

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., November 25, 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 Deputy Clerk of the Council of Debra B. Anderson.

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

The Mayor welcomed the members of Girl Scout Troop 2086 to the meeting.

Mayor Shelton declared that the minutes of a regular Council meeting held on November 10, 1997, and the minutes of a called meeting held on November 14, 1997, were approved as distributed.

Vice Mayor recognized Wendy Puckett and Laura Tarley, participants in the Bedford Leadership Program.

On motion by Councilwoman Kochendarfer, seconded by Vice Mayor Brookshier, voted upon and carried unanimously, the following item was added to the agenda as the second item under New Business:

Report on Trip to France - Councilman Tharp

The Deputy Clerk of Council read aloud the following Notice of Public Hearing:

PUBLIC NOTICE

CITY OF BEDFORD

WASTEWATER TREATMENT PLANT

UPGRADE PROJECT

The City of Bedford has applied for funding from the Virginia Revolving Loan Fund to upgrade the existing wastewater treatment plant from 1.5 MGD to 2.0 MGD. The loan request is for \$4,677,000.00. The Preliminary Engineering Report and the Environmental Assessment for the project are on file at the City of Bedford Municipal Building, 215 East Main Street, Bedford, Virginia 24523 and are available for public review between the hours of 9 a.m. and 4 p.m. Monday through Friday. A public hearing for the purpose of receiving comments on the project, the environmental impact, the estimated cost, and the associated user charge impact will be held at 7:30 p.m., November 25, 1997, at the City of Bedford Municipal Building, 215 East Main Street, Bedford, Virginia 24523. Any written comments should be addressed to Jack A. Gross, City Manager, City of Bedford, 215 East Main Street, Bedford, Virginia 24523, and post marked no later than November 25, 1997.

Mayor Shelton opened the public hearing at 7:39 p.m.

Mr. Tom Lash, Parsons Engineering Science, stated the purpose of the Wastewater Treatment Plant Upgrade Project is consent order compliance and an increase in the plant's capacity. Mr. Parsons reviewed the alternatives considered, environmental impact, project costs which are estimated at \$5,029,000, and user charge impacts.

Discussion ensued regarding the increase in estimated cost for the project from \$4,677,000 to \$5,029,000. The City Manager will determine if another public hearing is required to be held because of the increase.

Mayor Shelton closed the public hearing at 7:48 p.m.

The City Manager stated Council had received a memorandum prepared by the City Attorney dated November 20, 1997, and supporting correspondence, requesting Council to authorize the acquisition of the property owned by Mrs. Cynthia W. Johnson on Franklin Street to the City of Bedford for the King Street Redevelopment Project, which is the extension of the area know as Bondurant's Alley. The City Attorney recommends that the City proceed with the acquisition of the property of eminent domain, and that the City proceed with a "quick-take" as soon as the petition has been filed and Council approves the proposed resolution.

Councilman Wandrei moved that Council adopt the resolution. The motion was seconded by Vice Mayor Brookshier, voted upon and carried unanimously by the 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 resolution follows as adopted:

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF BEDFORD, VIRGINIA,
AUTHORIZING CONDEMNATION OF A PARCEL OF LAND
CONTAINING 0.261 ACRES, MORE OR LESS,
IDENTIFIED ON THE CITY REAL ESTATE TAX MAPS AS
TAX PARCEL NO. 213-13-1, AND LOCATED ON THE**

SOUTH SIDE OF FRANKLIN STREET

WHEREAS, the City is in the process of administering a Community Development Block Grant Program for the improvement of housing in the King Street area of the City; and

WHEREAS, as part of the City of Bedford Greater King Street Redevelopment Project, the City intends to extend Bondurant's Alley to connect with Franklin Street; and

WHEREAS, in order to provide the connection it is necessary for the City to acquire title to the lot of land described on the City Real Estate Tax Maps as Tax Parcel No. 213-13-1, being more fully described as follows:

All that certain lot or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, lying, situate and being in the City of Bedford, Virginia, being more fully described as Lot No. 1 containing 11,385 square feet or 0.261 acres on a Plat of Survey entitled, "Plat of the Property Conveyed to Pinkey Tinsley . . ." prepared by James L. Patterson, C.L.S., dated December, 1951, and recorded in Plat Book 7 at Page 9.

The real estate is described on the City of Bedford real estate tax records for 1996-97 as Tax Map No. 213-13-1. The property is the same property conveyed to Cynthia W. Johnson by deed from A. A. Rucker, sole and acting Special Commissioner and Russell J. Otey by deed dated April 15, 1983, and recorded in the Clerk's Office of the Circuit Court of Bedford County, Virginia, in Deed book No. 548, at page 518.

WHEREAS, there will not be sufficient land left after construction of the public right-of-way for the erection of appropriate buildings thereon; and consequently fee simple title to the whole lot must be acquired; and

WHEREAS, the attorney for the City has had the property appraised and has made a bona fide offer on behalf of the City to purchase the property from its present owner, Cynthia W. Johnson of Washington, D.C., but the said Cynthia W. Johnson has not been willing to execute a deed or to convey property to the City.

NOW, THEREFORE, be it resolved by the City Council of the City of Bedford, Virginia:

1. The City Council of the City of Bedford declares that it is necessary for the construction and maintenance of a public roadway leading from the end of Bondurant's Alley to Franklin Street and for all other purposes incidental thereto to acquire by eminent domain certain land, or the interest therein, pursuant to the charter of the City of Bedford, Section 3, and pursuant to the Code of Virginia, 1950, Section 15.1-898; Title 33.1, Chapter 1 Article 7; and Title 25, Chapter 1.1 and Chapter 5, title to which property stands in the name of Cynthia W. Johnson who acquired title under a deed from A. A. Rucker, Special Commissioner, dated April 15, 1983, and recorded in the Clerk's Office of the Circuit Court of Bedford County, Virginia, in Deed Book No. 548, at page 518.

2. The City Council of the City of Bedford hereby appoints William W. Berry, IV, its attorney in this matter, and authorizes, empowers, and directs him to institute condemnation proceedings in the name of and on behalf of the City of Bedford and directs that he proceed without delay, to prepare the requisite condemnation papers for the purpose of bringing the

necessary suit for the acquisition of the above-described parcel of land in accordance with the provisions of the Charter of the City of Bedford and the general laws of this State, in such cases made and provided.

3. As its attorney William W. Berry, IV, is hereby directed, authorized and empowered to sign and to execute on behalf of the City Council of the City of Bedford and on behalf of the City of Bedford any petitions, notices and like papers that may be necessary, requisite or proper in order to institute and carry to completion said condemnation proceedings, including proceedings under Section 33.1-119 et seq. of the Code of Virginia, 1950, for immediate acquisition of the title and construction of improvements.

4. This resolution shall take effect immediately upon passing.

Mayor Shelton presented a plaque and an award from the National D-Day Memorial Foundation for the City's efforts with the D-Day Memorial.

Councilman Tharp stated that as of November 20, \$1,004,178 has been raised in cash and pledges in the Homefront Campaign for the D-Day Memorial. Before the campaign is closed, it is expected that between \$200,000 and \$500,000 in additional funds will be received.

Councilman Tharp gave a presentation and slide show of his recent trip to the Normandy area of France. Mr. Tharp spoke regarding the communities involved in the twinning process and indicated the communities are looking to Bedford for guidance in developing the model twinning association.

Councilman Tharp presented to Council pins from the Mayor of Trevieres.

Mayor Shelton adjourned the meeting at 8:40 p.m.