

1-25-94 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., January 25, 1994.

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

Members absent: Councilman W. D. Tharp and Vice Mayor James A. Vest.

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 January 11, 1994, were approved as mailed.

Councilman Rice stated that he and Councilman Otey attended an annual meeting of the Central Virginia Piedmont Employment Consortium.

Councilman Rice stated that he will be going to Richmond on February 8 with the Lynchburg Chamber of Commerce to meet with local legislators.

Councilman Brookshier reported that there have been problems with the answering service working for the cable television company. Councilman Brookshier asked the City Manager to notify the cable television company of these problems.

City Manager Gross stated that the public hearing process on the cable television franchising is still open, and it would be useful for citizens having complaints about the service to notify his office in writing.

On motion by Councilman Rice, seconded by Councilman Otey, voted upon and carried, the following item was added to the agenda: Executive session - Consultation with legal counsel and staff on consolidation - legal and procedural issues, pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended.

Mayor Shelton stated on January 19 a fire occurred at 506 South Street at which time members of the volunteer Fire Department had to contend with the outside air temperature being minus six degrees. Mayor Shelton expressed appreciation to the members of the Bedford Fire Department for their service to the community.

Mayor Shelton presented Certificates of Appreciation on behalf of the City and City Council to the following individuals in recognition of their outstanding service to the Fire Department during the January 19th fire:

Robert and Rosa Carson for opening their home to the members of the Fire Department for warmth and food.

Christine Wilson and Hardee's Drive-In Restaurant for furnishing food.

Johnny Powers, Buddy's Family Restaurant, for donating food to the Fire Department members and for donating food to the Electric Department during the recent ice storm.

Mike Burnette, Chief of the Bedford Fire Department, assisted the Mayor in making the presentations.

Mr. Robert Carson and Mr. Johnny Powers expressed their appreciation to the members of the Fire Department for their service to the community.

Councilwoman Grahame suggested that a letter of commendation be written from City Council to the Hardee's main office on behalf of the outstanding service of local Hardee's Drive-In Restaurant.

The Consent Agenda consisted of the following item: appointment of the following persons to two-year terms on the Advisory Committee for Responsible Waste Management, said terms expiring September 30, 1995:

Johnson Scott	Ann Wood
Pauline Layton	Brenda Mosby
Amy Laughon	Cleve McGehee
Marian Morrison	Larry Craig
Russell Busch	

Councilman Rice moved that the Consent Agenda be approved. The motion was seconded by Councilman Otey, voted upon and carried.

The City Manager reported that Council has received copies of a memorandum dated January 12, 1994, from Raymond A. Booth, Director of Public Works for the City of Lynchburg, detailing the discussions held to date by localities interested in municipal solid waste landfill issues. Mr. Booth is proposing that the localities try to resolve these issues through negotiations with the Department of Environmental Quality. Mr. Booth is asking that the localities share the financial burden by contributing \$1,500 each to fund the legal fees and expenses. Mr. Gross indicated that this is a not to exceed figure, and each participating locality will be provided with a detailed accounting of time and expenses. Any unexpended funds will be returned to the participating localities at the conclusion of the negotiations.

Councilman Brookshier moved that Council appropriate \$1,500 from the unappropriated contingency to Account No. 0404204204010032 to pay for the City's share of legal fees and expenses in connection with the negotiations on municipal landfill issues. The motion was seconded by Councilwoman Grahame, voted upon and carried by the following roll call vote:

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

City Manager Gross stated that the City has been asked to join with a number of cities that are concerned with the State's enforcement of EPA requirements. Mr. Gross stated that it appears that the enforcement criteria are more stringent than is required by state and federal code. The City Manager stated that although the City has not yet been affected by this procedure, when the City closes the old landfill this spring it appears highly likely that the City will be subject to this type of enforcement.

On motion by Councilwoman Grahame, seconded by Councilman Rice, voted upon and carried, Council waived the reading of the proposed resolution regarding groundwater monitoring.

Councilman Rice moved that the resolution regarding groundwater monitoring be adopted. The motion was seconded by Councilman Otey, voted upon and carried by the following roll call vote:

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

The resolution follows as adopted:

RESOLUTION - GROUNDWATER MONITORING

WHEREAS, the Virginia Solid Waste Management Regulations (VR 672-20-10) establish a multi-tiered groundwater monitoring program, and

WHEREAS, "detection monitoring" is phased in over a period extending until 1996 and involves sampling and analysis for 62 parameters commonly associated with leachate from sanitary landfills, and

WHEREAS, "assessment monitoring" (which involves sampling and analysis of 213 parameters) is conducted for the purpose of determining the more detailed broader characterization of identified impacts to groundwater, and

WHEREAS, Virginia's Solid Waste Management Regulations also establish an "interim monitoring" program which addresses a list of nine parameters, including four "indicator" parameters, and

WHEREAS, interim monitoring is to be conducted until the applicability date of

individual facilities, and

WHEREAS, Virginia's Solid Waste Management Regulations state that the transition to assessment monitoring is triggered when there is a statistically significant increase over background in one or more of 62 detection monitoring parameters, and

WHEREAS, the staff of the Department of Environmental Quality have interpreted Virginia's Solid Waste Management Regulations to require the implementation of assessment monitoring based upon an increase over background in one of four "indicating" parameters under the interim monitoring program, and

WHEREAS, this interpretation by the staff of the Department of Environmental Quality increases the likelihood that all of Virginia's older landfills will be placed into assessment monitoring directly from the interim monitoring program, and

WHEREAS, assessment monitoring is significantly more expensive than detection monitoring, and

WHEREAS, the Bedford City Council believes that the transition from interim monitoring to assessment monitoring is unnecessary for environmental protection and will impose onerous financial burdens upon Virginia's local governments, and

WHEREAS, there may be numerous instances when results from interim monitoring may falsely reflect excessive levels of contaminants in groundwater, and

WHEREAS, the Bedford City Council believes it is extremely important that before resources of a local government are expended to correct environmental problems there should be compelling and irrefutable evidence that such environmental problems truly exist, and

WHEREAS, the Bedford City Council considers the interpretation of Virginia's Solid Waste Regulations pertaining to groundwater monitoring an additional and unnecessary unfunded mandate (yielding no public benefits) for localities;

NOW, THEREFORE, BE IT RESOLVED that the Bedford City Council believes that the staff of the Department of Environmental Quality should interpret Virginia's Solid Waste Regulations to require that existing landfills go to detection monitoring when results from interim monitoring show possible groundwater impacts;

BE IT FURTHER RESOLVED that with respect to groundwater requirements the Bedford City Council believes that Virginia's Solid Waste Management Regulations should not exceed federal guidelines.

The City Manager introduced to Council the new Director of Public Works, Mr. Clarke Gibson.

On motion by Councilman Rice, seconded by Councilman Otey, voted upon and carried a roll call vote, Council adjourned into executive session for consultation with legal counsel and staff on consolidation - legal and procedural issues, pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended. Roll call vote follows:

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

Council adjourned into executive session at 8:00 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 8:45 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.

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

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

Mayor Shelton adjourned the meeting at 8:46 p.m.

