

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., January 14, 1997.

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 December 10, 1996, were approved as distributed.

On motion by Councilwoman Kochendarfer, seconded by Councilman Tharp, voted upon and carried unanimously, the following item was added to the agenda:

Approval of Lease with Ohio State Cellular Phone Company for Attachment Location and Ground Space on Tower Located on No Business Mountain in Bedford County

Councilwoman Kochendarfer commended the City staff and the people from the community who worked on the City's channel on the cable system.

The City Manager indicated that Channel 12 is up and running and the information can easily be changed as necessary.

Mayor Shelton brought up the following items:

1. Virginia Municipal League Legislative Day - February 6 at 2:00 p.m. in Richmond
2. Asked for comments from Council regarding the draft letter he prepared to the City's legislators regarding the City's legislative positions. Members of Council concurred with the Mayor's draft letter.
3. Council planning meeting - Council scheduled the planning meeting for February 15 beginning at noon. The Mayor indicated that an appropriate facility at which to hold the retreat will be secured.
4. The Mayor announced that a joint meeting of the City and County School Boards will be held on January 16 at Bedford Elementary School.

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 Council of the City of Bedford at 7:30 P.M. on Tuesday, January 14, 1997, at the City Municipal Building, Council Hall, 215 E. Main St. for the purpose of considering a request for the following:

To consider a conditional use request to allow the construction of a telecommunications (cellular) tower and equipment building. The tower and appurtenances will be located on city property at the west end of Helm Street which is in PRD zone.

The application is on file in the Office of Planning and Community Development.

The request is being made by DanCell, Inc., as acting agent for United States Cellular Corporation (USCC).

Anyone who has comments will have an opportunity to express their view at this hearing.

By the Authority of City Council

City Manager Gross stated that due to the State Code requirements on the lease of public property, the action requested on this agenda item is for the conditional use of the property for a tower site. The lease will be advertised, as required, for four weeks. Bids will be opened at the February 25 Council meeting.

The City Manager stated the Helm Street location is in a PRD zone. Mr. Gross stated that Council had received a memorandum from the Director of Planning and Community and the minutes of a Planning Commission meeting held on January 6. At that meeting, the Planning Commission approved the construction of the tower with the condition that space be reserved for future use by the City. The City Manager indicated that Commission members also voiced other concerns and listed certain conditions which should be included in a lease if Council grants approval for the conditional use request.

City Manager Gross reviewed the following conditions that were discussed:

1. The tower shall be designed structurally, electrically and in all other respects to accommodate the owner's antennas and comparable antenna for at least two additional users.
2. The City reserves the right to space on the tower.
3. In accordance with FCC guidelines, the lessee will correct any interference with emergency services, radio, television or any other reception of surrounding residential and non-residential users.
4. No advertisements or signs will be allowed on the tower other than warning or equipment information signs.
5. Construction materials used in the tower will be of the type that will blend in with the skyline and not cause reflective glare, except in instances where federal or state authorities require otherwise.
6. Abandoned towers will be removed within a 12-month period of cessation of

use. The City has the option to purchase the tower within 30 days of notice of abandonment.

7. Accessory structures and buildings will conform with the natural surroundings and architecture of the neighborhood.

8. The tower will be no higher than 200 feet and will have no lighting unless required by state or federal authorities.

Mayor Shelton opened the public hearing at 7:49 p.m.

Mr. Donald F. Maty, President of DanCell, Inc., spoke regarding approval of the conditional use request by Council.

Mr. Stan Stancer, Chairman of the City Planning Commission, stated that the Planning Commission was very concerned that the tower should be no higher than 200 feet, as towers over 200 feet are required to have strobe lights. Mr. Stancer indicated that the Planning Commission did object to having strobe lights on the tower in that location which is near a residential area.

As there were no further comments, Mayor Shelton closed the public hearing at 7:55 p.m.

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

## **NOTICE OF PUBLIC HEARING**

On Tuesday, the 14th day of January 1997, the Council of the City of Bedford, Virginia, will conduct a public hearing on the proposed issuance of general obligation solid waste bonds of the City in the estimated maximum principal amount of \$1,500,000. The purpose of the proposed bonds is to finance the construction of improvements to the City's existing landfill located adjacent to the City's wastewater treatment facility on Orange Street in the City.

The public hearing will be conducted at 7:30 p.m. in City Council Chambers, Municipal Building, 215 East Main Street, Bedford, Virginia. Interested persons may appear at such time and place and present their views.

Teresa W. Hatcher

Clerk of the Council of the

City of Bedford, Virginia

City Manager Gross indicated that this item has been considered by Council publicly in a number of meetings, as well as by the Finance Committee and the Solid Waste Committee. The City Manager stated that it is required in order to open the next cell of the landfill.

Mayor Shelton opened the public hearing at 7:56 p.m.

As there were no comments, the Mayor closed the public hearing at 7:57 p.m.

The Consent Agenda consisted of the following item:

Appointment of Frances Coles to the City Planning Commission to fill an unexpired term expiring March 15, 2000.

On motion by Vice Mayor Brookshier, seconded by Councilwoman Kochendarfer, voted upon and carried unanimously, Council adopted the Consent Agenda.

The next agenda item was the conditional use request to allow construction of a telecommunications tower and equipment building on City property at the west end of Helm Street in a PRD Zone.

On motion by Vice Mayor Brookshier, seconded by Councilwoman Flood, voted upon and carried unanimously, Council approved the conditional use request to allow the construction subject to the conditions as brought forward by the City Planning Commission. (see the conditions listed previously in these minutes before the public hearing on this request)

City Manager Gross stated that the ordinance authorizing issuance of general obligation solid waste bonds to finance construction of Phase II improvements to the City landfill has been posted in accordance with the provisions of Section 2-30 of the City Code.

On motion by Councilman Wandrei, seconded by Councilman Ballard, voted upon and carried unanimously, Council waived the reading of the ordinance authorizing issuance of general obligation solid waste bonds.

On motion by Councilman Ballard, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance authorizing the issuance of general obligation bonds for the landfill improvements. Roll call vote follows:

Councilman Ballard aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Mayor Shelton aye

The ordinance follows as adopted:

**ORDINANCE AUTHORIZING THE ISSUANCE OF  
GENERAL OBLIGATION SOLID WASTE BONDS OF  
THE CITY OF BEDFORD, VIRGINIA,  
IN THE MAXIMUM AMOUNT OF \$1,500,000**

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 construction of improvements to the City's existing landfill located adjacent to the City's wastewater treatment facility on Orange Street in the City (the "Project") and to borrow money for such purpose and issue the City's general obligation solid waste bonds therefor.
2. Pursuant to the City Charter and the Public Finance Act of 1991, there are authorized to be issued general obligation solid waste bonds of the City in the maximum principal amount of \$1,500,000 to provide funds, together with other available funds, to finance the Project, to fund a reserve fund, 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 general obligations of the City for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged.
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.

The City Manager stated that with the adoption of the ordinance authorizing the issuance of general obligation solid waste bonds to finance construction of the Phase II improvements at the City landfill, it is necessary for Council to adopt a resolution providing for the issuance and sale of the bonds to the Virginia Resources Authority (VRA). The resolution provides for the form, details and payment of the bonds. Mr. Gross indicated that Council has received copies of the Financing Agreement between the City and the VRA and the Indenture of Trust.

On motion by Councilwoman Kochendarfer, seconded by Councilman Tharp, voted upon and carried unanimously by a roll call vote, Council adopted the resolution providing for the issuance and sale of general obligation solid waste bonds in the maximum principal amount of \$1,500,000. Roll call vote follows:

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Mayor Shelton aye

The resolution follows as adopted:

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

City Manager Gross stated that the City Planning Commission, at its meeting on January 6, reviewed the preliminary plat of Shady Knoll Subdivision, Section Two, located on property currently zoned R2 off of Shady Knoll Avenue. The request was made by Mr. Ron Holland, developer of the subdivision. The Planning Commission recommended that City Council approve the preliminary plat subject to all changes and comments contained in a letter dated December 18, 1996, from Jimmy English, Zoning Administrator, to Shrader Engineering & Land Surveying, Inc.

Mr. Ben Shrader, stated that he had two clarifications after meeting with the Planning & Zoning Department and someone in the Public Works Department:

1. Sidewalks were shown on both sides of the street, and he was informed this was not necessary. Current plans in accordance with the requirements are to have the sidewalk one side up the street and going to where the turnaround begins.
2. The review asked for the building line to be at a minimum of 100 feet at the building line. It was Mr. Shrader's belief that this can fully be complied with, as requested. It will require possibly a change in the footprint of one of the buildings on Lot 4. The builder had intended to possibly mix this with some two story units - it may be slightly different dimensions. All dimensions will still comply with all the zoning requirements and will comply with all previous restrictive covenants that were placed on the property before.

Mr. Shrader stated that in general what they are asking for is approval for the development of this tract into the ten lots in principle as shown.

Vice Mayor Brookshier moved that Council approve the preliminary plat review of Shady Knoll Subdivision, Section Two, subject to the changes and comments contained in the letter from the Zoning Administrator to Shrader Engineering & Land Surveying, Inc. (said letter dated December 18, 1996). The motion was seconded by Councilman Tharp.

Discussion ensued regarding if the sidewalk is required in the cul-de-sac.

Councilman Ballard, stated that in accordance with City policy, it is preferred that the water line not be under the pavement, nor the sewer line, if possible. The lines would be in a utility strip outside the curb and gutter.

Mr. Ballard stated that in accordance with City policy, sidewalks should be at the property line and the utility strip be located between the sidewalk and the curb and gutter.

Mr. Ballard offered the following amendment to the motion:

That the water and sewer lines will not be under the street but will be located in a utility strip.

That the sidewalks will be placed at the property line.

That the approval is conditional upon the interpretation of the placement of the sidewalks

within this development.

Mr. Wandrei seconded the amendment to the motion.

The amendment to the motion was then voted upon and carried unanimously.

City Manager Gross stated that the City has received an additional \$4,000 in Fiscal Year 1996-97 from the Commonwealth of Virginia Department of Fire Programs. The funds are to be used for fire training. The City Manager indicated that in order to expend the funds, it will be necessary to appropriate the funds from Revenue Account No. 100221.0110 to Expenditure Account No. 103223.3370, State Aid Fire Training.

On motion by Councilman Ballard, seconded by Councilwoman Kochendarfer, voted upon and carried unanimously by a roll call vote, Council appropriated the fire training funds as recommended. Roll call vote follows:

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier aye

Mayor Shelton aye

City Manager Gross reported that under the terms of the cable television franchise renewal agreement, Cable Equities, Inc., the parent company of Bedford CableVision, agreed to pay to the City \$30,000 for the purchase of video cable equipment, payable in two equal payments in the calendar years ending December 31, 1996, and December 31, 1997. The City has received the first \$15,000 payment and has placed the funds in a revenue account. In order to expend the funds, it will be necessary to appropriate them to an expenditure account, No. 108161.3484.

On motion by Councilman Tharp, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council appropriated \$15,000 for the video cable equipment grant as recommended. Roll call vote follows:

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Mayor Shelton aye

The City Manager stated that Ohio State Cellular Phone Company, doing business as United States Wireless Communications, owns and maintains a telecommunications tower and equipment building on a parcel of leased land on No Business Mountain in Bedford County. The City wishes to enter into a sublease with Ohio State Cellular for attachment locations on the tower for equipment to be used by the Regional Radio System, as well as ground space for placement of a building to house the Regional Radio System's equipment. Mr. Gross indicated that members of Council have received copies of a proposed lease for these premises. The Property Committee has recommended that the City enter into such a lease.

Councilwoman Kochendarfer moved that Council approve the lease for the Ohio State Cellular Phone Company. The motion was seconded by Councilman Ballard, voted upon and carried unanimously.

Mayor Shelton presented employee service awards to the following individuals:

5 year awards 10 year awards

James Ervin Edward "Boo" Broesamle

Milton Graham Paul Cackowski

Wayne Hale Valerie Wilson

15 year awards 20 year award

Paul Davis Jackie Bowyer

Melvin Massie

George Nuckols

David Orange

30 year award 35 year award

June Cundiff Lorenza Coles

Mayor Shelton announced that the "Employee of the Year" for 1996 is Paul Amos, who has been employed by the City since April 25, 1960. The Mayor stated that Mr. Amos will receive a plaque and certificates for the Peaks of Otter and for a day off.

Mayor Shelton adjourned the meeting at 8:45 p.m.