

4-9-96 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., April 9, 1996.

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

Members absent: Councilman Ronnie C. Rice.

Staff present: City Manager Jack A. Gross and Clerk of the Council Teresa W. Hatcher.

Staff absent: City Attorney W. W. Berry, IV.

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

Mayor Shelton declared that the minutes of a regular Council meeting held on March 26, 1996, were approved as distributed.

The City Manager reported that approximately once every five years the City is graded by ISO and this will be done in April. The ISO grading reflects what people in the area pay for fire insurance.

Vice Mayor Brookshier indicated that members of Council toured the City property on Route 43 earlier in the day.

Councilwoman Kochendarfer reported on her meeting with the students participating in Local Government Day. The students have chosen for their project the development of a Home Page for Bedford Middle School.

Mayor Shelton thanked members of Council and City employees for their expressions of sympathy in the death of his father-in-law last week.

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

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City of Bedford Planning Commission on Thursday, April 4, 1996, at 6:00 P.M. and City Council on Tuesday, April 9, 1996, at 7:30 P.M. Both meetings will be held in the Council Hall of the City Municipal Building located at 215 E. Main Street, Bedford, VA. And will be for the purpose of considering a request for the following:

To consider rezoning property from M-1 Manufacturing to R-2 Medium Density Residential located south of Baltimore Avenue and north of Norfolk Avenue at the intersection of Baltimore Avenue and Walnut Street. The parcel is identified on the Bedford City Tax maps as parcel #176-7-A-42.

The application is on file in the Office of Planning and Community Development, Municipal Building, 215 E. Main Street, Bedford, VA.

The request is being made by S. W. Bobbitt representing S. Bobbitt, Inc., owner.

Anyone who is in favor of or opposed to the request will have an opportunity to express their view at this hearing.

By the Authority of the City of Bedford

Planning Commission and City Council

Mr. Jay Scudder, Director of Community and Economic Development, stated that the Bedford Planning Commission held a public hearing on this rezoning request on April 4, 1996, with the Planning Commission recommending approval of the rezoning request to change the M-1 use to R-2 on Baltimore Avenue. Mr. Scudder stated that this request was approved as the result of R-2 conforming to the adjacent R-1A and R-2 zoning in the area.

Mayor Shelton opened the public hearing at 7:45 p.m.

The following individuals spoke at the public hearing:

Leonard Mayhew, 816 Baltimore Avenue, spoke in opposition to the proposed rezoning: asked Council to deny the request; suggested negotiating with owner and rezoning to R-1A; indicated twenty-seven families signed petition which has been presented to Council; if Council

cannot deny request, would rather have this property zoned M-1 instead of R-2.

Bob Ayers, owner of adjoining land which is already zoned R-2, spoke in favor of the rezoning to R-2, but not M-1.

E. T. Wilkerson, 1223 Walnut Street, spoke in opposition to the proposed rezoning, suggested rezoning to R-1A.

Wayne Bobbitt, one of the developers of the property being requested to be rezoned. Mr. Bobbitt stated it was the intention of the developers to build single family residences on the Baltimore side of the property. Mr. Bobbitt indicated that their reason for requesting R-2 zoning is to be able to get five lots instead of four on the Baltimore side; with R-1 zoning only four lots would be permitted. Mr. Bobbitt spoke of asking Council to amend the rezoning request to a PRD (Planned Residential District).

Mayor Shelton explained that Mr. Bobbitt is proposing an amendment to his request from R-2 to Planned Residential District. The Mayor stated that the Code of Virginia allows Council, after the public hearing, to change the zoning to a less intensive use than what the current zoning is.

Discussion ensued.

Mr. Mayhew suggested that this matter be tabled until the next meeting of Council.

The City Manager indicated that under a PRD a developer must submit a complete and total plan of the entire project. Mr. Gross stated that what has to be submitted is very specific - the building materials have to be specified. The developer must have a complete plan which the Planning Commission and City Council review.

The Mayor closed the public hearing at 8:05 p.m.

Discussion ensued regarding tabling this rezoning request until the April 23 meeting to provide some time for further development of the PRD concept between the developer and the City staff, with the R-2 request still standing. The Mayor stated that at the meeting on April 23, Council could consider amending the R-2 request to a Planned Residential Development. Mayor Shelton indicated a PRD would have to be reviewed by the City Attorney, the planning staff, and would have to include the detailed information which would provide for what that Planned Residential Development is going to involve. The Mayor stated Mr. Bobbitt has to determine if that is something that he as a developer can or cannot do. The Mayor stated if this is something Mr. Bobbitt cannot do, then the R-2 request would be on the table for Council's consideration, taking into account the whole matter, including the concerns of the neighborhood.

Mayor Shelton encouraged that as part of this process, representatives from the neighborhood be kept informed as to what will be brought back to Council on April 23.

Vice Mayor Brookshier asked that the City Planning Commission be invited to attend the next Council meeting.

On motion by Councilwoman Kochendarfer, seconded by Councilwoman Flood, voted upon and carried, Council tabled the rezoning request by S. Bobbitt, Inc., until April 23, 1996.

Further discussion ensued regarding Mr. Bobbitt's suggestion that possibly certain restrictions could be written into the deed. The City Manager stated that would fall into the area of a proffer, and Council needs to be very careful about that sort of thing as the City has not set up into the City's ordinances to ability to receive proffers.

Mr. Thomas J. Hehman, Director of the Bedford Public Library, made a presentation regarding the operation of the new Library since it opened eight months ago. Mr. Hehman reviewed with Council the Library's request for funding in the Fiscal Year 1996-97 budget in the amount of \$101,554.04.

The City Manager stated that the Bedford County Board of Supervisors, at its meeting on March 25, voted to request that Bedford County be allowed to rejoin the Blue Ridge Regional Jail Authority. In order for the County to rejoin, all of the participating jurisdictions would have to agree. The Campbell County Board of Supervisors, at its meeting on April 1, unanimously voted to allow Bedford County to rejoin the Authority. Lynchburg City Council will consider the matter at its meeting on April 9. Mr. Gross indicated that the Authority's attorney has prepared a resolution for Council's consideration. Final approval will be subject to all jurisdictions amending the service agreement.

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION

WHEREAS, the City of Lynchburg, the City of Bedford and the Counties of Halifax and Campbell are currently members of the Blue Ridge Regional Jail Authority; and

WHEREAS, the County of Bedford, which was an original member of the Authority, has indicated its desire to rejoin the Authority as a member; and

WHEREAS, it is the feeling of the Council of the City of Bedford that it is in the best interest of the City and the region to allow Bedford County to

rejoin the Authority, subject to the approval of the appropriate amendments to the Service Agreement among the parties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bedford that the City agrees to accept Bedford County as a member of the Blue Ridge Regional Jail Authority, subject to the adoption of an amendment to the Service Agreement by each of the governing bodies of Bedford County and the other participating jurisdictions specifically indicating the terms of such acceptance.

On motion by Councilman Tharp, seconded by Councilwoman Kochendarfer, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

The City Manager stated that a letter has been received from Carolyn L. Overstreet, President of Christmas in April of Bedford, Inc., requesting that Council authorize the waiving of building permit fees in connection with the group's three scheduled projects within the city, as well as any landfill tipping fees that might be applicable. Christmas in April is a volunteer, non-profit organization committed to helping home owners who are either financially or physically unable to repair or refurbish their homes by their own means. The estimated total cost for materials for the projects within the City is \$5,000; the permit fees would amount to \$20.20. The staff suggests that permits should be required for both zoning and building code purposes. In addition, it should be understood that any removal of asbestos must be done under EPA guidelines.

Councilman Tharp moved that Council waive the building permit fees and landfill tipping fees for the projects to be undertaken by Christmas in April of Bedford, Inc., within the City this year. The motion was seconded by Councilwoman Flood, voted upon and carried.

Discussion ensued regarding the request to change the Ward One voting precinct to the new library, subject the Department of Justice's approval.

The City Manager stated that the City Attorney contacted the Department of Justice and the response he received from the Justice Department was that it would take a while for them to review the request.

The Mayor stated that if approval from the Justice Department is not received by April 15, 1996, then the change would not take effect until the primary election in June.

Mayor Shelton adjourned the meeting at 8:50 p.m.