

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., June 10, 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 May 27, 1997, and the minutes of the adjourned Council meetings held on June 2, 1997, and June 5, 1997, were approved as distributed.

Discussion ensued regarding City Council taking a trip to France.

The City Manager will furnish information regarding the trip at the next regular meeting.

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

Discussion - Bedford Public Library

Councilman Tharp expressed appreciation regarding the community planning that went into making the visit last week of Deputy Mayor Philippe Ygouf and his wife of Vierville-sur-Mer, France, a memorable one. Councilman Tharp suggested that Council direct the City Manager to prepare certificates of appreciation for those involved and invite them to the next Council meeting for recognition.

It was the concurrence of Council that the City Manager prepare the certificates for the next meeting.

Mayor Shelton thanked Councilman Tharp for having the Ygoufs as his house guests last week.

Councilwoman Kochendarfer, on behalf of the D-Day Foundation Board of Directors and staff, expressed appreciation to the City staff for its help last week during the visit of the Ygoufs.

Vice Mayor Brookshier expressed concern regarding the new slurry mix being used on City streets.

The City Manager stated the mix is designed to be a sealing coat meant to extend the life of the pavement and it will be monitored closely.

Mayor Shelton reported the annual Centertown Go-Kart race is scheduled for June 14 at 5:00 p.m., with the rain date June 28.

Mayor Shelton expressed appreciation to everyone involved with the visit of Deputy Mayor Ygouf.

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that, pursuant to Section 22.1-29.1 of the Code of Virginia of 1950, as amended, the City Council of the City of Bedford will hold a public hearing at 7:30 p.m. on June 10, 1997, in the Council Hall of the Municipal Building, for the purpose of receiving the views of citizens on the appointment of members to the City School Board.

Mayor Shelton stated that the following three individuals have expressed interest in serving on the City School Board for two seats that will come open as of July 1, 1997: Mrs. Peggy Sharpe-Thompson, 2147 McGhee Street; Mrs. Janice B. Martinez, 840 College Street; and Mr. David A. Keith, 1572 Clearview Road.

Mayor Shelton opened the public hearing at 7:43 p.m.

As there were no comments, Mayor Shelton closed the public hearing at 7:44 p.m.

The Consent Agenda consisted of the following items:

Appointment of Member - Regional Library Board - It was the concurrence of Council to table this matter until the next regular meeting in order that the two candidates for appointment, Winston W. Burks, III, and Elizabeth P. McDonald, appear before Council.

Appointment of Ms. Charlene McFall, Mr. Robert E. Miller, and Mr. Larry Wood to serve three-year terms on the Recreation Advisory Committee, said terms to expire June 30, 2000.

Councilwoman Kochendarfer moved that the Consent Agenda be adopted (appointment of members to the Recreation Advisory Committee). The motion was seconded by Councilman Ballard, voted upon and carried unanimously.

Council proceeded to have a joint meeting with the City School Board.

Mrs. Molly Thompson, Chairperson of the City School Board, opened the meeting of the School Board.

Mrs. Thompson, on behalf of the Board, thanked Council for including in the City's budget funding for the gymnasium at Bedford Middle School, the Safe Haven Program, and the roof at the Middle School. Mrs. Thompson indicated the Board is interested in being involved in the Middle School Gym project.

Members of Council were given the following information from the City School Board:

Spring 1997 Literacy Passport Test Scores

School Capacity & Projected Enrollments for Bedford Primary School, Elementary School, and Middle School for 1997-98, and floor plans for each school

Mrs. Thompson reviewed the following concerns of the School Board and discussion ensued:

- Bedford Elementary School classroom space and student/teacher ratio in the fifth grade of 26/1

- the loss of assistant principal positions at the Primary School, the Elementary School, the Middle School, and Liberty High School

Mrs. Mickey VanDerwerker, member of the City School Board, reported that a decision regarding the future plans of the Safe Haven Program has not been made.

Mrs. Thompson stated the School Board is requesting a joint retreat with City Council in July or August to discuss future issues of the County and City schools.

The City Manager is to make the arrangements for a retreat.

Mr. John Boardman, member of the City School Board, made the following comments to Council:

- the decision making of the management and funding of the City Schools has been turned over to another political body that seems content to see Bedford County ranked last in expenditure per student in the 134 school divisions in Virginia
- students' test scores (4th, 8th, 11th grades) - out of 24 categories Bedford is below the state average in 23 of the categories
- the turmoil in the County School Board is undermining the leadership of that body and its effectiveness

Mayor Shelton indicated that he had some fundamental questions and concerns as to:

- the School Board and the City Council and the City's representative to the County School Board; the flow of information; and his concern that Council is restricted and tied by having the City's representative to the County School Board also be a member of the City School Board
- possible school contract amendments

Discussion ensued regarding the request by the City School Board that the Board's annual compensation amount be included in the Code of Virginia.

Mrs. Janice Martinez, Vice Chairperson of the City School Board, stated that having the compensation amount included in the Code of Virginia would help to validate the fact that the City School Board is a separate board from the Bedford County School Board.

Discussion ensued regarding the subject matter of the joint retreat. Councilman Tharp suggested the staff prepare options available concerning the City school system, for informational purposes only.

Mayor Shelton asked the City Manager to prepare an assessment of what would be involved in updating previous studies made regarding the school system.

Mayor Shelton stated that a date, time, and location will be scheduled for the joint retreat. Mayor Shelton and Chairperson Thompson will establish an agenda for the retreat. Members of Council and the School Board are to contact the Mayor or Mrs. Thompson with any suggested topics for discussion.

Mrs. Thompson adjourned the School Board meeting at 8:16 p.m.

The City Manager stated that during its February 25th meeting, Council discussed a request by the City Electoral Board to change the polling place for Ward Two from the Elementary School to the National Guard Armory. Mr. Gross was asked to consider the cost of two polling places, including the number of poll workers, number of voting machines necessary, and the effect on the number of election officials. A letter from Lois V. Cowger, Secretary of the Electoral Board, indicates there would be little or no difference in cost. A letter has been received from Company A, Virginia National Guard, giving approval for voting at the Armory.

Vice Mayor Brookshier moved that Council approve the change in polling place for Ward Two from the Elementary School to the National Guard Armory. The motion was seconded by Councilman Tharp.

Discussion ensued.

The motion was then voted upon and carried unanimously.

City Manager Gross reported that the City Planning Commission met on June 5 and recommended that Council approve the preliminary plat of Homeplace Section 1, subject to certain conditions. A preliminary plat for this subdivision was originally approved by Council on April 11, 1995; however, the owners and developers, Mr. Robert Ayers and Mr. John Norcross, did not proceed with the development. Mr. Ayers is still the owner of the property and Mr. G. C. Luck, Jr., is developing the subdivision.

The conditions set forth by the City Planning Commission are as follows:

The construction of all public improvements required by the City of Bedford being accepted and approved and constructed at the owner's or developer's expense and the final approval of the subdivision plat in accordance with the City Land Development Regulations and letter dated June 4, 1997, to Pierson Engineering & Surveying;

Payment of the plat fees and approval of the Erosion and Sediment Control permit;

A bond, letter of credit or other surety satisfactory to and approved by the City of Bedford in an amount approved by the City, a maintenance surety of 10% for a period of 12 months following acceptance and approval of the public improvements, receipt of the as-built plans and a copy of the CAD file if used, and all markers and/or pins being in place;

Final approval and acceptance of all utilities, electric, streets, curb and gutter, sidewalks, landscaping, water and sewer, erosion and sediment control, etc., in accordance with the requirements of the City of Bedford;

Receipt of an executed copy of the proposed deed of dedication accompanied by a certificate signed by the subdivider and duly acknowledged, etc., for the street and other easements, etc., and the final copy of the deed of dedication being approved by the City of Bedford and recorded.

Councilman Tharp moved that Council approve the preliminary plat of Homeplace Section 1, subject to the conditions as set forth by the City Planning Commission. The motion was seconded by Councilman Ballard.

Councilman Wandrei stated that he would abstain from voting as he has had discussions with Mr. Luck on this matter.

Councilman Ballard asked that the spelling of Norfolk Avenue be corrected on the plat.

The motion was then voted upon and carried, six members voting aye, one member abstaining (Wandrei).

City Manager Gross stated Council has received a copy of an ordinance which readopts and reenacts Section 13-2 of the City Code, incorporating by reference current provisions of the Code of Virginia dealing with traffic laws and motor vehicle operation. Failure to adopt this ordinance would mean that offenders would have to be charged under the State law rather than the City law. Any fines collected would then be payable to the State rather than to the City. The ordinance has been posted in three locations in the City.

On motion by Vice Mayor Brookshier, seconded by Councilman Tharp, voted upon and carried unanimously, Council waived the reading of the proposed ordinance readopting and reenacting code provisions dealing with traffic laws.

Councilman Ballard moved that Council adopt the ordinance readopting and reenacting code provisions dealing with traffic laws. The motion was seconded by Councilwoman Flood, voted upon and carried unanimously by following roll call vote:

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:

AN ORDINANCE TO READOPT AND REENACT

SECTION 13.2 OF THE CITY CODE

INCORPORATING BY REFERENCE CURRENT PROVISIONS

OF THE CODE OF VIRGINIA DEALING WITH

TRAFFIC LAWS AND MOTOR VEHICLE OPERATION

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

Section 1. Sec. 13-2 of the City Code is hereby readopted and re-enacted as follows:

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 in Article 9 (Sec. 16.1-278 et seq) of Chapter 11 of Title 16.1, and in Article 2 (Sec. 18.2-266 et seq) of Chapter 7 of Title 18.2, of the

Code of Virginia, except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the City, are hereby adopted and incorporated herein by reference and made applicable within the City. References to "Highways of the State" contained in such provisions and requirements hereby adopted, shall be deemed to refer to streets, highways and other public ways within the City. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this Chapter as fully as those set forth at length herein, and it shall be unlawful for any person, within the City, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 9 of Chapter 11 of Title 16.1 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, which are adopted by this Section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under such titles of the Code of Virginia.

Section 2. This Ordinance shall become effective upon publication one time, immediately following its passage, in some newspaper published in the City or upon posting at three or more public places in the City for one week, as required by Section 19 of the City Charter.

Vice Mayor Brookshier moved that Council adjourn into executive session pursuant to Section 2.1-344(a) (1) of the Code of Virginia of 1950, as amended, for interviews with applicants for the city representative to the County School Board. The motion was seconded by Councilman Ballard, voted upon and carried by the following roll call vote:

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Mayor Shelton aye

Council adjourned into executive session at 8:30 p.m., after a five minute recess. Non-council members attending at various intervals: Mr. David Keith, Mrs. Mickey VanDerwerker, and Mr. John Boardman.

Council reconvened into open session at 10:45 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 (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 Flood, 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

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

Appointment of a City Representative to the Bedford County School Board

Councilman Wandrei brought to the attention of Council certain items in the May 13, 1997, minutes of the Bedford Public Library Board of Trustees:

1. the Board's denial of a request from the Friends of the Library to utilize the Library logo for a bookbag to be used for a fund raising project - according to the minutes, the request was denied because it is in opposition to the Library's current marketing plan. Councilman Wandrei requested that a letter be written from the Mayor asking for clarification of this matter.
2. denial by the Board of the Friends' request for office space - the reason for denial as recorded in the minutes was: the Library could not offer space at other locations. Councilman Wandrei asked for clarification of this matter from the Library Board.

Discussion ensued.

Councilman Tharp suggested asking for clarification of the roles of the Board and the Friends of the Library and how they interface with each other.

It was the concurrence of Council that the Mayor write a letter to the Chairman of the Bedford Public Library Board of Trustees regarding clarification of several policies of the Board relating to the Friends of the Library.

Councilman Tharp moved that Council appoint Mrs. Mickey VanDerwerker as the City's representative to the Bedford County School Board. The motion was seconded by Councilman Wandrei, voted upon and carried unanimously.

Councilman Ballard asked about the status of the dental clinic at Bedford Primary School.

The City Manager is to determine the status of the dental clinic and report back to Council.

Mayor Shelton adjourned the meeting at 10:54 p.m.