

October 25, 1994 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., October 25, 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.

On behalf of Council, Mayor Shelton expressed sympathy to the family of Mr. James Teass, Chairman of the Bedford County Board of Supervisors, who died on October 24. A moment of silence was observed in memory and honor of Mr. Teass.

Mayor Shelton declared that the minutes of a regular Council meeting held on October 11, 1994, were approved as distributed.

A discussion ensued regarding household items in front of Powderhorn Apartments and other areas in the City. The City Manager indicated that a tenant was evicted at Powderhorn Apartments, and the state law requires that tenants' property must be placed on City right-of-way; and that the City is required to remove the property after a reasonable amount of time has passed. Mr. Gross stated that the property will be disposed of on October 26. Vice Mayor Brookshier suggested that the City ask apartment managers to notify the City whenever an eviction is to take place.

Vice Mayor Brookshier asked about the status of the proposed ordinance on abandoned automobiles.

The City Manager stated that the Director of Planning & Community Development is still working on the ordinance.

Vice Mayor Brookshier asked that a draft of the ordinance be presented at the next regular Council meeting.

Councilman Rice stated that he attended the Virginia Municipal League Annual Conference in Norfolk. Councilman Rice stated that in 1995 the conference will be in Virginia Beach and encouraged all members of Council to attend.

Mayor Shelton thanked the City Manager and the staff for taking Council on a tour of the hydroelectric plant at Snowden.

Mayor Shelton stated that he has been placed on the National D-Day Memorial Foundation Board. The Mayor indicated that the Board will be making a decision on the location of the National D-Day Memorial Monument probably within the next two weeks. Mayor Shelton indicated that the City is receiving unsolicited comments from citizens across the entire area and solicited comments from localities in support of the City as the site for the national memorial. That information is being forwarded to the National D-Day Memorial Foundation.

The City Manager stated that Bedford Main Street, Inc., is requesting that Council authorize the closing of streets for the Christmas Parade on Saturday, December 3, 1994. The street closings would include College

Street and Ashland Avenue near the Recreation Field, and, if necessary, Ashland Avenue in the vicinity of the Elks National Home from 11:30 a.m. to 2:00 p.m., and Peaks Street from College Street to North Bridge Street, North Bridge Street to West Main Street, West Main Street to Fourth Street and to the County Recreation Field from 2:00 to 4:00 p.m.

City Manager Gross indicated that Bedford Main Street will notify the Fire Department, Rescue Squad and Police Department of the parade route and street closings and will place announcements on the radio and in the newspaper. Bedford Main Street will also notify the residents of the area, who will have ingress and egress to their homes.

Councilwoman Kochendarfer moved that Council approve the request to close the named streets on December 3, 1994, from 11:30 to 4:00 p.m. The motion was seconded by Vice Mayor Brookshier, voted upon and carried.

The City Manager stated that the State will presently pay fifty percent of the construction costs of approved building projects for a regional jail. The State is encouraging the regional jail concepts. Mr. Gross indicated that the jurisdictions in the Central Virginia Planning District Commission have been developing a regional jail proposal for the last year and have come up with a unique plan which incorporates the upgrading of facilities in Bedford County, Campbell County, and Appomattox County and the City of Lynchburg, and the construction of a new facility in Lynchburg.

The City Manager explained the advantages of this regional jail concept.

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION

WHEREAS, Section 53.1-95.2 et. seq. of the Code of Virginia allows two or more counties or cities, or a combination thereof, to form a regional jail authority for the purpose of providing for the local correctional needs of the participating jurisdictions; and

WHEREAS, the Counties of Appomattox, Bedford and Campbell and the Cities of Bedford and Lynchburg have discussed becoming a regional jail authority, to be called the Blue Ridge Regional Jail Authority, which Authority would construct and operate a new regional jail in the City of Lynchburg and renovate and operate the existing jails in the three counties; and

WHEREAS, the City Council of the City of Bedford desires to become a member of the Blue Ridge Regional Jail Authority and to approve a Service Agreement setting forth the obligations and rights of the participating jurisdictions and the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEDFORD THAT:

The Council hereby approves the Service Agreement creating the Blue Ridge Regional Jail Authority presented to the Council this date, and authorizes the City Manager to execute the Service Agreement on behalf of the City.

The Council also appoints Milton H. Graham as the City member of the Authority and appoints Jack A. Gross as the alternate member.

Councilman Tharp moved that Council adopt the resolution contingent upon similar approval by the Bedford County Board of Supervisors. The motion was seconded by Councilwoman Grahame, voted upon and carried by the following roll call vote:

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

City Manager Gross reported that the new Federal Highway Administration Regulations allow the Metropolitan Planning Organization (MPO) to be contiguous with the Metropolitan Statistical Area (MSA). The current MPO includes the City of Lynchburg and urbanized areas of Amherst, Bedford, and Campbell Counties. The current MSA includes the entire Counties of Amherst, Bedford, and Campbell County and the Cities of Bedford and Lynchburg. Data which is readily available through the MSA is not available for split jurisdictions, requiring the Central Virginia Planning District Commission, as administrative entity, to sort and verify data to satisfy the Virginia Department of Transportation (VDOT) and the Federal Highway Administration.

The City Manager stated the Planning District Commission is therefore requesting that the jurisdictions included in the Lynchburg MSA participate in the Central Virginia Transportation Planning Council, the MPO. Under VDOT's State-Wide Long Range Plan, any project selected in the MPO has to be included. If the City is included in the MPO, there would be no change in urban funding, and monies allocated to the City could only be spent here. All MPO areas must be contiguous with the existing Lynchburg MPO; therefore, if Bedford County does not approve the change to be included in the MPO, VDOT will not approve Bedford's participation.

City Manager Gross stated that it will be necessary to indicate that this action is contingent upon Bedford County approving the MPO and that the City of Bedford will stay in the Salem Highway District and will not be changing the district office.

Councilwoman Kochendarfer moved that the City of Bedford be included in the Central Virginia Transportation Planning Council, the MPO, and appoint Councilman Tharp and Mr. Gross as the City's

representatives conditional upon the VDOT approval; also that the City will continue to remain within the Salem District of VDOT. The motion was seconded by Councilman Rice, voted upon and carried.

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

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

Council adjourned into executive session at 8:05 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 9:30 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 Tharp, seconded by Councilwoman Grahame, voted upon and carried by a roll call vote, Council approved the resolution:

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

On motion by Vice Mayor Brookshier, seconded by Councilwoman Kochendarfer, voted upon and carried, the following item was added to the agenda: Resolution - Consolidation

On motion by Councilman Rice, seconded by Councilman Tharp, voted upon and carried, Council waived the reading of the following proposed resolution regarding consolidation:

**A JOINT RESOLUTION BY THE CITY COUNCIL
OF THE CITY OF BEDFORD AND
THE BOARD OF SUPERVISORS OF THE COUNTY OF BEDFORD
REGARDING CONSOLIDATION OF THE TWO LOCALITIES
INTO A SINGLE CONSOLIDATED CITY**

WHEREAS, on January 24, 1994, petitions were filed with the City of Bedford and the County of Bedford in accordance with Section 15.1-1132 of the Code of Virginia, 1950, as amended, asking the governing bodies to effect a consolidation agreement between the two localities in accordance with Section 15.1-1131 of the Code of Virginia, 1950, as amended; and,

WHEREAS, on February 2, 1994, the General Voter Registrar of the County of Bedford notified the County Administrator that the petition requesting consolidation of the City of Bedford and the County of Bedford lacked a sufficient number of signatures of qualified voters to meet the fifteen percent threshold as specified in Section 15.1-1132 of the Code of Virginia, 1950, as amended; and,

WHEREAS, on February 14, 1994, the Voting Registrar of the City of Bedford notified the City Manager that the petitions requesting consolidation of the City of Bedford and the County of Bedford were verified as meeting the fifteen percent threshold as specified in Section 15.1-1132 of the Code of Virginia, 1950, as amended; and,

WHEREAS, on February 24, 1994, the General Voter Registrar of Bedford County notified the County Administrator that the petition requesting consolidation of the City of Bedford and the County of Bedford now contained a sufficient number of signatures of qualified voters to meet the fifteen percent threshold as specified in Section 15.1-1132 of the Code of Virginia, 1950, as amended; and,

WHEREAS, since April 28, 1994, the City of Bedford and the County of Bedford have been meeting on a regular basis to develop an agreement to consolidate the City and County into a consolidated city; and,

WHEREAS, the City of Bedford and the County of Bedford have made significant progress in developing a consolidation plan that addresses the elimination of the annexation threat to the County, provides, for continued growth of the City, maintains identity and elected

representatives for both localities, eliminates duplication of services, takes advantage of economies of scale and will not significantly affect the tax burden of either locality; and

WHEREAS, on October 11, 1994, a suit was filed by a citizen group in the Circuit Court of Bedford County questioning the validity of the petitions filed by citizens of the City of Bedford and the County of Bedford requesting the two localities effect a consolidation agreement; and,

WHEREAS, Section 15.1-1130.1 of the Code of Virginia, 1950, as amended, states that any one or more counties or cities having a common boundary may consolidate into a single county or city; and,

WHEREAS, Section 15.1-1131 states that the board of supervisors or council of such county or city desiring to consolidate into a city or county may enter into a joint agreement for such consolidation.

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Bedford and the Board of Supervisors of the County of Bedford as follows:

1. That the City Council of the City of Bedford and the Board of Supervisors of the County of Bedford do hereby agree to continue voluntarily to effect an agreement on consolidation of the City of Bedford and the County of Bedford into a city in accordance with Section 15.1-1131 of the Code of Virginia, 1950, as amended.

2. That the City of Bedford and the County of Bedford will make a good faith effort to comply with the twelve month timeframe noted in Section 15.1-1132 of the Code of Virginia, 1950, as amended, and submit a consolidation agreement to the Circuit Court of Bedford County, and seek legislation necessary to implement such a consolidation plan and seek placement of the plan on a referendum for voter action.

3. That the City of Bedford and the County of Bedford neither support nor oppose the validity of the suit and request the Circuit Court of Bedford County to address the legitimate questions raised by the suit in an expedient manner.

4. That this resolution shall be null and void unless the same is adopted by both the City Council of the City of Bedford and the Board of Supervisors of the County of Bedford in exactly the same form and content.

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

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

Mayor Shelton adjourned the meeting at 9:32 p.m.

Mayor Shelton reconvened in the meeting at 9:32 p.m.

On motion by Councilwoman Grahame, seconded by Councilwoman Kochendarfer, voted upon and carried, the following item was added to the agenda: Executive Session pursuant to Section 2.1-344(a)(1), Code of Virginia of 1950, as amended, for consultation with counsel and staff on personnel matters regarding administrative staff.

Councilman Rice moved that Council adjourn into executive session pursuant to Section 2.1-344(a)(1), Code of Virginia of 1950, as amended, for consultation with counsel and staff on personnel matters regarding administrative staff. The motion was seconded by Councilman Tharp, voted upon and carried by the following roll call vote:

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

Council adjourned into executive session at 9:32 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 9:50 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 adopted. The motion was seconded by Councilman Tharp, voted upon and carried by the following roll call vote:

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

Mayor Shelton adjourned the meeting at 9:51 p.m.