

2-28-95 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 28, 1995.

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: None. (A vacancy exists on City Council due to the death of Councilman Payton M. Otey on February 22, 1995.)

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 welcomed Boy Scout Troop 183 as they were in attendance to meet requirements to obtain Citizenship Merit Badges.

Mayor Shelton declared that the minutes of a regular Council meeting held on February 14, 1995, and the minutes of an adjourned Council meeting held on February 21, 1995, were approved as distributed.

A moment of silence was observed in honor and memory of Councilman Payton M. Otey and his service to the community. Councilman Otey passed away February 22, 1995.

Mayor Shelton welcomed back Councilman Tharp who has been out of the United States on a trip.

On motion by Councilman Tharp, seconded by Councilwoman Grahame, voted upon and carried, the following items were added to the agenda: Appropriation of Funds to the Bedford Life Saving and First Aid Crew, Inc., and executive session pursuant to Section 2.1-344.(a)(1), personnel, of the Code of Virginia of 1950, as amended, regarding discussion of filling the vacancy on City Council.

Mrs. Jennie Martin, Grants Coordinator, reviewed the proposed Community Development Block Grant application for residential and community facility improvements in the area of West King Street and surrounding neighborhood. Mrs. Martin indicated that the project grand total is \$586,427.

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 28, 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 review and comment on the City's draft grant proposal. Information on the amount of funding to be requested for this project, project beneficiaries, the number of low and moderate income persons, and the proposed activities and their cost for the project area will be presented. Plans to minimize displacement will also be discussed during the hearing.

Citizens will be given an opportunity to comment on the City of Bedford's past use of CDBG funds. 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 (703) 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

Mayor Shelton opened the public hearing at 7:49 p.m. As there were no comments, Mayor Shelton closed the public hearing at 7:50 p.m.

Discussion ensued regarding the proposed CDBG grant application.

Councilwoman Grahame asked about a concern expressed by Mr. Randy Wright at the February 14, 1995, Council meeting concerning the construction quality of his mother's home. Mrs. Martin indicated that she and Mr. Scudder met with Mrs. Wright on February 22 regarding these complaints and reinspected the house. Mrs. Martin reported that all complaints had been answered previously and the problem is one of poor maintenance and housekeeping abilities, not workmanship.

Mrs. Martin reported that the deadline for submission of the CDBG grant has been extended until March 17, 1995. Mrs. Martin indicated that at the next Council meeting, Council will be asked to grant permission to submit the CDBG application and to assist with in-kind and monetary funds to make this a viable application in terms of the City's commitment to the project.

Ms. Barbara Ring, Executive Director of the Bedford Area Chamber of Commerce, presented a video that features the Bedford Community.

Ms. Ring reviewed past and future activities of the Chamber of Commerce and asked for level funding in the 1995-96 City budget. Ms. Betty McKinney, Tourism Coordinator, reviewed activities of the Tourism Development Committee.

Mr. Thomas Hehman, Director of the Bedford Public Library, spoke regarding the proposed budget request for the library.

Mrs. Marsha Melton, Library Board, and Ms. Karen Nuzzo, President of the Friends of the Bedford Public Library, spoke regarding the importance of the library and support for the increase in the library budget request.

Mayor Shelton instructed the Clerk of Council to read aloud the following preamble to the proposed resolution, and the resolution follows as adopted:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BEDFORD, VIRGINIA AUTHORIZING THE INDUSTRIAL
DEVELOPMENT AUTHORITY OF THE CITY OF ROANOKE,
VIRGINIA TO HOLD A PUBLIC HEARING IN CONNECTION
WITH THE ISSUANCE OF NOT TO EXCEED
\$110,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF THE
CITY OF ROANOKE, VIRGINIA HOSPITAL REVENUE
BONDS (ROANOKE MEMORIAL HOSPITALS,
COMMUNITY HOSPITAL OF ROANOKE VALLEY,
BEDFORD COUNTY MEMORIAL HOSPITAL,
GILES MEMORIAL HOSPITAL, RADFORD COMMUNITY**

**HOSPITAL, FRANKLIN MEMORIAL HOSPITAL AND
SAINT ALBANS PSYCHIATRIC HOSPITAL PROJECT)
SERIES 1995**

WHEREAS, the City of Bedford, Virginia (the "City") is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitution and laws of the Commonwealth of Virginia; and

WHEREAS, Roanoke Memorial Hospitals ("RMH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates a health care facility located in the City of Roanoke, Virginia; and

WHEREAS, Community Hospital of Roanoke Valley ("CHRV") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates a health care facility located in the City of Roanoke, Virginia; and

WHEREAS, Giles Memorial Hospital, Incorporated, ("GMH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates a health care facility located in the Town of Pearisburg, in Giles County Virginia; and

WHEREAS, Bedford County Memorial Hospital, Incorporated, ("BCMh") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates a health care facility located in the City of Bedford, Virginia; and

WHEREAS, The Radford Community Hospital, Incorporated, ("RCH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates a health care facility located in the City of Radford, Virginia; and

WHEREAS, Franklin Memorial Hospital ("FMH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates a health care facility in the Town of Rocky Mount, Franklin County, Virginia; and

WHEREAS, Saint Albans Psychiatric Hospital, Inc. ("SAPH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates a health care facility in Pulaski County, Virginia; and

WHEREAS, the Industrial Development Authority of the City of Roanoke, Virginia (the "Roanoke Authority") has by resolution adopted February 7, 1995 (the "Inducement Resolution") evidenced its desire to issue one or more series of its revenue bonds for the following purposes: (I) (a) financing for RMH a portion of the costs of (i) renovating or expanding certain portions of the existing hospital facilities, and/or (ii) acquiring certain capital equipment for use in or in connection with the RMH hospital facilities (the "RMH Project"), (b) financing for CHRV a portion of the costs of (i) renovating or expanding certain portions of the existing hospital facilities, and/or (ii) acquiring certain capital equipment for use in or in connection with the CHRV hospital facilities (the "CHRV Project"), (c) financing for GMH a portion of the costs of (i) renovating or expanding certain portions of the existing hospital facilities, and/or (ii) acquiring certain capital equipment for use in or in connection with the GMH hospital facilities (the "GMH Project"), (d) financing for BCMH a portion of the costs of (i) renovating or expanding certain portions of the existing hospital facilities, and/or (ii) acquiring certain capital equipment for use in or in connection with the BCMH hospital facilities (the "BCMH Project"), (e) financing for RCH a portion of the costs of (i) renovating or expanding certain portions of the existing hospital facilities, (ii) design, planning, site preparation and construction relating to the building of a replacement hospital facility to be located in Montgomery County, Virginia, and/or (iii) acquiring certain capital equipment for use in or in connection with the RCH hospital facilities (the "RCH Project"), (f) financing for FMH a portion of the costs of (i) renovating or expanding certain portions of the existing hospital facilities, (ii) acquiring, constructing and equipping a professional building, and/or (iii) acquiring certain capital equipment for use in or in connection with the FMH hospital facilities (the "FMH Project"), and (f) financing for SAPH a portion of the costs of (i) renovating or expanding certain portions of the existing hospital facilities, and/or (ii) acquiring certain capital equipment for use in or in connection with the SAPH hospital facilities (the "SAPH Project") (the RMH Project, the CHRV Project, the GMH Project, the BCMH Project, the RCH Project, the FMH Project and the SAPH Project are hereinafter collectively referred to as the "Project"), and (II) refunding certain bonds previously issued by the Roanoke Authority for the benefit of RMH, CHRV, GMH, BCMH AND RCH (the "Prior Bonds"); and

WHEREAS, the Roanoke Authority has delivered or caused to be delivered to the City a copy of the Inducement Resolution; and

WHEREAS, prior to the issuance of the Bonds, it is required by state and federal law that a public hearing be held during which members of the public are given an opportunity to express their views on the proposed issuance of the Bonds;

WHEREAS, RMH, CHRV, GMH, BCMH, RCH, FMH and SAPH have requested the Roanoke Authority to hold a public hearing in the City of Roanoke, Virginia on behalf of the City of Roanoke, Virginia, the County of Giles, Virginia, the City of Bedford, Virginia, the City of Radford, Virginia, the County of Montgomery, Virginia, the County of Franklin, Virginia and the County of Pulaski, Virginia in connection with the issuance of the Bonds:

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bedford, Virginia:

SECTION 1. The City hereby (a) authorizes the Roanoke Authority to hold a public hearing on its behalf in connection with the proposed issuance by the Roanoke Authority of the Industrial Development Authority of the City of Roanoke, Virginia Hospital Revenue Bonds (Roanoke Memorial Hospitals, Community Hospital of Roanoke Valley, Bedford County Memorial Hospital, Giles Memorial Hospital, Radford Community Hospital, Franklin Memorial Hospital and Saint Albans Psychiatric Hospital Project) Series 1995 in the aggregate principal amount not to exceed \$110,000,000 (the "Bonds") for the purpose of (i) financing a portion of the costs of the Project, (ii) refunding the Prior Bonds, (iii) paying a portion of the interest accruing on the Bonds during the acquisition and construction period of the Project, and (iv) paying certain expenses incurred in connection with the authorization and issuance of the Bonds, and (b) concurs with the adoption of the Inducement Resolution; provided, however, that in accordance with Chapter 33, Title 15.1, Code of Virginia of 1950, as amended, the Roanoke Authority shall, after it holds the public hearing, convey a reasonably detailed summary of the comments expressed at the hearing to the City together with its recommendation at which time the City shall either approve or disapprove the issuance of the Bonds.

SECTION 2. This Resolution shall take effect immediately upon its passage.

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

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| Vice Mayor Brookshier | aye |
| Councilwoman Grahame | aye |
| Councilwoman Kochendarfer | aye |
| Councilman Rice | aye |
| Councilman Tharp | aye |
| Mayor Shelton | aye |

The Clerk of Council read aloud the following proposed resolution:

**RESOLUTION APPROVING A JOINT AGREEMENT FOR
CONSOLIDATION OF BEDFORD COUNTY AND
THE CITY OF BEDFORD**

WHEREAS, the City Council of the City of Bedford on October 25, 1994 and the Board of Supervisors of Bedford County on October 31, 1994 by resolution agreed 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; and

WHEREAS, the Virginia General Assembly has enacted legislation allowing any one or more counties or cities having a common boundary to consolidate into a single city containing a geographical and political subdivision known as a shire, and has thereby recognized that such consolidations can be beneficial to the orderly growth and continued vitality of the counties and cities of the Commonwealth; and

WHEREAS, the governing bodies of the County of Bedford and the City of Bedford have prepared a consolidation agreement, which, if approved, would consolidate the two jurisdictions into a single city containing a shire, a copy of which has been filed with the City Clerk; and

WHEREAS, the City Council deems it in the best interests of the City of Bedford and its residents that such proposed Consolidation Agreement be

adopted in order to allow a referendum to be held on the question of consolidation pursuant to said Agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bedford as follows:

1. The City Council adopts the proposed consolidation plan and upon adoption of said plan and like authorization by the Board of Supervisors of Bedford County authorizes and directs its Mayor and City Clerk to execute a copy of said Consolidation Agreement.
2. The City Attorney and special counsel for the City are authorized and directed (a) to notify the Commission on Local Government and all contiguous governments pursuant to Virginia Code Section 15.1-945.7 of the execution of such proposed Consolidation Agreement and of their intent pursuant to Section 15.1-1131.1 to file an action in the Circuit Court of Bedford County consolidating the two local governments into a single city containing a shire pursuant to applicable law and (b) to request that the Commission determine the eligibility of the consolidated government for city status.
3. The City Attorney and Special Counsel shall take all other such actions and employ such special assistants as are necessary to accomplish the review of the Agreement by the Commission on Local Government so that the Agreement may be submitted to the qualified voters of the City and the County by referendum.

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

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| Councilwoman Grahame | aye |
| Councilwoman Kochendarfer | aye |
| Councilman Rice | aye |
| Councilman Tharp | aye |
| Vice Mayor Brookshier | aye |
| Mayor Shelton | aye |

Mayor Shelton stated that a moment of history had occurred in the City with the adoption of the consolidation resolution. The Mayor thanked the members of the Consolidation

Committee, Councilwoman Grahame and Councilman Rice, for their many long hours working on the consolidation. Mayor Shelton indicated that a minimum of eight public information meetings will be held and the State Commission on Local Government will hold a public hearing tentatively scheduled for April 24 and 25. The Mayor also thanked the City Manager and the city staff for their involvement in this issue.

The City Manager indicated that the City has received a letter from the Virginia Department of Health, Office of Emergency Medical Services. Because of a computer error, the Department of Motor Vehicles did not transfer all of the vehicles which had been registered in the City in 1994. Therefore, the City will be receiving an additional \$533 in two-for-life funds. The correct amount to be appropriated from revenue account No. 100160.00805 to the Life Saving Crew expenditure account No. 103225.3415, is \$2,207.

On motion by Councilwoman Kochendarfer, seconded by Councilman Rice, voted upon and carried by a roll call vote, Council approved the appropriation of funds in the amount of \$2,207 from the previously noted revenue account to the Life Saving Crew expenditure account. Roll call vote follows:

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| Councilwoman Kochendarfer | aye |
| Councilman Rice | aye |
| Councilman Tharp | aye |
| Vice Mayor Brookshier | aye |
| Councilwoman Grahame | aye |
| Mayor Shelton | aye |

Vice Mayor Brookshier moved that Council adjourn into executive session pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel and staff concerning a request by Cable Equities of the Virginia, Ltd., for a rate increase, and consultation with counsel and staff regarding legal matters concerning the Georgia Pacific contract for the Electric Department; and Section 2.1-344(a)(1), personnel, discussion of vacancy on City Council. The motion was seconded by Councilman Rice, voted upon and carried by the following roll call vote:

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| Councilman Rice | aye |
| Councilman Tharp | aye |
| Vice Mayor Brookshier | aye |
| Councilwoman Grahame | aye |

Councilwoman Kochendarfer aye

Mayor Shelton aye

Council adjourned into executive session at 9:22 p.m. Non-council members attending at various times during the executive session were: City Manager Gross, City Attorney Berry, Clerk of the Council Hatcher, Assistant City Manager Thompson, Electric Utility Director Socha, Doug Harold, and Rich Kochendarfer.

Council reconvened into open session at 11:05 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 Tharp moved that the resolution be approved. The motion was seconded by Councilwoman Kochendarfer, voted upon and carried by the following roll call vote:

Councilman Tharp aye

Vice Mayor Brookshier aye

Councilwoman Grahame aye

Councilwoman Kochendarfer aye

Councilman Rice aye

Mayor Shelton aye

On motion by Vice Mayor Brookshier, seconded by Councilwoman Kochendarfer, voted upon and carried, the following items were added to the agenda: Resolution - Proposed Increase in Cable Television Rates and Policy for Filling City Council Vacancy.

Vice Mayor Brookshier moved that the reading of the proposed resolution regarding cable television rates be waived. The motion was seconded by Councilman Tharp, voted upon and carried.

On motion by Councilman Rice, seconded by Councilman Tharp, voted upon and carried by a roll call vote, Council adopted the Resolution Concerning Proposed Increase in Cable Television Rates. Roll call vote follows:

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| Vice Mayor Brookshier | aye |
| Councilwoman Grahame | aye |
| Councilwoman Kochendarfer | aye |
| Councilman Rice | aye |
| Councilman Tharp | aye |
| Mayor Shelton | aye |

The resolution follows as adopted:

RESOLUTION CONCERNING PROPOSED INCREASE

IN CABLE TELEVISION RATES

WHEREAS, the City of Bedford, Virginia has caused the request for an increase in basic cable television rates, as submitted by Cable Equities of the Virginias (d/b/a Bedford CableVision, hereinafter "CableVision") to be evaluated to determine whether such rate increase is justified by the rules and regulations of the Federal Communications Commission; and

WHEREAS, the aforesaid evaluation has been completed and a proposed Rate Order concerning the rate increase requested by CableVision has been submitted to the City for consideration; and

WHEREAS, the City finds that approval and adoption of the aforesaid proposed Rate Order will further the interests of the City's residents who are subscribers to the cable television system operated by CableVision.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bedford, Virginia:

1. That the City shall and hereby does approve and adopt all provisions of the document captioned as "Cable Television Rate Order," as appended hereto.

2. That the City Manager, or his designated representative, shall be and hereby is authorized and directed, on behalf of the City, to execute, release and deliver to CableVision the above-referenced Cable Television Rate Order, and to take all steps appropriate or necessary to carry out and enforce the provisions of said Cable Television Rate Order.

Mayor Shelton stated the following proposed policy for filling the vacancy on City Council:

1. Applicants for this vacant position must submit a written request to be considered for appointment, including a resume of the applicant's background and reasons for wishing to serve on the Council.
2. All names being considered will be made public.
3. A Council search committee may be appointed by the Mayor.
4. Upon completion of the interviews and upon selection of a candidate to fill the vacancy, letters will be sent to the unsuccessful candidates by the Mayor.
5. A "public notice" will be placed in the March 8, 1995, edition of the "Bedford Bulletin" that a vacancy exists on City Council. Deadline for receipt of letters will be March 17. Interviews with candidates will be held the week of March 20 - meeting to be set later, with the appointment decision to take place before March 31. Candidates will be asked to make contact with the Mayor regarding their interest, and at that time an information packet will be sent to each candidate detailing the application process.

Councilwoman Grahame moved that Council approve the Policy for Filling City Council Vacancy. The motion was seconded by Councilman Tharp, voted upon and carried.

The notice is to be published in the Bedford Bulletin, put on the local radio station, and put up where the City's public notices are normally posted.

A resolution honoring the late Councilman Otey's service on City Council will be considered at the appropriate time.

Mayor Shelton adjourned the meeting at 11:10 p.m.