

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., October 11, 1994.

Members present: Mayor G. Michael Shelton; Vice Mayor Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilwoman Linda Kochendarfer; Councilman Ronnie C. Rice; and Councilman W. D. Tharp.

Members absent: Councilman Payton M. Otey.

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 September 27, 1994, were approved as distributed.

Mayor Shelton stated that Councilman Otey is ill and has been in the hospital for several days.

Councilman Rice stated that rocks and gravel from a parking lot have washed out onto the sidewalk on Lee Street between North Street and Grove Street and asked that the Public Works Department take care of the problem.

Councilwoman Grahame stated that there is an overgrown bank on Gold Street and asked that the Public Works Department take care of the problem.

On motion by Councilwoman Grahame, seconded by Councilwoman Kochendarfer, voted upon and carried, the following item was added to the agenda before consideration of the Consent Agenda: Executive Session, pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)(7), for Consultation with Legal Counsel and Staff regarding a Specific Consolidation Issue.

Mayor Shelton presented certificates of retirement, Jefferson Cups, and service pins to Bobby Ashwell and Ray Webster, who retired on October 1, 1994.

On motion by Councilman Rice, seconded by Councilman Tharp, voted upon and carried by a roll call vote, Council adjourned into executive session, pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)(7), for Consultation with Legal Counsel and Staff regarding a Specific Consolidation Issue. Roll call vote follows:

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

Councilman Tharp aye

Mayor Shelton aye

Council adjourned into executive session at 7:43 p.m. Non-council members attending were: City Manager Gross and City Attorney Berry.

Council reconvened into open session at 7:52 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.

On motion by Councilman Rice, seconded by Councilwoman Kochendarfer, voted upon and carried by the following roll call vote, Council approved the resolution:

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

The Consent Agenda consisted of the following item: appointment of Mr. Larry Wood to a three-year term on the Recreation Advisory Committee, said term to expire June 30, 1997.

Vice Mayor Brookshier moved that the Consent Agenda be approved. The motion was seconded by Councilwoman Grahame, voted upon and carried.

Mr. Scott Lansing of the Greater Lynchburg Transit Company appeared before Council regarding the request for an appropriation of \$19,444 as the City's share of the cost for a proposed public transportation system between Bedford and Lynchburg.

Vice Mayor Brookshier reported that the Finance Committee did not have a formal recommendation on this issue.

There was no action taken on the matter of the appropriation for a Rural Public Transportation Program.

Mr. Bill Ludwig, Chairman of the City School Board, gave the following information to Council: 1. Bedford County School enrollment; 2. Code of Conduct and Student Conduct Policy Guidelines; 3. list of School Board meetings; 4. list of goals of the Bedford City School Board; 5. C.A.S.E. Project report.

Ms. Lorie Huffman, Coordinator for the City After School Enrichment Program (C.A.S.E), gave a report concerning the status of the C.A.S.E. program.

Mrs. Mary Fretz, Talented and Gifted Resource Teacher at Bedford Elementary School, reviewed a proposed project called "Project Greenhouse". Mrs. Fretz asked for permission from Council to erect a greenhouse in the courtyard at the Bedford Elementary School and attach it to the building. Mrs. Fretz indicated that the project will be independently funded.

Vice Mayor Brookshier moved that Council approve the placement of a greenhouse based on the "Project Greenhouse" for Bedford Elementary School; the details to be worked out between staff and the School Administration. The motion was seconded by Councilwoman Grahame, voted upon and carried.

Mr. Ludwig stated that the City School Board is requesting permission to begin studying the needed gymnasium facilities and possible associated classroom space at the middle school.

Mayor Shelton indicated that there is funding in the current budget for analysis of the current structure being presently used as a gymnasium.

The City Manager indicated that the funds in the budget are for preliminary engineering studies.

Mr. Ludwig stated that he would get in touch with the City Manager regarding this matter.

Mr. Ludwig thanked Bedford County for performing work at the present gym. Some of the work done: refinishing floors, repainting, installation of extra lighting, and boarding up the windows for better heating efficiency. Mr. Ludwig invited members of Council to go by and see the facility.

Councilwoman Grahame asked Mr. Ludwig to furnish Council with any future handouts prior to Council meetings. Mr. Ludwig indicated that he would.

Discussion ensued regarding the Literacy Passport testing.

Mayor Shelton stated that earlier in the day, in the Bedford Circuit Court, a Motion of Petition to Intervene was filed by a citizens' group against the City Council, the Bedford County Board of Supervisors, and the two individuals who were involved in the organization of the petition process for the consolidation effort.

Mayor Shelton read aloud the following statement from James Teass, Chairman of the Bedford County Board of Supervisors and himself.

We respect the right of this citizens' committee to challenge the process used by those individuals who sought this consolidation to avoid a possible annexation. If indeed there were irregularities in the process, then they certainly need to be reviewed by the appropriate authorities.

We are making progress in our study sessions and hope to reach an agreement on a mutually beneficial consolidation document.

The citizens' committee acted entirely on its own, and neither any individual member of these governing boards nor any administrative official has had any part in the decision to file this motion. We have no explanation for the filing at this time by a citizens' group.

We have no opinion on the merits of the motion, but we will respond as directed by the court.

It is important to recognize that neither governing body was responsible for the certification of signatures. In fact, we had nothing to do with any part of the process that required us to begin discussions on the issue.

The City Council and the Board of Supervisors are authorized to discuss governmental issues at anytime regardless of whether or not there are petitions.

We will continue on our current schedule of joint study sessions, especially in light of the progress we are making on this issue.

Mayor Shelton stated that this is the only statement City Council will make on this issue.

Mr. David A. Keith and Mrs. Karen Wright Ellis, representing the Bedford Middle School Parents Teachers Association's Gym Improvement Committee spoke regarding the need for gym facilities at the Middle School and asked for funds to begin architect and engineering work.

Mayor Shelton commended the Parents Teachers Association for its concern and explained that the project is scheduled to be considered in two years.

Mr. Ludwig encouraged members of the PTA to be involved in the discussions of planning for a new gym.

City Manager Gross stated that Section 18.2-340.3 of the Code of Virginia, dealing with bingo and raffle permits, provides that "permits shall be issued on a calendar basis and unless otherwise provided shall be valid for one calendar year...". The Friends of the Bedford Public Library have obtained a permit to sell tickets for the raffle of an oil painting donated by a local artist. Proceeds from the sale of the raffle tickets will benefit the Library building fund and other Library operations. Because the Friends wish to continue selling tickets in 1995 and to hold the drawing in conjunction with the Library's Opening Day celebrations, the Friends are requesting that Council waive the permit fee for 1995. Mr. Gross indicated that Section 18.2-340.2 provides that the application fee may be waived by the local governing body.

Councilman Rice moved that Council waive the raffle permit fee for 1995 for the Friends of the Public Library. The motion was seconded by Councilman Tharp.

Councilwoman Kochendarfer stated that she would vote no and explained that the "no" vote had nothing to do with the library fund or the Friends of the Library, but that she is opposed to gambling and felt that raffle tickets were a form of gambling.

The motion was then voted upon and carried, five members voting aye, one member voting nay

(Kochendarfer), and one member absent.

Mr. Roger H. Henderson, Executive Director of the Bedford Community Health Foundation, Inc., reviewed the results of the Foundation's efforts to date on behalf of the Bedford Day Care Center for Adults. Mr. Henderson reported that the Bedford County Board of Supervisors had made a donation to the Center of \$5,000.

Ms. Linda Lee, RN, Director of the Home Health Department at Bedford County Memorial Hospital gave a report regarding operations at the Day Care Center. Ms. Lee asked Council for assistance through the Parks and Recreation Department for transporting clients daily to and from the center and/or a matching grant of \$5,000.

Councilman Rice moved that Council go ahead and match what the Board of Supervisors gave the Center, \$5,000, and see if the City can work with the Recreation Department and provide extra transportation from time to time on an interim basis. The funds would be appropriated from the unappropriated contingency.

The motion died for lack of a second.

Vice Mayor Brookshier asked that the minutes reflect that he did not participate in discussion and he will abstain from voting, as his mother, whom he is financially responsible for, is a participant at the Day Care Center.

Discussion ensued.

Councilwoman Kochendarfer moved that representatives from the Bedford Day Care meet with the City Manager and other necessary city staff to investigate the transportation issue at the Day Care Center and to bring back a preliminary report by next Council meeting. The motion was seconded by Councilman Tharp, voted upon and carried, five members voting aye, one member abstaining (Brookshier), and one member absent.

Councilwoman Grahame moved that Council adjourn into executive session pursuant to Section 2.1-344(a) (7), Code of Virginia of 1950, as amended, for Consultation with Legal Counsel and Staff on Consolidation Issues and Potential Litigation Concerning the Electric Department. The motion was seconded by Councilwoman Kochendarfer, voted upon and carried by the following roll call vote:

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

Council adjourned into executive session at 9:20 p.m. after a five minute recess declared by the Mayor. Non-council members attending were: City Manager Gross, City Attorney Berry, Assistant City Manager Thompson, Electric Utility Director Socha, and Clerk of the Council Hatcher.

Council reconvened into open session at 10:33 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.

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

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

On motion by Vice Mayor Brookshier, seconded by Councilman Rice, voted upon and carried, the following items were added to the agenda: 1. Electric Rate Schedule and 2. D-Day Memorial.

Councilwoman Kochendarfer moved that Council revise the Electric Rate Schedules for the City of Bedford to apply a two mill reduction to the LCP tariff on the KWh and a one mill reduction to the LGS tariff on the KWh, effective November 1, 1994. The motion was seconded by Vice Mayor Brookshier, voted upon and carried.

Mayor Shelton reported on the D-Day Memorial activities of the National D-Day Foundation. The Mayor stated that more members of the Foundation will tour Bedford's three proposed sites for the memorial on October 12.

Discussion ensued.

The City Manager reported on special locality license plates:

An order for one thousand is necessary; cost would be \$25.00 each; time frame for the order is six to eight months; a letter has to be sent to the Division of Motor Vehicles (DMV) explaining what the City wants to do and why; the DMV sends the City a packet and the City does all of the camera ready art work; every license plate over one thousand that is sold, the City or the D-Day Foundation would get fifteen dollars back.

Mayor Shelton adjourned the meeting at 10:43 p.m.