipment. He indicated that the ordinance was prepared using a surcharge rate of \$2.00 per taxable telephone line. The City Manager further explained a regional dispatching concept being considered by the regional managers group. Mr. Gross also reviewed proposed costs of the required hardware and software, as well as installation and maintenance fees, estimated to be \$162,192.00. The City Manager indicated that this ordinance has been posted in accordance with the provisions of Section 2-30 of the City Code.

Mayor Shelton stated that in order for full compliance with the City Charter and provisions of the State code, it would be necessary to have two readings of this ordinance with Council acting on it each time. The Mayor stated that Council could have the ordinance read in its entirety or Council could waive the reading of the ordinance as it has been properly posted according to the City Code.

Councilwoman Grahame moved that Council waive the reading of the ordinance as it has been posted. The motion was seconded by Councilman Otey, voted upon and carried.

The ordinance follows as considered by Council:

ORDINANCE LEVYING A TAX ON PURCHASES OF LOCAL TELEPHONE
SERVICE TO PAY AN ENHANCED 911 EMERGENCY TELEPHONE
SYSTEM IN THE CITY OF BEDFORD, VIRGINIA, BY AMENDING
THE LICENSE TAX CODE OF THE CITY OF BEDFORD BY ADDING
SECTION 22-35 TO CHAPTER 22

WHEREAS, the Council of the City of Bedford finds: (1) that an Enhanced 911 system as defined in Section 22.35 (h) of this ordinance will be established by the City of Bedford; (2) that the telephone company has central office equipment which will permit such system to be established; and (3) that it is necessary to levy a tax on purchases of local telephone service to pay the capital, installation and recurring maintenance costs of this system; and

WHEREAS, Section 58.1-3813 of the 1950 Code of Virginia, as amended, authorizes a local tax for enhanced emergency telephone services; NOW, THEREFORE,

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

That Chapter 22 of The Code of the City of Bedford, Virginia, be amended by adding Section 22-35 of the License Tax Code levying a tax on purchases of local telephone service to pay an enhanced emergency telephone tax.

Section 22-35. Enhanced emergency telephone tax.

(a) There is hereby imposed and levied by the City upon every purchaser of local telephone service a tax in the amount of two dollars (\$2.00) per month per telephone line. This tax shall be paid by the purchaser to the seller of local telephone service for the use of the City to pay the initial capital, installation, and maintenance costs of its enhanced 911 system. When the initial capital, installation and maintenance costs have been fully recovered, such tax shall be reduced to the level necessary to offset recurring maintenance costs only. If such tax is to be changed, the City Treasurer shall notify the seller of the date on which the tax is to be changed under this section. This notification will be sent by certified mail to the registered agent of the seller sixty (60) days in advance of the date on which the tax is to be changed.

(b) It shall be the duty of every seller in acting as the tax collecting medium or agency for the City to collect from the purchaser for the use of the City the tax hereby imposed and levied at the time of collecting the purchasing price charged therefor and the taxes collected during each calendar month shall be reported by each seller to the Commissioner of the Revenue of the City on or before the last day of the calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax. Simultaneously therewith, the seller shall file a copy of such report with and remit to the Treasurer of the City the taxes so collected and reported. The required report shall be in the form prescribed by the Commissioner of the Revenue. The tax levied or imposed under this section with respect to the purchase of local telephone service shall be applicable to charges first appearing on bills rendered for service provided after the August, 1992, billing period.

(c) The City Treasurer shall be charged with the power and the duty of collecting the taxes levied and imposed hereunder and shall cause the same to be paid into the general treasury of the City.

(d) Each and every seller shall keep complete records showing all purchases in the City, which records shall show the price charged against each purchaser with respect to purchase, the date thereof, and the date of payment thereof, and the amount of tax imposed hereunder and such records shall be kept open for inspection by the duly authorized agents of the City at reasonable times and the duly authorized agents of the City shall have the right, power and authority to make transcripts thereof during such times as they may desire.

(e) In all cases where the seller collects the price of utility services periodically, the tax hereby imposed and levied may be computed on the aggregate amount of purchases during such period, provided, that the amount of the tax to be collected shall be the nearest whole cent to the amount computed.

(f) The United States of America, the state and the political subdivisions, boards, commissions and authorities thereof, are hereby exempt from the payment of the tax imposed and levied by this ordinance.

(g) Any purchaser failing, refusing or neglecting to pay the tax hereby imposed or levied, and any seller violating the provisions hereof, and any officer, agent, or employee of any seller violating the provisions hereof, shall be guilty of a misdemeanor, and upon conviction therefore, shall be subject to a fine of not less than five dollars nor more than one hundred dollars. Such conviction shall not relieve any such person from the payment of the

tax. Each failure, refusal, neglect or violation and each day's continuance thereof will constitute a separate offense.

(h) The following words and phrases when used in this section shall for the purposes of this section, have the following respective meanings, except where the context clearly indicates a different meaning.

(i) "Enhanced 911 system" means a telephone service which utilizes a computerized system to automatically route emergency telephone calls placed by dialing the digits "911" to the proper public safety answering point serving the jurisdiction from which the emergency telephone call was placed. An Enhanced 911 system includes selective routing of telephone calls, automatic telephone selective routing of telephone calls, automatic telephone number identification, and automatic location identification performed by computers and other ancillary control center communications equipment.

(ii) "Public safety answering point" means a communications facility operated on a twenty-four hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

(iii) "Public safety agency" means a functional division of a public agency which provides fire-fighting, police, medical, or other emergency services or a private entity which provides such services on a voluntary basis.

(iv) "Local telephone service" shall mean switched local exchange access service.

(i) Whenever the tax levied by this ordinance is collected by the seller acting as a tax collecting medium or agency for the City in accordance with paragraph (b), such seller shall be allowed as compensation for the collection and remittance of this tax, three percentum (3%) of the amount of tax due and accounted for. The seller shall deduct this compensation from the payments made to the City Treasurer in accordance with paragraph (b).

(j) This tax shall not apply to any local telephone service where a periodic bill is not rendered.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect September 1, 1992.

Councilman Vest moved that the ordinance be approved. The motion was seconded by Councilman Tharp, voted upon and carried by the following roll call vote:

Councilman Brookshier absent

Councilwoman Grahame aye

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

Mayor Shelton adjourned the meeting at 7:47 p.m.