

9-24-93 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., September 14, 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 (arrived at 7:35 p.m.); 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 13, 1993, and the minutes of a regular Council meeting held on August 10, 1993, were approved as mailed.

Mayor Shelton informed Council of a meeting to be held on October 14, 1993, at 7:00 p.m., at the Lynchburg Public Library to be hosted by the Central Virginia Planning District Commission. Mayor Shelton stated that the meeting is in regard to transportation funding and the proposed change in the transportation funding formulas that are currently being studied.

Mayor Shelton stated that a letter had been received from Babcock & Wilcox Naval Nuclear Fuel Division asking the City Manager and himself to write letters to the state congressional delegation regarding the House of Representatives vote to delete funding for the Superconducting Super Collider of which B & W has a contract for parts of that project.

Members of Council indicated that they would respond individually to the letter.

Councilman Brookshier suggested that the Solid Waste Committee review options on the cost of adding another trash pickup as he has received complaints that once-a-week collection is not enough.

Councilman Rice stated that he also has received numerous complaints regarding the once-a-week refuse collection and would like for the Solid Waste Committee to review options.

Councilman Rice expressed concern regarding the rates for cable television.

Assistant to the City Manager Barry Thompson stated that the contract with the cable company expires in October 1994 and he is in the process of reviewing the contract.

Mayor Shelton stated that in February Council agreed to review the recycling program in one year and he suggested that Council wait until the year is up before reviewing this.

Discussion ensued.

Councilman Brookshier indicated that he would like the Solid Waste Committee to review options now instead of waiting a year.

Mayor Shelton asked the City Manager to develop the necessary information for the Solid Waste Committee to review and then for the Committee to bring this back to Council.

Further discussion ensued.

The 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, September 14, 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 rezoning request to rezone 4.195 acres and 22.759 acres from R-1 Single Family Residential District to R-3 High Density Residential District located at 1001 Salem Turnpike at the intersection of Mustang Road and Salem Turnpike, and property located at Roundtree Drive (known as Carriage Hill).

Further information is available from the Office of Community and Economic Development.

The request is being made by the City of Bedford.

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 7:54 p.m.

The City Manager stated that this rezoning was requested by the city staff based on the fact that the City of Bedford Land Development Regulations requires newly annexed property, no matter what its land use presently or anticipated, to come in as the City's most restrictive zone, R-1. Mr. Gross stated that then it is up to Council, after the land has been annexed, to appropriately zone the property, after a public hearing. City Manager Gross reported that the Planning Commission has reviewed the request and is recommending that Council approve the rezoning request.

Mr. Bill Ogburn, 428 North Hawthorn Rd., Winston-Salem, N.C., spoke in favor of the rezoning.

As there were no further comments, Mayor Shelton closed the public hearing at 7:59 p.m.

The consent agenda consisted of the following item: reappointment of Mayor G. Michael Shelton to serve another term as the City's representative on the Central Virginia Alcohol Safety Action Program Policy Board for a three-year term expiring August 31, 1996.

Councilwoman Grahame moved that the consent agenda be approved. The motion was seconded by

Councilman Otey, voted upon and carried unanimously.

On motion by Councilman Brookshier, seconded by Councilwoman Grahame, voted upon and carried unanimously, Council approved the rezoning of the recently annexed properties from R-1 Single Family Residential District to R-3 High Density Residential District.

Mr. Bill Ludwig, Chairman of the City School Board, gave Council information on the School Board's Goals for Bedford City Public Schools, 1993-94, and reviewed those goals:

1. The Bedford City School Board will establish and monitor in conjunction with the Bedford City Recreation Department an after school enrichment program for students attending Bedford Primary and Bedford Elementary.
2. The Bedford City School Board will monitor the implementation of the **Code of Student Conduct** in all schools where city students reside to ensure that disciplinary action will bring about a positive change in the students' behavior, keep parents informed about student progress, and ensure that disruptive behavior does not infringe on the rights of other students.
3. The Bedford City School Board will monitor the implementation of the Contract for Education Services with Bedford County and will meet with the Bedford City Council on a quarterly basis to facilitate a system of two-way communication regarding the operation of schools wherein city students reside for educational purposes.
4. The Bedford City School Board will strive to improve communication among board members and with City Council.
5. The Bedford City School Board will monitor and make suggestions for improvement in specific programs offered within the school system with emphasis on the practical nursing program, literacy testing program, and programs to assist "at risk" students.

Mr. Ludwig stated that the School Board is asked to approve the bills at the school, but the Board is not always sure what they are for. Mr. Ludwig asked for a more detailed listing of expenditures; and for the City Manager to inform the Board of any kind of construction or changes within the facility.

Discussion ensued regarding various items.

The City Manager stated that the Lynchburg Neighborhood Development Foundation is applying to the Department of Housing and Community Development/Virginia Housing Development Authority for \$1,600,000 in funding to establish a Regional Loan Fund for the purchase of low income housing in the Central Virginia area. Mr. Gross stated that the City is being asked to appoint a member to the Central Virginia Regional Loan Fund Advisory Committee and to participate in the Central Virginia Regional Loan Review Committee.

City Manager Gross indicated that local governments will not be obligated to provide any money for this fund. If approved, the grant funds will be used to provide mortgage money to low-income, first-time home buyers in the Central Virginia Planning District Commission area. It is expected that approximately thirty homes will be purchased in the area in a thirty-month period; therefore, the City of Bedford may be able to expect to receive funding for the purchase of approximately four or five homes. Each local government is being asked to adopt a resolution of support for the program. City Manager Gross stated that Mr. Frank Goldenberg, Director of the Lynchburg Neighborhood Development Foundation, was present to answer questions.

The Clerk of Council read aloud the following proposed resolution:

### **RESOLUTION OF SUPPORT**

**WHEREAS**, The Lynchburg Neighborhood Development Foundation (LNDF), is applying for \$1,600,000 in funding to provide mortgage money to low-income, first-time home buyers in the Central Virginia Planning District Commission area; and

**WHEREAS**, The premise for lending these funds is that they must be disbursed over the entire region; and

**WHEREAS**, The City of Bedford will be asked to 1) provide a member of the Central Virginia Regional Loan Fund Advisory Committee and to participate in the Central Virginia Regional Loan Review Committee, 2) identify potential housing producers and potential areas of development, 3) assist the Central Virginia Planning District Commission in marketing the program in the City of Bedford, and 4) assist in identification of community groups who are appropriate for providing the pre- and post-purchase counseling; and

**WHEREAS**, no financial obligation is being requested from any local government or the Central Virginia Planning District Commission;

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Bedford does hereby adopt this Resolution supporting the regional loan application being submitted by the Lynchburg Neighborhood Development Foundation, under the terms outlined above.

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

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 stated that Council had received a request from the Bedford Area YMCA to conduct the Annual Peaks of Otter Christmas Classic foot race on Saturday, December 4, 1993, from 10:00 a.m. to 12:00 noon. The course will remain the same as in past years. The Police Department, Fire Department and Life Saving Crew have been notified of this request and have been provided with copies of the map showing the route of the race. The YMCA will be responsible for sending to residents of the area a letter regarding the street closings. Provision will be made for residents to leave the area if necessary.

On motion by Councilman Tharp, seconded by Councilwoman Grahame, voted upon and carried unanimously, Council approved the request of the Bedford Area YMCA to conduct the annual Peaks of Otter Christmas Classic foot race. (The following streets will be closed from 10:00 a.m. to 12:00 noon: Ashland Avenue from the Primary School to Lake Drive, Lake Drive to Peaks Street, Mountain Avenue and College Street.)

The City Manager stated that the City now has the ability to recycle steel, tin, bi-metal cans, and aluminum, and the City Attorney has drawn up an ordinance amending the mandatory recycling program to require the recycling of these cans. Mr. Gross indicated that Council had received a memorandum from the Recycling Coordinator, Kate Boyd, explaining the process for recycling these cans, along with a proposed notice which will be delivered to each residence involved in the curbside recycling program. The notice describes how to prepare the cans for recycling and where to place them in the recycling bins. The ordinance has been posted in accordance with Section 2-30 of the City Code.

The Clerk of Council read aloud the following proposed ordinance:

**AN ORDINANCE AMENDING THE MANDATORY RECYCLING PROGRAM  
TO REQUIRE RECYCLING OF TIN AND STEEL CANS  
AS WELL AS ALUMINUM**

Ordinance No. 93-06

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

**Section 1.** Section 17.1-1(h) and Section 17.1-17(e) are amended and reenacted to read as follows:

**Sec. 17.1-1**

(h) **Recyclable Material.** The words "recyclable material" shall mean the portion of solid waste consisting of glass bottles and jars, aluminum, metal cans (including aluminum, steel, tin or bi-

metal combinations) and newspapers which are generated by residential units and which are suitable for recycling under the provisions of this ordinance.

**Sec. 17.1-17**

(e) A person shall separate all recyclable material so defined in this chapter and shall place it in approved recycling bins. Glass bottles and jars, aluminum, metal cans (including aluminum, steel, tin or bi-metal combinations) and newspapers should be sorted and placed in the bin. Glass bottles and jars should not be broken before placement in the collection container. Excess newspapers that do not fit in the container should be tied in a bundle and secured against wind and protected against precipitation. The bundle shall not exceed twenty-five pounds.

**Section 2.** Pursuant to Section 19 of the City Code, the City Clerk shall cause a copy of the ordinance to be posted at three or more places in the City for one week, and the amendment to the ordinance shall be effective upon completion of such posting.

Councilman Vest moved that Council adopt the ordinance amending the recycling program to require recycling of tin and steel cans as well as aluminum. The motion was seconded by Councilman Rice.

Discussion ensued regarding the proposed handout explaining that metal cans (including steel, tin, and bi-metal combinations) will now be a part of the mandatory recycling program.

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

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 an approved bicycle path plan for the City is required in order to have access to federal funds under the Intermodal Surface Transportation Efficiency Act (ISTEA) through the Rural Transportation Planning Council of the Central Virginia Planning District Commission. At a meeting of the Streets and Public Safety Committees, City staff was asked to prepare this plan in-house. An information meeting was held at Liberty Lake Park in July to solicit input from the public. Following that meeting,

Wayne Hale of the Engineering Department and Fran Hart, Director of Parks & Recreation, prepared the proposed bicycle path plan shown on a map that Council has received. Upon approval of the proposed resolution which provides for Council's approval of the plan, it is the staff's intention to apply for funds for these bicycle paths.

## RESOLUTION

**WHEREAS**, the need for a Bicycle Path Plan for the City of Bedford has become apparent; and

**WHEREAS**, the Plan will be utilized by a variety of agencies for a variety of planning purposes; and

**WHEREAS**, the establishment of these bicycle paths will help to provide positive recreation and fitness benefits for our residents and will provide an alternate route of transportation through our area that will feature historical sites;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bedford that the attached plan titled "**Proposed Bicycle Paths Through the City of Bedford**" is approved.

**BE IT FURTHER RESOLVED** that copies of the Plan will be provided to the Central Virginia Planning District Commission and the Virginia Department of Transportation, and furthermore, copies of the Plan will be made available to interested parties.

Councilwoman Grahame moved that the resolution be adopted. The motion was seconded by Councilman Otey.

Discussion ensued.

Mayor Shelton suggested that the following routes be added to the proposed plan: current Route 43 (South Street) and Route 460 Bypass south to the City Limits via Link Road.

The City Manager stated that the routes suggested by the Mayor would be added to the proposed plan.

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

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

Councilwoman Grahame aye

Mayor Shelton aye

City Manager Gross stated that Mr. Benjamin O. Tayloe, President of the National Association for a Balanced Federal System, has asked Council to endorse the proposal of the Council of State Governments, known as the Article V Proposal, to amend Article V of the United States Constitution to enable three-fourths of the states to amend the Constitution subject to Congressional veto. The proposal amendment would read as follows:

"Whenever three-fourths of the Legislatures of the several States deem it necessary, they shall propose amendments to this Constitution that, after two years, shall be valid to all intents and purposes as part of this Constitution, unless disapproved by two-thirds of both Houses of Congress within two years of the date the amendments are submitted to the Congress."

The City Manager indicated that this proposed amendment provides an alternative to the current method for amending the constitution, which calls for the Congress to propose amendments whenever two-thirds of both Houses deem it necessary or to call a convention for proposing amendments on application of the legislatures of two-thirds of the states. The proposal has been endorsed by the General Assembly of Virginia, as well as by the states of Colorado and South Dakota, the Southern Municipal Conference, the Virginia Municipal League and several Virginia cities, towns and counties.

The Clerk of Council read aloud the following proposed resolution:

**RESOLUTION**

**CALLING UPON CONGRESS TO PROPOSE AN AMENDMENT TO**

**ARTICLE V OF THE UNITED STATES CONSTITUTION**

**THAT WILL ENABLE THREE-FOURTHS OF THE STATES**

**TO AMEND THE CONSTITUTION SUBJECT TO**

**CONGRESSIONAL VETO**

**WHEREAS**, all 33 amendments proposed to the United States Constitution since 1788 have been initiated by Congress; and

**WHEREAS**, More than 400 petitions from the several states requesting a constitutional convention to propose amendments have been filed with Congress but have never resulted in the calling of a convention or adoption of an amendment; and

**WHEREAS**, There should be a proper balance of national and state power in a federal system; the present mechanism for the states to initiate a constitutional convention has proved to be unworkable; and the envisioned and desirable balancing of powers between national and state powers requires a means for the several states to be able to propose amendments to the Constitution; and

**WHEREAS**, A large number of governmental jurisdictions have passed resolutions calling on Congress to amend Article V of the United States Constitution to enable the legislatures of three-fourths of the states to propose amendments to the Constitution, subject to the veto of the Congress by a two-thirds vote of both Houses within two years of the states' submission of the amendments; and

**WHEREAS**, The Virginia General Assembly and state and local entities across the United States are joining in support of this proposal; and

**WHEREAS**, This proposal embodies a prudent method for constitutional amendments;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Bedford, Virginia, supports the foregoing proposed constitutional amendment.

Councilwoman Grahame moved that Council approve the resolution. The motion was seconded by Councilman Tharp, voted upon and carried unanimously by the following roll call vote:

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

Councilman Tharp stated that items that were agreed to at the August 10, 1993, Council meeting by Kawartha, Inc., at Emerald Crest have not been done, such as sign improvements and landscaping, particularly at an existing house. Councilman Tharp asked that a letter be written to Kawartha, Inc. regarding this.

The City Manager stated that a letter will be written tomorrow on behalf of Council regarding these items, with a copy to Dr. Susan Funk.

Mayor Shelton adjourned the meeting at 9:05 p.m.