

2-14-95 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:35 p.m., February 14, 1995.

Members present: Mayor G. Michael Shelton (arrived at 9:10 p.m.); Vice Mayor Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilwoman Linda Kochendarfer; and Councilman Ronnie C. Rice.

Members absent: Councilman Payton M. Otey and Councilman W. D. Tharp.

Staff present: City Manager Jack A. Gross (arrived at 9:10 p.m.); Assistant City Manager Barry Thompson; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Vice Mayor Brookshier opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Vice Mayor Brookshier declared that the minutes of a regular Council meeting held on January 24, 1995, were approved as mailed.

Assistant City Manager Thompson reported that the City is the recipient of a federal grant in the amount of approximately \$63,000, which will fund about seventy-five percent of one police officer's position.

The Vice Mayor stated that the Mayor and City Manager were in Richmond and hope to arrive later in the meeting.

Vice Mayor Brookshier indicated that Councilman Otey is still in the hospital and Councilman Tharp will be in attendance at the next meeting.

The Clerk of Council read aloud the following public hearing notice:

PUBLIC HEARING NOTICE

The City of Bedford, Virginia, will hold a public hearing on Tuesday, February 14, 1995, at 7:30 p.m. during the regularly scheduled City Council meeting at the Municipal Building, 215 E. Main Street, 2nd Floor Council Chambers, Bedford, Virginia 24523. The hearing is required for the proposed Community Development Block Grant Application to be submitted to the Virginia Department of Housing and Community Development on March 3, 1995. The proposed project is for residential

and community facility improvements in the West King Street and surrounding neighborhood.

The purpose of the public hearing is to allow for public comment on the City of Bedford's past use of CDBG funds and to obtain the view of citizens of community development and housing needs within the West King Street and surrounding neighborhood.

For additional information, please contact the City of Bedford's Office of Community and Economic Development at the above address or telephone (703) 586-7128 or 586-7123. All interested citizens are urged to attend. Arrangements will be made to accommodate handicapped citizens wishing to participate in the public hearing. Material related to the preparation of the application and records of previous CDBG activities over the past five (5) years are available to the public for review.

By Authority of the Department of Community and Economic Development

Vice Mayor Brookshier opened the public hearing at 7:42 p.m.

Mr. Jay Scudder, Director of Planning & Community Development, gave an overview of the CDBG Program over the past five years. Mr. Scudder explained that the proposed project is for residential and community facility improvements in the area of West King Street and surrounding neighborhood.

Mr. Robert Holmes asked if property owners who did not live in the area would qualify.

Mr. Scudder indicated that generally one would have to be an owner/occupant to receive funding under this program.

Mr. Robert Drake, West King Street, spoke of poor workmanship on a house built for his mother under a CDBG grant . The house is at 530 South Street.

Mr. Thompson stated that the staff will investigate this matter.

As there were no further comments, Vice Mayor Brookshier closed the public hearing at 7:45 p.m.

On motion by Councilman Rice, seconded by Councilwoman Grahame, voted upon and carried, Council appointed Mr. Lloyd Burrow to fill an unexpired term on the Central Virginia Air Pollution Control Committee, said term to expire March 31, 1997.

Mrs. Marjorie B. Rucker spoke to Council on behalf of residents of Peaks Street, Avenel Avenue, and Bedford Avenue regarding the environment surrounding the construction of the new Regional Library. Mrs. Rucker spoke of the hundreds of loads of dirt trucked onto the property that have resulted in increased elevation; and the placement of a dumpster on the library property.

Mrs. Rucker presented Council with the following petition:

We the undersigned, feel that the screening around the parking lot of the Bedford Public Library is inadequate. We feel that this could be alleviated by enclosing the parking lot on the Bedford Avenue, Avenel Avenue, and Peaks Street sides with one of the following: brick wall or stone wall with plantings, wooden fence with plantings, vinyl lattice fence with plantings, chain-link fence (with screen attached) with plantings or some other suitable type of structure. Plantings to be on the outside of the wall.

We feel the lack of adequate screening will cause the following problems: 1. escalate pedestrian and/or loitering traffic. 2. increase the chance of potential vandalism to library property and adjacent private properties. 3. cause the loss of cherished privacy to one of Bedford's oldest, established, intact communities.

Mrs. Rucker pointed out excerpts from the Bedford Land Development Regulations.

Mrs. Rucker presented the following petition to Council:

We the undersigned, request that neither now, or in the future should there be a dumpster on the Bedford Library property. We feel the refuse should be stored in an area with sufficient screening to prevent outside view of stored refuse.

Vice Mayor Brookshier asked the Assistant City Manager to secure estimated costs of various types of screening. The Vice Mayor referred the requested screening matter back to the Library Committee. Vice Mayor Brookshier stated that the Library Committee will also consider the dumpster at the library.

Ms. Elizabeth Berry-Mosley, Executive Director of Bedford Main Street, Inc., gave a report on the activities of Bedford Main Street. Ms. Berry-Mosley thanked Council for sponsoring the strategic planning process, which she indicated is bringing up a lot of exciting ideas.

Mrs. Ellen Wandrei, Managing Director of the Bedford City/County Museum made a presentation to Council regarding the Museum's activities and programs. Ms. Wandrei reported that in 1994, the museum received 8,908 visitors. The museum is requesting

\$12,000 from the City for fiscal year 1995-96, which will go toward repairs to the building and continuing educational programs for the Bedford Schools.

Mr. Thompson stated that at the Council meeting of July 12, 1994, Council adopted a resolution authorizing the City Manager to sign a compact between the City of Bedford and Bedford County for the joint enforcement of motor vehicle license ordinances of the two jurisdictions. Since that time, other member jurisdictions of the Central Virginia Planning District Commission have expressed an interest in a similar compact on a regional basis. A resolution has been prepared authorizing the City Manager to sign a compact between the Cities of Bedford and Lynchburg, the Counties of Amherst, Appomattox, Bedford and Campbell and the Towns of Altavista, Amherst, Appomattox, Brookneal and Pamplin City.

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION NO. 95-01

A RESOLUTION authorizing the City Manager to sign on behalf of the City of Bedford a compact between the Cities of Bedford and Lynchburg, the Counties of Amherst, Appomattox, Bedford and Campbell and the Towns of Altavista, Amherst, Appomattox, Brookneal and Pamplin City 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 Cities of Bedford and Lynchburg, the Counties of Amherst, Appomattox, Bedford and Campbell and the Towns of Altavista, Amherst, Appomattox, Brookneal and Pamplin City have agreed to enter into a Regional Compact for the Joint 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 Regional Compact for the Joint Enforcement of Vehicle Decal Ordinances with the above named jurisdictions.

On motion by Councilwoman Kochendarfer, seconded by Councilwoman Grahame, voted upon and carried by a roll call vote, Council adopted the resolution authorizing the City Manager to sign and enter into a regional compact for the joint enforcement of vehicle decal ordinances. Roll call vote follows:

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

Assistant City Manager Thompson stated that since Council adopted the resolution authorizing the City Manager to enter into a regional compact for the joint enforcement of vehicle decal ordinances, it would be in order for Council to consider an ordinance which will amend the City Code by adding language to Section 13-60, Chapter 13, Motor Vehicles and Traffic, setting forth the provisions of the compact and the penalties for violation of the ordinance. The ordinance would take effect when all participating jurisdictions have adopted similar ordinances. Mr. Thompson indicated that the ordinance has been posted in accordance with the provisions of Section 2-30 of the City Code.

On motion by Councilwoman Kochendarfer, seconded by Councilwoman Grahame, voted upon and carried, Council waived the reading of the proposed ordinance.

Councilwoman Kochendarfer moved that the ordinance to amend the City Code by setting forth the provisions of the regional compact for joint enforcement of vehicle decal ordinances and the penalties for violation of the ordinance be adopted. The motion was seconded by Councilwoman Grahame, voted upon and carried by the following roll call vote:

Councilwoman Grahame	aye
Councilwoman Kochendarfer	aye
Councilman Otey	absent

Councilman Rice	aye
Councilman Tharp	absent
Vice Mayor Brookshier	aye
Mayor Shelton	absent

The ordinance follows as adopted:

ORDINANCE NO. 95-01

WHEREAS, Virginia Code Section 46.2-752, 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 entered into a Compact for the Enforcement of Vehicle Decal Ordinances to provide for the enforcement of such local ordinances; and

WHEREAS, the jurisdictions comprising the Central Virginia Planning District Commission wish to enter into a Regional Compact for the Joint Enforcement of Vehicle Decal 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 adding the following to Section 13-60 of Chapter 13, Motor Vehicles and Traffic:

(a) Any owner or operator of a motor vehicle who is required to display a local motor vehicle license for that vehicle by a jurisdiction participating in the Central Virginia Planning District Commission Regional Compact for the Enforcement of Vehicle Decals (the Cities of Bedford and Lynchburg, the Counties of Amherst, Appomattox, Bedford and Campbell and the Towns of Altavista, Amherst, Appomattox, Brookneal and Pamplin

City) 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 all participating jurisdictions have adopted ordinances substantially similar hereto.

Mr. Thompson stated that Council has received copies of the Audit Report prepared by Firebaugh & Berry, Inc., for the fiscal year ended June 30, 1994. The audit report has been accepted by the Commonwealth of Virginia Auditor of Public Accounts.

On motion by Councilman Rice, seconded by Councilwoman Grahame, voted upon carried, Council accepted the Audit Report for the fiscal year ended June 30, 1994.

Mr. Thompson stated Council had received a memorandum concerning the restructuring of the Electric Escrow Account and the Debt Service Reserve Account. Mr. Thompson indicated the City would realize a net cash gain of \$14,907 on the restructuring of the Electric Escrow Account. This is an increase of \$1,081 over the calculation presented to the Finance and Electric Committees in September 1994. Mr. Thompson stated that it appears there would be no risk to the City in such a restructuring, and it would require

very little staff time. Restructuring of the Debt Service fund would yield an approximate net cash gain to the City of \$21,994.

On motion by Councilwoman Kochendarfer, seconded by Councilman Rice, voted upon and carried by a roll call vote, Council authorized the City Manager to contract with Craigie Incorporated to restructure the Electric Escrow Fund and to develop bid specifications on the Electric Debt Service Reserve Investments and to seek an opinion from Hunton & Williams as bond counsel to confirm the optimization of the Escrow Refunding and to affirm the legal investments and the rebate situation on the Debt Service Reserve Investment. Roll call vote follows:

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

Councilwoman Kochendarfer moved that Council adjourn into executive session pursuant to Section 2.1-344(a)(3) of the Code of Virginia of 1950, as amended, concerning the possible sale and lease of real estate, and pursuant to Section 2.1-344(a)(7), for consultation with legal counsel and staff on consolidation issues. 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 Brookshier	aye
Councilwoman Grahame	aye
Councilwoman Kochendarfer	aye
Councilman Otey	absent
Mayor Shelton	absent

Council adjourned into executive session at 8:43 p.m., after a three minute recess declared by the Vice Mayor. Non-council members attending were: Assistant City Manager Thompson, City Attorney Berry, Clerk of the Council Hatcher, City Manager Gross and Mayor Shelton arrived at 9:10 p.m.

Council reconvened into open session at 10:40 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 Councilwoman Grahame, seconded by Councilwoman Kochendarfer, voted upon and carried by the following roll call vote, Council approved the resolution:

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

Mayor Shelton adjourned the meeting at 10:41 p.m. until February 21, 1995, at 7:30 p.m. in the auditorium at Liberty High School.

Mayor

Clerk of the Council