

7-12-94 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:34 p.m., July 12, 1994.

Members present: Mayor G. Michael Shelton; Vice Mayor Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilwoman Linda Kochendarfer; Councilman Payton M. Otey; and Councilman W. D. Tharp.

Members absent: Councilman Ronnie C. Rice.

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 noted the following correction to the minutes of an adjourned meeting of July 1, 1994: The last paragraph of page 4 should read: "The City Manager stated that he and Mike Socha attended a meeting....". Councilwoman Kochendarfer noted a correction to the minutes of the regular Council meeting of June 28, 1994, as follows: On page 2, the date of an open house for the new animal shelter should be July 7. The minutes of the June 28 regular meeting and the July 1 adjourned meeting were approved as corrected.

On motion by Councilman Otey, seconded by Councilwoman Grahame, voted upon and carried unanimously, the following item was added to the agenda: Transmission Service Agreement with AEP for PSI Power.

Vice Mayor Brookshier referred to a memorandum from the Superintendent of Schools to the City Manager regarding cafeteria furniture for Bedford Middle School. Mr. Gross stated that no action is planned at this time and that he will meet with the Superintendent of Schools to review the need for this furniture. He added that this item was not included in the budget and would require an appropriation of funds.

Councilwoman Grahame reported that Bedford Main Street, Inc., has received a grant from the Virginia Foundation for the Humanities in the amount of \$750 for a historical walking tour brochure.

Councilman Tharp stated that he served on a committee to select a consultant for the water and sewer study. He asked whether Dewberry & Davis and Ernst & Young have been selected to conduct the study. The City Manager reported that they were the low bidder but have not been selected and that their selection will require the committee's approval.

Mayor Shelton commended the Parks and Recreation Department, Public Works Department and other City staff for the Veterans Breakfast and other Fourth of July activities at Liberty Lake Park, particularly the fireworks show.

The Mayor presented certificates of retirement, Jefferson Cups, and service pins to Corwin H. "Sam" Broesamle, Sydney Goff and Grover Hensley, who retired on July 1, 1994.

Mr. A. J. "Rick" DeSimone, owner of the Rainbow Restaurant, addressed Council regarding the meals tax and the 10% penalty for late payment. He asked whether Council had considered pro rating the late penalty. Mr. DeSimone asked to see the records of meals tax collections. Mayor Shelton stated that the information could be received from the City Manager's office. Mr. DeSimone asked for clarification of the section of the meals tax dealing with interest on tax and penalty. Vice Mayor Brookshier asked for clarification of the

section dealing with the collection fee. The City Manager will respond to Mr. DeSimone, with a copy to Council.

Mayor Shelton announced that Council would vote on the three candidates for the City School Board individually, in alphabetical order, and that the two candidates who received the majority voice vote of Council would receive the seats on the School Board. Councilman Otey moved for the appointment of Mr. Dennis Blake to the City School Board for a three-year term to expire June 30, 1997. The motion was seconded by Councilwoman Grahame, voted upon and carried, five members voting aye, one member (Kochendarfer) voting nay. Vice Mayor Brookshier moved for the appointment of Mrs. Janice Martinez to the City School Board for a three-year term to expire June 30, 1997. The motion was seconded by Councilman Otey, voted upon and carried, five members voting aye, one member (Grahame) voting nay. Mayor Shelton thanked Mr. Eric Thompson for his time and interest in serving on the School Board and asked him to consider seeking appointment again in 1995.

City Manager Gross stated that Section 46.2-752(K) of the Code of Virginia permits the governing bodies of any two or more counties, cities or towns to enter into agreements, or compacts, for the enforcement of local motor vehicle license ordinances. He further stated that the City of Bedford and Bedford County wish to enter into such a compact for the enforcement of vehicle decal ordinances and City staff has prepared a resolution authorizing the City Manager to sign the compact on behalf of the City. Mr. Gross added that a similar compact has been entered into by the jurisdictions in the Roanoke Valley. The Deputy Clerk of the Council read aloud the following resolution:

## **RESOLUTION**

**A RESOLUTION** authorizing the City Manager to sign on behalf of the City of Bedford a compact between the City of Bedford and Bedford County for the joint enforcement of motor vehicle license ordinances of the said jurisdictions.

**WHEREAS**, Section 46.2-752(K) of the Code of Virginia permits the governing bodies of any two or more counties, cities or towns to enter into compacts for the enforcement of local motor vehicle license ordinances; and

**WHEREAS**, the City of Bedford and Bedford County have agreed to enter into a Compact for the Enforcement of Vehicle Decal Ordinances to enforce such local ordinances and as a means to enhance the collection of local revenues.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bedford, Virginia, that the City Manager is authorized to sign and enter into a Compact for the Enforcement of Vehicle Decal Ordinances with Bedford County.

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

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

Councilwoman Grahame asked the City Manager in one of his radio programs to let the general public know what this means. Councilman Tharp asked whether this would be extended to other jurisdictions in the area. Mr. Gross indicated he would bring this up at the next meeting of area city managers and county administrators.

Mr. Gross stated that it was in order to Council to consider an ordinance which will amend the City Code by adding a section under Chapter 13, Motor Vehicles and Traffic, setting forth the provisions of the compact for enforcement of vehicle decal ordinances and the penalties for violation of the ordinance. He reported that the ordinance has been posted in accordance with the requirements of the City Code, Section 2-30.

On motion by Councilwoman Grahame, seconded by Councilman Otey, voted upon and carried unanimously, the reading of the ordinance was waived.

Councilwoman Kochendarfer moved to adopt the ordinance setting forth the provisions of the compact between the City of Bedford and Bedford County for the enforcement of vehicle decal ordinances and the penalties for violation of the ordinance. The motion was seconded by Councilman Otey, voted upon and carried unanimously by the following roll call vote:

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

## **ORDINANCE NO. 94-04**

**WHEREAS**, Virginia Code Section 46.2-752(K), as amended, allows the governing bodies of any two or more counties, cities, or towns to enter into compacts for the regional enforcement of local motor vehicle license requirements; and

**WHEREAS**, the City of Bedford and Bedford County have agreed to enter into a Compact for the Enforcement of Vehicle Decal Ordinances to provide for the enforcement of such local ordinances; and

**WHEREAS**, by resolution adopted earlier in this meeting, the City Council resolved to participate in said compact and authorized the City Manager to sign said compact on its behalf.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bedford that the Code of the City of Bedford is hereby amended and reordained by the following added section under Chapter 13, Motor Vehicles and Traffic, as follows:

### **Bedford City/County Compact for the enforcement of vehicles decals.**

Pursuant to the Bedford City/County Compact for the Enforcement of Vehicle Decals entered into by the City of Bedford and Bedford County ("participating jurisdictions"):

(a) Any owner or operator of a motor vehicle who is required to display a local motor vehicle license for that vehicle by a participating jurisdiction must display such license at all times while such vehicle is operated or parked in the City of Bedford.

(1) Any vehicle exempt in a participating jurisdiction from imposition of the license tax or fee under Virginia Code Section 46.2-755(A) is exempt from this section.

(2) Any vehicle normally garaged, stored, or parked in the City of Bedford which is exempt from imposition of the license tax or fee under any City of Bedford ordinance is exempt from this section.

(b) A violation of this ordinance shall constitute a Class 4 misdemeanor.

(1) When the operator is the owner of the cited vehicle, such violation shall be discharged by payment of the requisite fine and presentation of satisfactory evidence that the required license has been obtained.

(2) When the operator is not the owner of the cited vehicle, a violation may be discharged by payment of the requisite fine.

(c) This ordinance shall become effective when both participating jurisdictions have adopted ordinances substantially similar hereto.

City Manager Gross reported that the Federal Energy Regulatory Commission has ruled that the City of Bedford and other municipalities in Virginia which are part of the Blue Ridge Power Agency may receive power from Public Service of Indiana. He stated that the attorneys for the Blue Ridge Power Agency have forwarded a transmission service agreement between the City and American Electric Power Companies which will provide for the transmission of this power. This agreement must be executed before August 1, 1994, the target date for the power to begin flowing. The Electric Committee has met and has approved the form of the agreement and recommended that Council authorize execution of the final version. The City Manager stated that the FERC ruling will be appealed and that the City will escrow its savings until the case is settled.

Councilwoman Grahame moved that Council authorize the City Manager to execute the final version of the transmission service agreement between the City and American Electric Power Companies for transmission of the Public Service of Indiana Power. The motion was seconded by Councilman Tharp, voted upon and carried unanimously.

Mr. Gross indicated that the contract allows for the purchase of an additional five percent of power each year if the City wishes to exercise that provision. Councilwoman Grahame and Vice Mayor Brookshier expressed Council's appreciation to the City Manager for investigating and following through on the PSI power.

Mayor Shelton adjourned the meeting at 8:20 p.m.