

## 5-12-98 Minutes

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., May 12, 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 April 28, 1998, were approved as distributed.

Mayor Shelton welcomed the seventh grade students from Bedford Middle School participating in Local Government Day. Members of the staff and Council introduced the students.

Mayor Shelton reminded members of Council of the Business Appreciation Barbeque to be held on May 18 at Avenel from 5:30 p.m. to 8:00 p.m. This is a joint activity of the Chamber of Commerce, the City, and Bedford County in appreciation of the businesses within this community.

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

Executive Session pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)(7) for consultation with legal counsel and staff regarding Edward Johnson and Eunice Johnson vs. the City of Bedford and its Council regarding Bedford Middle School Gymnasium

The student Clerk of Council Anna Craver read aloud the following Public Hearing Notice:

### **PUBLIC HEARING NOTICE**

Notice is hereby given of a public hearing to be held by the City Planning Commission at 5:30 p.m. on Thursday, May 7, 1998 and by the City Council at 7:30 p.m. on Tuesday, May 12, 1998 at the City Municipal Building, Council Hall, 215 E. Main St. for the purpose of considering the following requests:

To consider rezoning property from R-2 to M-1. Property located to the East of the intersection of Walnut Street and Baltimore Avenue and to the South and West of Shady Knoll Avenue identified as Tax Map #176-A-16. The request is made by property owner Robert W. Ayers, 102 Chelsea Place, Bedford, VA 24523.

Information regarding this rezoning is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to these requests will have an opportunity express their view at this hearing.

By the Authority of the Planning  
Commission and City Council of  
the City of Bedford

Mr. Jay Scudder, Director of Planning & Community Development, reviewed aerial photos showing the proposed rezoning.

Mayor Shelton opened the public hearing at 7:44 p.m.

Mr. Carl Boggess, attorney for the owner, reviewed information regarding the possible use of the property.

Mr. John Boardman, Chairman and CEO of Sam Moore Furniture Industries, stated that Sam Moores recently became part of the Lazy Boy Corporation. Mr. Boardman reviewed plans for expansion of Sam Moores.

Mr. Robert Ayers, owner of the property, spoke in favor of the rezoning.

Mrs. Angie Ayers Patterson, owner of adjoining property, stated that she and her husband have no objections to the rezoning.

Mr. Lawrence Dick, 1659 Shady Knoll Avenue, spoke in favor of the rezoning.

Leonard Mayhew, 816 Baltimore Avenue, suggested keeping manufacturing on the south side of Norfolk Avenue and asked Council to take a long look at this rezoning matter before acting.

As there were no further comments, the Mayor adjourned the public hearing at 8:16 p.m.

City Manager Gross reported that the Planning Commission met on May 7 and approved the rezoning of property located to the east of the intersection of Walnut Street and Baltimore Avenue and to the south and west of Shady Knoll Avenue from R-2 Medium Density Residential District to M-1 Manufacturing District.

Councilman Tharp moved that Council accept the recommendation of the Planning Commission. The motion was seconded by Councilwoman Kochendarfer.

Councilman Wandrei, owner of property on Shady Knoll Avenue, asked about the type of buffer proposed to be used for screening and road access.

Mr. Boggess stated that he felt Moores will meet or exceed the requirements of the City's ordinance as to a landscape plan. Mr. Boggess discussed the road access issue.

A discussion ensued regarding controlling truck traffic in residential areas.

Vice Mayor Brookshier explained the reasons that he was opposed to the rezoning.

Mr. Boardman indicated the Lazy Boy Corporation wants Sam Moore to expand.

The motion to accept the recommendation of the Planning Commission to approve the rezoning request was then voted upon and carried, five members voting aye, two members voting nay (Brookshier, Wandrei).

Mayor Shelton declared a recess from 8:42 p.m. until 8:45 p.m.

The student Clerk of Council read aloud the following proposed resolution:

### **RESOLUTION**

**WHEREAS**, the observation of the functions of local government is of primary importance in the study of local government; and

**WHEREAS**, the seventh grade students of Bedford Middle School have, on May 11, 1998, participated in the local government process by observing these officials in the carrying out of their duties; and

**WHEREAS**, these students will, on May 13, 1998, conduct Local Government Day activities in the Council Hall of the City of Bedford;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bedford, Virginia, that May 13, 1998 be, and it hereby is, designated as

**LOCAL GOVERNMENT DAY**

in the City of Bedford.

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:

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

Ms. Beth McDonald, Director of Marketing and Member Services with the Virginia Municipal League, spoke regarding the VML and took a survey of members of Council regarding the services provided by the League.

Mayor Shelton suggested that the VML should have given more attention at the outset to House Bill 335 as to the ramifications of a piece of legislation of that type.

Council proceeded to hold a work session on the proposed 1998-99 budget.

The City Manager stated that the staff had met individually with members of Council concerning questions about the budget.

Several members of Council asked questions in regard to the budget and staff members explained.

Discussion ensued regarding the funds designated for the Sheltered Workshop.

The Executive Director of the Sheltered Workshop is to give Council an update on the use of these funds prior to the public hearing on the budget, which is scheduled for May 26.

Councilman Tharp moved that Council adjourn into executive session pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)(7) for consultation with legal counsel and staff regarding Edward Johnson and Eunice Johnson vs. the City of Bedford and its Council regarding Bedford Middle School Gymnasium. The motion was seconded by Councilwoman Kochendarfer, 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 9:18 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, Director of Public Works Clarke Gibson, Clerk of the Council Hatcher, and Council member elect Tom Messier.

Council reconvened into open session at 10:10 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 Wandrei, voted upon and carried 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 Councilman Ballard, voted upon and carried unanimously, the following item was added to the agenda:

#### Bids Received for Exterior Painting and Repairs of the School Facilities

City Manager Gross stated that Council had copies of the bid tabulation for the work on the schools. The City Manager reported there is only one qualified bidder for the project, Owen Building, which is the high bid \$67,182.77. Mr. Gross recommended that this project be rebid.

Discussion ensued regarding the Base Bid and the Alternates.

It was the consensus of Council to rebid this project.

Mayor Shelton adjourned the meeting at 10:18 p.m.