

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., September 24, 1996.

Members present: Mayor G. Michael Shelton; Councilman H. Davis Ballard; Vice Mayor Larry D. Brookshier; Councilwoman Mary L. Flood; Councilwoman Linda Kochendarfer; Councilman W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: None.

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 declared that the minutes of a regular Council meeting held on September 10, 1996, were approved as distributed.

The Mayor reminded Council of the booth that has been reserved at Centerfest on September 28 for members of Council and the City staff to speak with the public.

Members of the Middle School Facilities Utilization Review Committee presented the Committee's interim report to Council. The Chairman of the Education Subcommittee is Vice Mayor Brookshier. The Chairman of the Recreation and Community Needs Subcommittee is Councilman Tharp.

Ms. Molly Thompson reviewed the mission of the Review Committee and Dr. Brenda Cowlbeck presented a summary of the recommendations of the Education Subcommittee:

1. That a structure be provided which would accommodate twelve additional classrooms in order for the six graders to move to Bedford Middle School, thus becoming a true middle school.
2. That an adequate and efficient gymnasium structure be provided.

Lance Warren, an eighth grade student at Bedford Middle School, reported that both students and teachers at the Middle School see the need for more classrooms and better recreation areas for physical education and a youth center.

Mr. Gary Lowry, Recreation and Community Needs Subcommittee, spoke in favor of a gymnasium being built for the Middle School.

Ms. Charlene McFall, Recreation and Community Needs Subcommittee, addressed the recreation needs of the youth in the community. Ms. McFall stated that it is the responsibility of Council and the citizens of Bedford to provide for the youth, both socially and physically.

Kamela Payne, an eighth grade student at Bedford Middle School, spoke of the benefits of the City having a youth center.

Vice Mayor Brookshier stated that the Committee would like to continue to remain active.

The City Manager stated that a draft of a Request for Proposals for a feasibility study for the site has been circulated to the members of the Committee for their concurrence. Mr. Gross indicated that a committee has been selected to review the proposals when received.

Mayor Shelton thanked members of the Committee for their service.

Council concurred with the interim report and asked the Committee to continue to move ahead.

The City Manager introduced Mr. Jack Stevenson of the Virginia Resources Authority (VRA). The VRA has bonded Phase I of the City's landfill. At the October 8 Council meeting the following will be presented for Council's consideration: a resolution for funding Phase II of the landfill; a resolution to approve awarding a contract for the construction of Phase II in order to meet the deadlines; and a funding proposal in terms of landfill tipping fees in order to cover the expected costs of Phase II.

Mr. Stevenson presented information on possible financing for Phase II of the landfill. The Virginia Resources Authority was created by the General Assembly as a political subdivision of the Commonwealth of Virginia and is financially independent of the state. Mr. Stevenson reviewed some of the advantages of borrowing from the VRA.

Mayor Shelton stated that the Solid Waste and Finance Committees met with Mr. Stevenson and will have a recommendation on this issue at the next regular Council meeting.

Mr. Richard Burrow, Executive Director of the National D-Day Memorial Foundation, gave a presentation on the D-Day Memorial Project. Mr. Burrow reported that Bedford has been designated as the home community in the United States for the national memorial to D-Day.

Councilwoman Kochendarfer stated that as she is an employee of the National D-Day Memorial Foundation, she will abstain from discussion and voting on any issue dealing with the memorial.

City Manager Gross stated that the City previously by resolution agreed to assist with the development of the D-Day Memorial. The City Attorney has drafted an agreement setting forth the understandings of the parties, including specifically the agreement by the Foundation to provide the costs of purchase of land from third parties. Under the agreement the City will hold title to all lands purchased, but prior to construction the City will deed ownership of the Memorial site to the Foundation. Any remaining property will be retained by the City as a buffer zone which can be used for passive recreational purposes. The City also will provide a right of way or access to the memorial from Burks Hill Road and will provide utilities to the site. The Foundation Executive Committee has authorized Mr. Burrow to sign the agreement.

Discussion ensued regarding a question by Councilman Wandrei about the buffer zone as far as the school is concerned.

After discussion, the proposed agreement was amended.

Councilman Wandrei indicated that he, as an attorney, has represented Mr. Dinwiddie in the past, and will abstain from discussion and voting on the next agenda item, "Authorize Closing on Tract of Land Purchased from Dinwiddie."

Councilman Tharp moved that Council approve the agreement between the City of Bedford and the National D-Day Memorial Foundation as amended. The motion was seconded by Councilwoman Flood, voted upon and carried, six members voting aye, one member abstaining (Kochendarfer).

The City Attorney read aloud the amendment to the agreement. The following sentence was added to Section D, page 4: *The City shall not be precluded from using any portions of its existing land for school purposes.*

City Manager Gross stated that Wilmer R. "Bud" Dinwiddie and his wife have agreed to sell to the City for a price of \$32,500 a portion of land needed for the D-Day Memorial site, which is in addition to property that

they have already optioned to the City. The D-Day Foundation has the funds on hand and desires to close on this transaction immediately.

Discussion ensued.

Vice Mayor Brookshier moved that Council approve the purchase from Wilmer R. Dinwiddie and Connie Boyle Dinwiddie of property consisting of Lots 16 through 20 of "Blueberry Hills Subdivision" and adjoining property for a price of \$32,500, pursuant to the "Agreement for Development of National D-Day Memorial" with closing of the transaction to occur immediately upon receipt of the purchase funds from the National D-Day Memorial Foundation and upon certification by the City Attorney that the deed will convey title without any liens or restrictions that would adversely affect its use. The motion was seconded by Councilman Tharp, voted upon and carried by the following roll call vote:

Councilman Ballard aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Kochendarfer abstained

Councilman Tharp aye

Councilman Wandrei abstained

Mayor Shelton aye

The City Manager stated that on September 5, 1996, the Mayor declared a local emergency in order to deal with the conditions existing during Tropical Storm Fran. The emergency officially ended on September 21, 1996, when City crews completed the cleanup of storm debris.

The Clerk of Council read aloud the following proposed resolution:

## **RESOLUTION**

**WHEREAS**, the City of Bedford suffered severe and unprecedented weather conditions during Tropical Storm Fran on September 5 - 7, 1996; and

**WHEREAS**, the Mayor found it necessary to declare a local emergency in order to deal with the situation; and

**WHEREAS**, the City continued to incur costs relating to the storm through September 21, 1996, because of the necessity to clean up storm debris; and

**WHEREAS**, that emergency has now abated;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bedford, Virginia, that the local emergency declared on September 5, 1996, officially ended on September 21, 1996.

On motion by Councilwoman Flood, seconded by Councilman Ballard, voted upon and carried unanimously by the following roll call vote, the resolution was adopted:

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Mayor Shelton aye

City Manager Gross reported that the Governor of Virginia declared an emergency in the State due to Tropical Storm Fran, and the Federal Emergency Management Agency (FEMA) is allowing partial reimbursement for certain costs associated with the storm. In order to apply for these funds, it will be necessary for Council to adopt a resolution appointing the City Manager and Chief of Police as the Governor's authorized representatives and authorizing the City Manager to file the application for funds.

The Clerk of Council read aloud the following proposed resolution:

## **RESOLUTION**

**WHEREAS**, the City of Bedford, along with the surrounding area, recently experienced extreme weather conditions involving Tropical Storm Fran; and

**WHEREAS**, the Governor of the Commonwealth of Virginia declared an emergency relating to this weather event; and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) is allowing partial reimbursement for certain costs associated with the tropical storm of September 5 - 7, 1996;

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Bedford appoints City Manager Jack A. Gross or Chief of Police Milton H. Graham as the Governor's authorized representatives, and hereby authorizes them to execute and apply for these funds for and on behalf of the City of Bedford, a public entity established under the laws of the State of Virginia. This application shall be filed with the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Funds; and

**THAT** Jack A. Gross, City Manager, is hereby authorized to execute for and in behalf of the City of Bedford, a public entity established under the laws of the State of Virginia, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund; and

**BE IT FURTHER RESOLVED** that the City of Bedford, a public entity established under the laws of the State of Virginia, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side of the Designation of Applicant's Agent form.

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

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier aye

Mayor Shelton aye

The Clerk of Council read aloud the following proposed resolution:

## **RESOLUTION**

**WHEREAS**, Section 11 of the Charter of the City of Bedford requires that Council shall "fix the time and place of its meeting," and

**WHEREAS**, the City Code requires in Section 2-3 that meetings shall be on "the second and fourth Tuesday of each month," and

**WHEREAS**, the second regular Council meeting in October is scheduled for October 22, 1996; and

**WHEREAS**, the Virginia Municipal League Annual Conference will be held in Roanoke on October 20-22, 1996;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council meeting scheduled for October 22, 1996, be and the same hereby is canceled, and that a called meeting will be held if necessary; and

**BE IT FURTHER RESOLVED** that the Council meeting of October 8, 1996, be adjourned to November 12, 1996.

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

Councilwoman Kochendarfer aye

Councilman Tharp nay

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Mayor Shelton aye

Mayor Shelton adjourned the meeting at 8:56 p.m.