

8-10-93 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., August 10, 1993.

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

Members absent: None.

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 notice by the Clerk of the Council of the adjournment of the July 27, 1993 meeting for want of a quorum was approved as mailed.

Councilman Brookshier reported that an Electric Committee meeting was held, at which Councilwoman Grahame and Councilman Rice were also present, to discuss the damage from the storm of June 4, 1993. He stated that the City plans to meet on a regular basis with emergency organizations and to stage a simulated exercise.

Mayor Shelton stated that he had received a letter dated July 27, 1993 from the Department of Emergency Services notifying the City that its request for federal financial assistance for storm damage has been denied by the federal government. It was the consensus of Council that the City should file an appeal and, if necessary, contact its representatives in Congress.

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

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Council at 7:30 P.M. on Tuesday, August 10, 1993 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 by Kawartha, Inc., developer of a proposed PRD (Planned Residential Development) redevelopment known as Emerald Crest, as shown on the preliminary plat dated March 29, 1993.

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

The request is being made by Gregory B. Elder, attorney, representing Joel Moldaver, president of Kawartha, Inc.

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 Council
of the City of Bedford

Mayor Shelton opened the public hearing at 7:40 p.m.

Mr. Gregory B. Elder, attorney for Joel Moldaver and Kawartha, Inc., spoke regarding the original Emerald Crest PRD and proposed changes. He stated that the pool has been removed, a clubhouse/community center has been added, the RV parking has been removed, and the number of lots in the first phase has decreased from 40 or 42 to 30.

Dr. Susan Funk stated that she is the owner of the house in Emerald Crest on Lot 15 and has reviewed the plans for redevelopment. She asked that the siding on the clubhouse be changed from T111 vinyl to either brick or wood. She also requested that her lot be landscaped along with the rest of the development.

As there were no additional comments, Mayor Shelton closed the public hearing at 7:50 p.m.

The City Manager suggested that Council might want to consider the additional items brought up at the public hearing.

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

Councilman Rice moved that Council accept the redevelopment plan with the understanding that it refers to the ten restrictions set out in a memorandum from Jimmy English, Director of Community and Economic Development, to the City Manager dated August 6, 1993, and that Council needs to consider the two requests of Dr. Funk. The motion was seconded by Councilwoman Grahame.

(FOLLOWING ARE THE CONDITIONS SET OUT IN THE MEMORANDUM):

(a) all improvements including the dwellings shall be constructed in accordance with the development document entitled "Emerald Crest" dated received July 29, 1993, the escrow surety statement dated August 5, 1993, and the letter from R. Gardner Simpkins, Jr., P.E. dated July 29, 1993;

(b) a new escrow agreement shall be executed based upon the escrow surety statement dated August 5, 1993;

(c) the remaining public improvements and the amenities including the clubhouse as shown on the plans dated July 28, 1993 shall be completed by March 1, 1994;

(d) landscaping shall be completed in accordance with the landscape plan dated July 28, 1993 and dated received July 29, 1993;

(e) the developer shall comply with all applicable City of Bedford Land Development Regulations;

(f) the developer shall execute a contractual subdivision agreement with the City in a form approved by the city attorney incorporating the requirements imposed hereby;

(g) all real estate taxes shall be paid through June, 1994 prior to the final plat approval;

(h) the developer shall present satisfactory proof of incorporation of a homeowners association as required by Section 606.02 of the City Land Development Regulations prior to the final plat approval;

(i) the developer relocating the water and sewer lines and laterals as appropriate by March 1, 1994;

(j) the plat of Emerald Crest, Section 1, Phase I, dated March 1, 1991, and revised July 22, 1991, and approved August 7, 1991 must be vacated by City Council and the new final subdivision plat must be recorded at the developer's expense.

Discussion ensued. Mr. Elder indicated that Kawartha, Inc. would have no problem fulfilling Dr. Funk's requests.

Mrs. Joan Robbins addressed Council regarding a marketing analysis she performed for Emerald Crest.

Further discussion ensued.

Mayor Shelton read aloud four additional points to be included as an amendment to Councilman Rice's motion:

(k) the clubhouse is to have the same exterior siding as the construction of the houses;

(l) the existing home owned by Dr. Susan Funk will be landscaped in a manner similar to all of the other houses as proposed according to the landscape plan, and the model home will be landscaped accordingly, at the developer's expense;

(m) no commercial activities are to occur in the clubhouse;

(n) the property will be maintained by and at the cost of the developer until such time as the homeowners' association is developed and assumes this responsibility.

Councilman Rice made a motion to amend his previous motion to include the above four items. Councilwoman Grahame agreed to the amendment of the motion.

Jimmy English, Director of Community and Economic Development, reported that he had received a letter from Mr. Moldaver stating that it is agreed the office in the existing model home will be converted into a garage before said model home is sold. Councilman Brookshier asked that an exact date for this conversion be imposed.

Councilman Rice further amended his motion to include:

(o) the model home sales office will be converted to a garage at the expense of the developer prior to being sold or no later than March 1, 1994.

Councilwoman Grahame agreed to the amendment. The amended motion was then voted upon and carried, all members voting aye.

Mrs. Ann Wood presented the report of the Downtown Christmas Decorations Committee and showed pictures of the planned decorations. Councilwoman Grahame made a motion to approve the plan of the Downtown Christmas Decorations Committee. The motion was seconded by Councilman Rice, voted upon and carried, all members voting aye.

City Manager Gross stated that the City has received a request from the Bedford Life Saving and First Aid Crew, Inc., requesting the closing of Bedford Avenue from North Bridge Street to Avenel Avenue on Saturday, August 28, for an Open House celebrating the Crew's 50th Anniversary. The crew will obtain permission from the adjoining property owners for the closing of the street and will provide a means of ingress and egress for emergency vehicles.

On motion by Councilman Brookshier, seconded by Councilman Tharp, voted upon and carried unanimously, Council approved the closing of Bedford Avenue from North Bridge Street to Avenel Avenue on Saturday, August 28, from 9:00 a.m. to 3:30 p.m.

Councilman Vest asked that the City Manager prepare congratulations to the Life Saving Crew, commending them for their loyal service to the community.

The City Manager stated that the City has received a request from Bedford Main Street for the blocking of the following streets for Centerfest on Saturday, September 25:

West Main Street to Center Street

South Bridge Street to Washington Street

East Main Street to South Street

North Bridge Street to Depot Street

Council has also received a list of businesses consenting to the street closures. Mr. Gross stated that the City will inform the Rescue Squad, Fire Department and Police Department and provide necessary emergency services during the closures.

Councilman Tharp moved to approve the closing of the above streets from 7:00 a.m. Saturday, September 25, to 2:00 a.m. Sunday, September 26. The motion was seconded by Councilman Otey, voted upon and carried unanimously.

The City Manager stated that the City of Bedford and Bedford County Recreation Departments are submitting a bid to host the 1994 Dixie Ponytails World Series and that this event was very successful when it was jointly hosted in 1989. The City and County also hosted the Dixie Boys World Series Tournament in 1992. Mr. Gross reported that if Council supports this bid, it will be necessary to add a line item in the 1994/95 budget in the amount of \$15,000. This money will be used to prepay expenses. In the past the tournaments have generated more than enough revenue to cover the advances. The Bedford County Board of Supervisors has considered this request in their meeting of August 2 and has approved putting in a bid for the tournament and making the expenditure. The Deputy Clerk of Council read aloud the following resolution:

RESOLUTION

WHEREAS, the City of Bedford and Bedford County are jointly submitting a bid to Dixie Softball, Inc. for the opportunity to host the 1994 DIXIE PONYTAILS WORLD SERIES; AND

WHEREAS, the City of Bedford City Council enthusiastically endorses and supports the efforts of the Recreation Departments for both Bedford County and the City of Bedford; and

WHEREAS, all efforts will be extended to accommodate the needs of not only the softball players but also their families and friends, and to make the tournament and the visit to Bedford one of the most enjoyable ever; and

WHEREAS, the Bedford community gladly extends its hospitality to area visitors as it did the Dixie Girls Softball, Inc. in the summer of 1989 and the Dixie Boys Baseball, Inc. in 1992;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the Bedford City, Virginia, joins with the Board of Supervisors of Bedford County as well as local citizens and volunteers in a united local effort to host the 1994 Dixie Ponytails World Series.

Mayor Shelton asked that the last paragraph be changed to read: "the City Council of the City of Bedford, Virginia...."

On motion by Councilman Tharp, seconded by Councilman Rice, voted upon and carried unanimously by the following roll call vote, Council adopted the resolution as amended:

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

The City Manager asked Council to consider adoption of an ordinance which readopts and reenacts §13-2 of the City Code, incorporating by reference current provisions of the Code of Virginia dealing with traffic laws and motor vehicle operation. He stated that failure to adopt this ordinance would mean that offenders would have to be charged under the State law rather than the City law and that any fines collected would then be payable to the State rather than the City. Mr. Gross indicated that the ordinance has been posted in three locations in the city, in accordance with §2-30 of the City Code.

Councilman Vest moved that the reading of the ordinance be waived. The motion was seconded by Councilwoman Grahame, voted upon and carried unanimously.

On motion by Councilwoman Grahame, seconded by Councilman Otey, voted upon and carried unanimously by the following roll call vote, Council adopted the ordinance readopting and reenacting Code provisions dealing with traffic laws:

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

City Manager Gross stated that a part of the old reservoir site on Route 43 is surrounded by property owned by Martha W. Dean, who has had a survey of her property done which shows the boundary lines between her property and the City's property. Mr. Gross indicated that the descriptions in the old deed are inexact and Mrs. Dean has asked the City to confirm that a pipeline easement leading from the old reservoir site across her property lies along the creek bed of Little Stony Creek as shown on the recent plat of survey. The City Attorney has prepared an ordinance which authorizes the execution of a boundary line agreement with Martha W. Dean establishing the boundary lines of the old reservoir property. The ordinance has been posted in accordance with §2-30 of the City Code.

Councilwoman Grahame moved that the reading of the ordinance be waived. The motion was seconded by Vice Mayor Vest, voted upon and unanimously carried.

Councilman Brookshier moved that Council adopt the boundary line agreement. The motion was seconded by Vice Mayor Vest, voted upon and carried unanimously. Roll call vote follows:

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

The City Manager stated that the Streets and Safety Committees had asked him to place on the agenda for discussion the consideration of making Otey Street a one-way street. Mr. Gross commented that Council

directed him to include the plan for making Otey Street one-way in the study for the Route 43 corridor. He indicated that this study will be undertaken by the Central Virginia Planning District Commission and is scheduled to begin within the next few months. Mayor Shelton stated that the two committees had made the Route 43 study, including the study of one-way streets on South and Otey streets, one of its priorities for federal ISTEA funds.

Discussion ensued. City Manager Gross promised to keep Council informed of progress on the study. Mayor Shelton asked that consideration of making Otey Street a one-way street be removed from discussion until the Route 43 study is completed.

Mayor Shelton adjourned the meeting at 8:55 p.m.