

3-28-95 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., March 28, 1995.

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

Members absent: None.

Staff present: City Manager Jack A. Gross; City Attorney 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 moved the first item under New Business, "Swearing In of New Council Member," as the next item on the agenda.

Mayor Shelton expressed thanks to those individuals who applied for the vacant position on City Council.

Councilman Rice moved that City Council appoint Mrs. Mary L. Flood, 4018 Oliver Street, to fill the vacancy on City Council with the term to expire June 30, 1998. The motion was seconded by Councilman Tharp, voted upon and carried.

The Mayor stated that Mrs. Flood is employed as the Compensation and Relocation Manager for B & W Nuclear Technologies in Lynchburg, where she has worked since 1969. Mrs. Flood holds an Associate Degree in Business Administration from Central Virginia Community College and a Bachelor's Degree in Economics and Mathematics from Randolph Macon Women's College.

The Clerk of Council administered the Oath of Office to Mrs. Flood.

Mayor Shelton presented the "Key to the City" to Councilwoman Flood.

Mayor Shelton declared that the minutes of a called Council meeting held on March 14, 1995, the minutes of a regular Council meeting held on March 14, 1995, the minutes of an adjourned Council meeting held on March 16, 1995, and the minutes of an adjourned Council meeting held on March 21, 1995, were approved as distributed.

On motion by Councilman Rice, seconded by Councilwoman Kochendarfer, voted upon and carried unanimously, the following items were added to the agenda: Consideration of an Amendment to the Consolidation Agreement; and Executive Session, pursuant to the

Code of Virginia of 1950, as amended, Section 2.1-344(a)(1) for discussion of the evaluation of the City Manager and the City Attorney.

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION IN MEMORIAM

WHEREAS, Payton M. Otey served with distinction on Bedford City Council from September 1986 through June 1988 and again from July 1990 until his death on February 22, 1995; and

WHEREAS, during his tenure on City Council, Mr. Otey was appointed to several standing and special committees of Council as well as many regional boards and commissions serving Bedford and the Central Virginia area, including the Lynchburg Community Action Group, Inc., the Central Virginia Planning District Commission Transportation Planning Advisory Committee, the Central Virginia Planning District Commission Regional Planning Advisory Committee, the Blue Ridge Emergency Medical Services Council, the Central Virginia Area Agency on Aging, and Bedford Main Street, Inc., and always gave generously of his time, energy and experience to fulfill his commitment to these positions; and

WHEREAS, Mr. Otey was dedicated to his family, his community, and particularly the youth of the community through his 31 years as a teacher and supervisor in the Bedford County School System, as Council representative on the City School Board, and as a former member of the National Education Association, the Virginia Education Association, the Bedford Educational Association, and Phi Delta Kappa educational fraternity; and

WHEREAS, the members of Bedford City Council, past and present, who served with Mr. Otey wish to state and reflect their deep respect and their pleasure at having had an opportunity to serve and work with Mr. Otey; and

WHEREAS, the members of City Council and the City staff wish to honor the memory of Payton M. Otey and express their gratitude for his many years of selfless devotion to the City of Bedford;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bedford, Virginia, adopts this Resolution in Memoriam in honor of **PAYTON M. OTEY** this 28th day of March 1995.

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

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

Mayor Shelton presented a framed copy of the resolution and Councilman Otey's nameplate to Mrs. Payton M. Otey.

City Attorney Berry explained the proposed amendment to the Consolidation Agreement between the City and Bedford County. The City Attorney stated that some questions arose concerning the terms of the Commissioner of the Revenue and the Treasurer. The City Attorney stated that legislation has been introduced in the General Assembly that will extend the terms of the constitutional officers so that none of the officers will have their terms truncated as a result of the consolidation. Mr. Berry indicated that this amendment was approved by the Bedford County Board of Supervisors on March 27.

Councilwoman Grahame moved that Council approve the amendment to the Consolidation Agreement by substituting Section 12 as proposed. The motion was seconded by Councilman Rice, voted upon and carried unanimously.

Ms. Jennie Martin, Grants Coordinator, and Police Officer Darryl Updike, reported that the City has received notification from the U. S. Department of Justice that the City's grant application in the amount of \$100,000 for a twelve-month Safe Haven Demonstration Project to be located at the Raintree Village Community Center has been approved for funding, pending verification of the City's financial accountability on previous grants from their agency.

The Bedford City Police Department and the Bedford County School System jointly applied for this grant program in early August of 1994. The purpose of the Safe Haven Program is to demonstrate a comprehensive school-health-education program in a safe atmosphere where residents can develop relationships, enhance skills and find opportunities to be productive and successful.

The City Manager stated that during the Council meeting of February 28, Council adopted a resolution which authorized the Industrial Development Authority of the City of Roanoke to hold a public hearing in connection with the issuance of hospital revenue bonds in the aggregate principal amount not to exceed \$110,000,000. Mr. Gross indicated that a portion of the proceeds will be used to finance improvements and the purchase of capital equipment at Bedford County Memorial Hospital. The public hearing was held in the City of Roanoke on March 15. Council received a Certificate of Public Hearing as well as a resolution of the Authority recommending that Council approve the bond issue and a resolution authorizing the issuance of the bonds.

On motion by Vice Mayor Brookshier, seconded by Councilman Rice, voted upon and carried unanimously, Council waived the reading of the resolution authorizing issuance of Industrial Development Authority of the City of Roanoke Hospital Revenue Bonds - Series 1995.

Vice Mayor Brookshier moved that Council adopt the resolution authorizing the issuance of not to exceed \$110,000,000 aggregate principal amount of the Industrial Development Authority of the City of Roanoke hospital revenue bonds. The motion was seconded by Councilwoman Kochendarfer, voted upon and carried unanimously by the following roll call vote:

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

(The resolution will be included in the permanent minute book)

The City Manager stated that the City is in the process of negotiating a renewal of the cable television franchise with Cable Equities of the Virginia, Ltd., d/b/a CableVision. Mr. Gross reported that on December 13, 1994, Council adopted a resolution extending

the duration of the franchise until March 31, 1995, to allow sufficient time to complete the negotiations. The City has received the technical specifications on the proposed rebuild of the system and will need additional time to review those specifications and other details of the final franchise agreement. The staff is requesting that the duration of the franchise be extended until June 30, 1995.

The Clerk of Council read aloud the following proposed resolution:

**RESOLUTION EXTENDING THE DURATION OF
CABLE TELEVISION FRANCHISE**

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

1. That the duration of the franchise, right and privilege ("Franchise") granted to Cable Equities of the Virginias, Ltd., d/b/a CableVision, to provide cable television service within the City of Bedford shall be and hereby is extended until June 30, 1995, or until such earlier date as a subsequent franchise may be granted to CableVision renewing the Franchise hereby extended.
2. The aforesaid extension of the Franchise is conditioned upon the acceptance by CableVision, to be evidenced by a separate writing, of its continuing duties and obligations under the Franchise as extended for the duration of such extension, and its agreement during such extension to participate and cooperate with the City of Bedford and its representatives and agents in such procedures as may be required for the renewal of cable television franchises under Title VI of the Communications Act of 1934.
3. The City Manager or the Assistant City Manager shall be and hereby are authorized and directed to take such further actions as are necessary or appropriate to further the objectives of the resolution hereby adopted.

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

Councilwoman Grahame	aye
Councilwoman Kochendarfer	aye
Councilman Rice	aye

Councilman Tharp aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Mayor Shelton aye

Mr. Michael Burnette, Fire Chief, made a presentation on the capital budget request of the Bedford Volunteer Fire Department. Mr. Burnette reviewed the following items:

- In the original budget request, the Fire Department asked for an addition to the building to house a generator. After further study by the Fire Department personnel, it was determined that the generator does not require a building over it. The Fire Department is requesting that the \$10,000 be included in the budget for a personnel carrier.
- Three computers, one computer for the secretary and the treasurer; one computer in the radio room to be used for additional training; and one in the training officer's area.
- Gas monitor.
- Funds for replacement of Unit 202, which will have to be replaced in 1999.
- Ninety-five foot aerial ladder.

Discussion ensued regarding the following:

The need for the computers.

The recertification of Unit 202. Mr. Burnette stated that the Fire Department would like to replace Unit 202 because a bigger pump system is needed. The Fire Chief stated that Unit 202 could be recertified and still remain in the fleet.

The need for a ladder truck was discussed.

Mayor Shelton stated that the Fire Department's Capital Budget request will be considered in Council's budgeting process.

Council held a budget work session to consider the requests for funding by service organizations.

Discussion ensued regarding the following:

Life Saving Crew budget increase.

Maintaining level funding.

Roanoke River Basin Association's request of \$930. Assistant City Manager Thompson will make arrangements for a representative of the Roanoke River Basin Association to make a presentation to Council concerning the budget request.

The Chamber of Commerce (Tourism) budget request.

Central Virginia Community Services budget request. The Assistant City Manager will make arrangements for a representative to appear before Council to make a presentation regarding the budget request.

On motion by Councilwoman Kochendarfer, seconded by Vice Mayor Brookshier, voted upon and carried by a roll call vote, Council adjourned into executive session for discussion of the evaluation of the City Manager and the City Attorney, pursuant to Section 2.1-344(a)(1) of the Code of Virginia of 1950, as amended. Roll call vote follows:

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

Council adjourned into executive session at 8:45 p.m. following a five minute recess which was declared by the Mayor.

Council reconvened into open session at 10:20 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 Kochendarfer, voted upon and carried by the following roll call vote:

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

Mayor Shelton adjourned the meeting at 10:21 p.m.