

8-8-95 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., August 8, 1995.

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

Members absent: Councilman W. D. Tharp.

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 introduced Ayako Kanda from Japan who is visiting with Alma and Debbie Waskey through an exchange program sponsored by 4-H. The Mayor presented gifts to Ms. Kanda and the Waskeys and gave Ms. Kanda gifts from Council to the Mayor of Tokyo. Ms. Kanda presented Mayor Shelton with gifts from the Mayor of Hachioji, Japan.

Mayor Shelton declared that the minutes of a regular Council meeting held on July 25, 1995, were approved as distributed.

Council discussed attending the Virginia Municipal League annual conference in Virginia Beach beginning October 8, 1995. The October 10 regular Council meeting may be canceled due to the conference.

A moment of silence was observed in memory of Jay Vest, son of former Vice Mayor James Vest. The Mayor expressed Council's sympathies to the Vest family.

The City Manager stated that Mr. Vest telephoned and expressed appreciation for Council's concern and for the floral arrangement sent by City Council.

Mayor Shelton stated that next week WSET television is featuring Bedford on its "Our Town Program" and its "Good Morning Virginia" program.

On motion by Councilman Rice, seconded by Vice Mayor Brookshier, voted upon and carried, the following item was added to the agenda: Executive Session, pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)(7), for consultation with staff

and legal counsel regarding possible litigation on the Library Services and Construction Act (L.S.C.A.) Grant.

Council concurred in the appointment of Councilwoman Flood and Councilwoman Kochendarfer to serve on the joint School Board/City Council Facilities Study Committee, with Mrs. Flood serving as chairperson of the committee. The City Manager is to notify the City School Board of these appointments.

City Manager Gross stated that on May 9, 1995, Council adopted a resolution electing to join with the City of Lynchburg to participate in the programs and services to be provided through the Lynchburg Community Diversion Program as required by the Comprehensive Community Corrections Act. This program provides the judicial system with sentencing alternatives for certain misdemeanors or non-violent felonies.

On motion by Councilwoman Grahame, seconded by Vice Mayor Brookshier, voted upon and carried, Council waived the reading of the proposed resolution establishing the Community Criminal Justice Board.

The Clerk of Council read aloud the preamble to the resolution.

On motion by Councilwoman Grahame, seconded by Councilwoman Kochendarfer, voted upon and carried by the following roll call vote, Council adopted the resolution establishing the Community Criminal Justice Board:

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

The resolution follows as adopted:

**A RESOLUTION OF THE COUNCIL OF THE CITY OF BEDFORD
ESTABLISHING, BY JOINT ACTION OF THE COUNCILS OF
THE CITIES OF LYNCHBURG AND BEDFORD,**

THE COMMUNITY CRIMINAL JUSTICE BOARD.

WHEREAS, the Virginia General Assembly has adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders (Section 53.1-180 et. seq. of the Code of Virginia) and the Pretrial Services Act (Section 19.2-152.2 et. seq. of the Code of Virginia), both of which are effective July 1, 1995; and

WHEREAS, Section 53.1-82.1 of the Code of Virginia requires that the City of Lynchburg submit a Community Based Corrections Plan to the Department of Corrections in order to receive reimbursement for eligible costs of jail construction; and

WHEREAS, the Comprehensive Community Corrections Act and the Pretrial Services Act both mandate that any locality required to submit a Community Based Corrections Plan is further required to establish Community Corrections Programs and Pretrial Services Programs; and

WHEREAS, the Lynchburg Community Diversion Program has served the City of Bedford since 1982 and provided the judicial system with sentencing alternatives for certain misdemeanants and persons convicted of non-violent felonies; and

WHEREAS, Sections 53.1-183 and 19.2-152.5 of the Code of Virginia require that each county and city participating in Community Corrections Programs and Pretrial Services Programs establish a Community Criminal Justice Board; and, in the case of multi-jurisdictional efforts that each jurisdiction mutually agree upon the appointments to said board; and

WHEREAS, the establishment of a multi-jurisdictional Lynchburg-Bedford-Community Criminal Justice Board will result in a reduction in administrative costs to each locality, enhanced funding priorities, an increase in grant dollars, promote efficiency in offender supervision and provide for a comprehensive regional offender database.

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

1. That the City of Bedford concurrently with the City of Lynchburg shall implement the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act as provided herein.
2. That the existing Lynchburg Community Diversion Program be responsible for the implementation of the cited legislative directives.

3. That it hereby establishes, effective July 1, 1995, the Lynchburg-Bedford-Community Criminal Justice Board (the Board); said Board to be composed of members hereby appointed pursuant to Section 53.1-183 of the Code of Virginia:

- a. The Chief Judge of the 24th Judicial Circuit Court or another Circuit Court Judge designated by the Chief Judge of the 24th Judicial Circuit Court.
 - b. The Chief Judge of the 24th Judicial General District Court, or a General District Court Judge designated by the Chief Judge of the 24th Judicial District Court;
 - c. The Chief Judge of the 24th Judicial Juvenile and Domestic Relations Court or a Juvenile and Domestic Relations Court Judge designated by the Chief Judge of each Juvenile and Domestic Court;
 - d. The Commonwealth Attorney for the City of Lynchburg;
 - e. The Public Defender for Bedford;
 - f. The Chief Magistrate for the 24th Judicial Circuit;
 - g. Two-year rotating terms for the Chiefs of Police for the Cities of Lynchburg and Bedford. The first term shall be served by the Chief of Police for the City of Lynchburg.
 - h. The Director of the Central Virginia Community Services Board or his/her designee;
 - i. A member of the faculty of Central Virginia Community College, to be designated by the President of Central Virginia Community College;
 - j. The City Manager of each participating jurisdiction or his/her designee.
 - k. The City of Lynchburg shall act as the administrative and fiscal agent for the Program.
5. That this resolution shall be effective provided the City of Lynchburg adopts a similar resolution creating the Board.

The City Manager stated that for some time, use of the City's solid waste container sites has been increasing. In particular, use of the container located on Orange Street across from the Public Works Department building has increased significantly and has become a problem. Items other than household waste, including building materials, appliances,

brush and furniture, are being placed in the container. Many of these items are being left on the ground around the container. Also, it appears that businesses and County residents are depositing items. In an effort to correct this problem, the staff has prepared a proposed ordinance restricting use of the City's solid waste containers to City residents and prohibiting the depositing of any items other than household refuse.

Mr. Gross indicated that the proposed ordinance has been posted in accordance with Section 2-30 of the City Code. The proposed ordinance would become an addition to Chapter 17.1 of the Code. If the ordinance is adopted by Council, signs would be posted around the container and the public would be informed of the provisions of the ordinance.

On motion by Councilwoman Grahame, seconded by Vice Mayor Brookshier, voted upon and carried, Council waived the reading of the proposed ordinance regulating use of solid waste container sites.

On motion by Councilwoman Kochendarfer, seconded by Councilwoman Flood, voted upon and carried by the following roll call vote, Council adopted the ordinance regulating use of solid waste container sites:

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

The ordinance follows as adopted:

Article V Solid Waste Container Sites

Sec. 17.1-23. The city shall provide solid waste containers in public locations within the City of Bedford for dumping of residential refuse only.

- (a) No person shall deposit any household refuse in any place other than in the containers provided for that purpose. The items are not to be placed on the ground around the container.
- (b) Only household refuse shall be placed into the solid waste containers. Building materials, appliances, automotive parts, trees or brush, or furniture, are prohibited.
- (c) It shall be unlawful for any person to take or scavenge items placed in the containers.
- (d) Any person who is not a resident of the city shall not place any waste, trash, garbage or refuse into the city's solid waste containers.
- (e) Any person violating any provision of this section shall be guilty of a Class I misdemeanor.

The City Manager stated that the Bedford area Habitat for Humanity has recently purchased two lots in the King Street neighborhood and plans to build two homes in the near future. A meeting has been scheduled on August 10 to kick off the Bedford area's event. Habitat for Humanity has requested the City to donate Lot 109 located on Edmund Street adjacent to the two properties that Habitat has purchased (Lots 110 and 111) for construction of two single-family homes. If the City donates Lot 109, the City will maintain a 15-foot easement to access a pumping station. Lots 109 and 110 will be resubdivided so that a house will fit on Lot 110.

Vice Mayor Brookshier moved that Council approve the request to donate Lot 109 Edmund Street to the Bedford area Habitat for Humanity, retaining a 15-foot easement to access a pumping station. The motion was seconded by Councilwoman Kochendarfer.

Discussion ensued.

Vice Mayor Brookshier amended his motion by adding: subject to Habitat for Humanity's agreement to resubdivide so as to create two lots out of the three. Councilwoman Kochendarfer, who seconded the motion, agreed to the amendment.

The motion was then voted upon and carried by the following roll call vote:

Councilwoman Grahame	aye
Councilwoman Kochendarfer	aye
Councilman Rice	aye

Councilman Tharp	absent
Vice Mayor Brookshier	aye
Councilwoman Flood	aye
Mayor Shelton	aye

The City Manager stated that there is presently a house located on Lot 111 on Edmund Street which has been condemned and will be demolished. Habitat for Humanity has requested that the City waive the landfill tipping fee for the materials from the demolition.

Councilman Rice moved that Council waive the landfill tipping fees for the demolition of the structure on Lot 111, Edmund Street. The motion was seconded by Councilwoman Grahame, voted upon and carried.

City Manager Gross stated that as part of the settlement agreement with Appalachian Power Company (APCo) in connection with electrical service to the Georgia-Pacific Corporation expansion project, APCo will construct a skimmer station and sell it to the City, which will then lease it back to APCo. This will require the issuance of a lease revenue bond issue in the maximum amount of \$3,000,000. The City's bond counsel has furnished a proposed ordinance authorizing the issuance of these bonds to be introduced on first reading at this meeting and adopted on August 22, following a public hearing.

The Clerk of Council read aloud the following proposed ordinance:

**ORDINANCE AUTHORIZING THE ISSUANCE OF
TAXABLE LEASE REVENUE BONDS,
OF THE CITY OF BEDFORD, VIRGINIA,
IN THE MAXIMUM AMOUNT OF \$3,000,000**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD,
VIRGINIA:**

1. It is determined to be necessary and expedient for the City of Bedford, Virginia (the "City"), to finance the acquisition of certain electric distribution facilities (the "Project") from the Appalachian Power

Company (the "Company") and to borrow money for such purpose and issue the City's lease revenue bonds therefore.

2. Pursuant to the City Charter and the Public Finance Act of 1991, there are authorized to be issued lease revenue bonds of the City in the maximum amount of \$3,000,000 to provide funds, together with other available funds, to finance the Project and to pay costs of issuing such bonds.

3. The bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their date or dates, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Council may hereafter provide by appropriate resolution or resolutions.

4. The bonds shall be limited obligations of the City payable solely from the payments of rent, if any, received by the City from the Company pursuant to the terms of an equipment sale and lease agreement. Neither the faith and credit of the Commonwealth of Virginia nor the faith and credit of any county, city, town or other political subdivision of the Commonwealth, including the City, shall be pledged to the payment of principal of, premium, if any, or interest on the bonds.

5. The City Clerk, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of the City of Bedford, Virginia.

6. This ordinance shall take effect immediately.

Vice Mayor Brookshier moved that Council adjourn 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 possible litigation on the L.S.C.A. grant. The motion was seconded by Councilwoman Flood, voted upon and carried by the following roll call vote:

Councilwoman Kochendarfer	aye
Councilman Rice	aye
Councilman Tharp	absent
Vice Mayor Brookshier	aye
Councilwoman Flood	aye

Councilwoman Grahame aye

Mayor Shelton aye

Council adjourned into executive session at 8:17 p.m. following a five minute recess declared by the Mayor. Non-council members attending were: City Manager Gross, City Attorney Berry, and Clerk of the Council Hatcher.

Council reconvened into open session at 9:51 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.

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

Councilman Rice aye

Councilman Tharp absent

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Grahame aye

Councilwoman Kochendarfer aye

Mayor Shelton aye

Mayor Shelton announced that at the regular Council meeting on September 12, 1995, at 7:30 p.m., Council will hold a public comment period relative to issues of the Library Services and Construction Act Grant, and the library property, which includes the Wharton Garden and the Wharton building. The Mayor stated that the public comment period will be limited to one hour and rules for conducting the comment period will be

developed and presented to Council at its next meeting on August 22 for consideration and adoption.

Mayor Shelton adjourned the meeting at 9:53 p.m.