

Minutes 3-24-98

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., March 24, 1998.

Members present: Mayor G. Michael Shelton; Vice Mayor Larry D. Brookshier; Councilman H. Davis Ballard; 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 March 10, 1998, were approved as distributed.

Councilman Wandrei announced that the Bedford City/County Museum has received a matching grant in the amount of \$125,000.

Councilman Wandrei indicated that he had received a few telephone calls in connection with last week's neighborhood meeting concerning the Bedford Middle School. Councilman Wandrei suggested that this issue be included on the next agenda to discuss the concerns raised.

On motion by Vice Mayor Brookshier, seconded by Councilwoman Kochendarfer, voted upon and carried unanimously, the following amendments were made to the agenda:

Delete: Presentation by Bedford County Sheriff Mike Brown

Add: Executive Session pursuant to the Code of Virginia, 1950, as amended, Section 2.1-344(a)(1) regarding personnel, for the evaluation of the City Manager; and Section 2.1-344(a)(7) for a consultation with staff regarding a real estate issue.

Mayor Shelton stated that he received notification that the General Assembly has consented to a gubernatorial appointment of him to the State Advisory Commission on Intergovernmental Relations. The Mayor reported that this Commission is set out by the Code of Virginia to include members of the General Assembly, both the House and the Senate, various gubernatorial secretariats, eight representatives from local government

across the State of Virginia, a representative from Planning District Commissions, and two citizen representatives.

The Consent Agenda consisted of the following items:

Appointment of Ms. Michelle Pershinsky as the disabled City Representative on the Central Virginia Disability Services Board, term expiring October 31, 1999;

Approve the request by Bedford Main Street, Inc., to close East Main Street from South Street to the corner of Main and Bridge Streets from approximately 1:00 p.m. to 3:30 p.m. on May 25, 1998, for Memorial Day Ceremonies;

Approve the request by Bedford Main Street, Inc., to block the following streets from 1:00 p.m. to 10:00 p.m. on June 13, 1998, with a rain date of June 27, for the Seventh Annual GoKart Race:

East and West Main Streets from Washington Street to Center Street, Center Street from West Main Street, through the Farmers Market parking lot to Washington Street, Washington Street from the Farmers Market parking lot to South Street, South Street from Washington Street to East Main Street. Also West Main Street from Center Street to Ballard Street, a portion of South Bridge Street below Washington Street, a portion of South Street below Washington Street, Washington Street from South Street to Otey Street, North Bridge Street from Main Street to Depot Street, and Market Square.

Ms. Melanie Crenshaw, Executive Director of the American Red Cross, spoke regarding the Youth Services Program and asked Council to appropriate \$6,000 to continue the program through June. Ms. Crenshaw also asked Council to fund the Youth Services Program in the Fiscal Year 1998-99 City budget. Ms. Crenshaw stated that the request for the Red Cross in the FY 1998-99 City budget is \$25,000, which is a \$1,000 increase over the current budget.

Mr. John Hughes and Ms. Victoria Johnson, Youth Services Coordinators, reported on the background and activities of the Safe Haven Program.

Ms. Victoria Feurer, Executive Director of Bedford Main Street, Inc., reported on the activities and programs of Bedford Main Street. Ms. Feurer stated that Main Street is requesting level funding of \$27,500 in the FY 1998-99 City budget plus \$500 for the Christmas parade.

Mr. Tim Pfohl, Downtown Revitalization Planner for the Virginia Main Street Program, presented award certificates to the City and Bedford Main Street, Inc., as a \$5 million Community for achieving \$5 million of private investment in the downtown district since 1985.

Mr. Leighton Langford, Director of the Department of Social Services, reported that the City has been approved for a supplemental allocation for the Comprehensive Services Act for at Risk Youth and Families in the amount of \$197,552. The local match would be \$50,771.00. Mr. Langford explained changes in funding methods that will become effective for the next fiscal year.

A brief discussion ensued.

Councilwoman Kochendarfer moved that Council appropriate \$50,771 for the Comprehensive Services Act from the unappropriated contingency to Account No. 105350.3236. The motion was seconded by Councilwoman Flood, 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

City Manager Gross stated Council had received a letter from Sue Gilbert, President of Christmas in April of Bedford, Inc., requesting that Council authorize the waiving of building permit fees in connection with the group's scheduled projects within the City, as well as any landfill tipping fees that may be applicable. The projects will include repairs on four houses. The estimated total cost of materials for the projects within the City is \$5,000 and the permit fees would amount to \$24.50.

The City Manager reported that the staff has recommended the waiving of the fees; however, 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.

On motion by Vice Mayor Brookshier, seconded by Councilman Ballard, voted upon and carried unanimously, Council waived the building permit fees and landfill tipping fees for projects to be undertaken by Christmas in April of Bedford, Inc.

City Manager Gross reported that the Property Committee met on March 10 to review the Bedford Historical Society's request to complete restoration of the Charles Wharton House by hiring subcontractors directly rather than going through a general contractor. This would require the City to waive the requirement of a general contractor as set forth in the lease.

The City Manager stated that ninety percent of the renovations have been completed and a member of the Property Committee, Vice Mayor Brookshier, inspected the building with Betty Gereau. Mr. Gross described the remaining work to be done: completion of the stairs off the back porch, a small amount of masonry work, and minor electrical work such as hanging light fixtures. Mr. Gross stated that under the terms of the lease, the tenant has several additional years in which to complete this work.

City Manager Gross stated the Property Committee recommends that the general contractor requirement be waived provided that the work is completed within 90 days of such waiver, that the City approves the plans for the stairway and all other work before any work is commenced, and that all work is done by licensed subcontractors and that the City be provided with a roster of such subcontractors.

On motion by Councilwoman Kochendarfer, seconded by Councilman Ballard, voted upon and carried unanimously after a brief discussion, Council approved the recommendation of the Property Committee regarding the completion of the Charles Wharton House renovations.

City Manager Gross stated that Council has received a resolution being considered by all of the Blue Ridge Power Agency jurisdictions urging the Federal government to proceed cautiously with the restructuring of the utility industry.

On motion by Councilman Ballard, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted the resolution regarding restructuring of the Electric Utility Industry. Roll call vote follows:

Vice Mayor Brookshier	aye
Councilwoman Flood	aye
Councilwoman Kochendarfer	aye
Councilman Tharp	aye
Councilman Wandrei	aye

WHEREAS, access to the high voltage transmission system in Virginia and across the nation is essential to promote competitive electricity markets and efficient, economical and reliable operation; and

WHEREAS, "private use" restrictions on the use of municipal bond financing authority limits the ability of municipal electric systems to be competitive with the investor owned and electric cooperative utilities that enjoy substantial tax advantages and subsidies,

NOW THEREFORE, BE IT RESOLVED that the City of Bedford urges its federal legislators and regulators to recognize that Virginia is not among the high cost states that have little to lose by moving quickly to retail competition, and the Congress should proceed slowly and cautiously as it considers moving in this direction; and

BE IT RESOLVED, that Congress is urged to work to provide the Federal Energy Regulatory Commission with clear and explicit authority and responsibility to (1) require and approve the creation of a truly independent - Independent System Operator to provide all users with fairly priced, non-discriminatory (equal) access to transmission services; (2) more effectively deal with generation and transmission market power issues; (3) require development, filing and neutral, non-discriminatory enforcement of reliability standards and obligations applicable to all participants in the market; and

BE IT FURTHER RESOLVED, that Congress is urged to oppose any legislation proposed to limit municipal debt financing and urge the appropriate federal regulators to issue rulings on existing "private use" codes that would allow municipal electric systems to compete on an equal basis with investor-owned and cooperative utilities; and

FINALLY, BE IT RESOLVED, that the City of Bedford urges federal legislators and regulators to work diligently to ensure that all classes of customers, not just those with economic bargaining power, are treated fairly and equally and truly benefit from any legislation or regulations dealing with restructuring of the electric utility industry.

City Manager Gross reported that Council has received copies of the Audit Report prepared by the City's auditors, Firebaugh & Berry, for the Fiscal Year ended June 30, 1997.

On motion by Councilman Tharp, seconded by Councilwoman Flood, voted upon and carried unanimously, Council accepted the Audit Report for the Fiscal Year ended June 30, 1997.

Mayor Shelton spoke regarding the per capita debt of the City, and pointed out that Page 108 of the Audit Report sets forth the difference between general obligation bonded debt and revenue bonded debt.

The City Manager stated the Governing Council of the Police Academy has revised the Academy's charter. Mr. Gross reviewed the following three major changes to the charter: 1) the Chief Financial Officer is now a voting member of the Board, raising the total number of Board members from eight to nine members; 2) the establishment of quorums and terms of office for the officers; 3) in order for a jurisdiction to pull out or terminate its contract with the Academy, the jurisdiction will be required to notify the Academy by October 1 of the year prior to the July termination when it leaves the Academy.

On motion by Vice Mayor Brookshier, seconded by Councilwoman Kochendarfer, voted upon and carried unanimously, Council authorized the City Manager and the Chief of Police to sign the revised charter with the Criminal Justice Academy.

Councilwoman Kochendarfer moved that Council adjourn into executive session pursuant to Section 2.1-344(a)(1) of the Code of Virginia of 1950, as amended, regarding personnel, for the evaluation of the City Manager; and Section 2.1-344(a)(7) for a consultation with staff regarding a real estate issue. The motion was seconded by Councilman Ballard, 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

Council adjourned into executive session at 8:40 p.m. after a five minute recess.

Council reconvened into open session at 9:40 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.

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

Councilwoman Kochendarfer	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Councilman Ballard	aye
Vice Mayor Brookshier	aye
Councilwoman Flood	aye
Mayor Shelton	aye

City Manager Gross reported that he has spoken with Mr. Bill Rolfe, Bedford County Administrator, regarding the request by the American Red Cross for funds in the amount of \$6,000 to run the Safe Haven Program until the end of the current fiscal year. Mr. Rolfe feels that the County will be able to provide \$3,000 for funding the program.

On motion by Vice Mayor Brookshier, seconded by Councilman Ballard, voted upon and carried unanimously, Council authorized the City Manager to spend \$3,000 toward the need of the American Red Cross for the Safe Haven Program, pending Bedford County providing the same amount.

Mayor Shelton adjourned the meeting at 9:44 p.m.