

Minutes 4-14-98

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., April 14, 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 stated the time for the public hearing had been incorrectly advertised because of a typographical error that appeared in the newspaper and apologized to those persons who had arrived at the meeting too early.

Mayor Shelton presented a Certificate of Retirement and gifts to Mr. Bill Gross, who retired from the Electric Department on April 1.

Mayor Shelton declared that the minutes of a regular Council meeting held on March 24, 1998, and the minutes of a called Council meeting held on April 8, 1998, were approved as distributed.

Councilwoman Kochendarfer stated she would coordinate a Council team to participate in the Keep Bedford Beautiful Cleanup Day on April 18.

Mayor Shelton stated that Council has been invited to the 1998 Dare graduation at Bedford Elementary School on April 23 at 7:00 p.m.

The Mayor reported that Mr. Jeff Bennis, President of Rifkin & Associates, Inc., the parent company of CableVision Communications, will be in the Council Chambers on April 15 at 1:00 p.m. as part of the "In the Trenches" program. Mr. Bennis will meet with local customers, public officials and employees.

Mayor Shelton explained revisions made to the two resolutions to be considered later in this meeting regarding the Liberty High School basketball team.

Mayor Shelton stated that at the April 8 called meeting Council discussed seeking proposals for the executive search. It has been determined from the City's Procurement Law that Council would need to submit an advertisement for proposals, which will delay the process. Mayor Shelton reported that four companies have previously responded

based on Council's discussions with Mr. Mike Amyx, Executive Director of the Virginia Municipal League. Their proposals would remain active.

The Mayor asked for the concurrence of Council to direct the Finance Committee to review these proposals as they are received, ascertain the direction for Council to go in, and report back to Council.

It was the concurrence of Council that the Mayor direct the Finance Committee to proceed.

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

### **PUBLIC HEARING NOTICE**

Notice is hereby given of public hearings to be held by the City Planning Commission at 5:30 p.m. on Thursday, April 2, 1998 and by the City Council at 7:00 p.m. on Tuesday, April 14, 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 PRD Planned Residential Development District to CLI Commercial Light Industry. This property fronting Industrial Drive is identified as Tax Map #252-A-1, #252-A-2 & #252-A-3. The request is made by property owner John A. Carter, 403 Otey Street, Bedford, VA 24523.

To consider rezoning property from R-1 Single Family Residential District to R-2 Medium Density Residential District. This property fronting Link Road is identified as Tax Map #257-A-3B. The request is made by property owner F. Dale Hull, 4486 E. Lynchburg Salem Turnpike, Bedford, VA 24523.

To consider rezoning property from R-3 High Density Residential District to R-1A Low Density Residential District. This R-3 property fronting Bedford Avenue is identified as Tax Map #193-A-89. The request is made by the City of Bedford Planning Commission.

To consider rezoning property from R-2 Medium Density Residential District to PRD Planned Residential Development District. This property fronting Ashland Avenue is identified as Tax Map #172-A-1. The request is made by the City of Bedford Planning Commission.

To consider rezoning property from M-1 Manufacturing District to R-2 Medium Density Residential District. This property fronting Norfolk Avenue is identified as Tax Map #176-7A-30 and #196-1A-26. The request is made by the City of Bedford Planning Commission.

To consider rezoning property from R-2 Medium Density Residential to B-2 General Business District. This property fronting Independence Blvd. is identified as Tax Map #177-2C-29 through #177-2C-40; Tax Map #157-3-B; Tax Map #157-3C-15 through #157-3C-17; Tax Map #157-3B-13 through #157-3B-21; Tax Map #156-5C-9; Tax Map #157-3C-10 through #157-3C-12; Tax Map #156-5C-19 through #156-5C-23; Tax Map #156-5C-25; Tax Map #157-3C-26 through #157-3C-28 & Tax Map #156-5C-24. The request is made by the City of Bedford Planning Commission.

Information regarding these rezonings are on file in the office of Planning & Community Development.

The request is being made by the City of Bedford Planning Commission.

Anyone who is in favor of or opposed to these requests will have an opportunity to 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, gave a brief overview of the rezoning request for property fronting Industrial Drive from PRD Planned Residential Development District to CLI Commercial Light Industry. The Planning Commission recommends that Council approve this request.

Mayor Shelton opened the public hearing at 7:52 p.m.

Mr. John A. Carter, owner of the property, spoke regarding the rezoning. Mr. Carter stated he has letters from all of the adjoining landowners surrounding his property, and everyone is in agreement that the property should be rezoned to Commercial Light Industry. Mr. Carter indicated that the owner of Governor's Hill is also in agreement with his proposal.

Mr. William Nichols spoke in favor of the rezoning.

There were no further comments.

Mr. Scudder gave a brief overview of the request made by F. Dale Hull to rezone property fronting Link Road from R-1 to R-2. Mr. Scudder reported that the Planning Commission denied this request.

Mayor Shelton called for comments from the public.

Mr. O. B. Stancer, 1509 Oakwood Street, spoke against Mr. Hull's rezoning request, and indicated he felt it would not be consistent with the current zoning in that area.

Ms. Carol Jones, 1516 Link Road, spoke against the rezoning request and reviewed the possible negative impact this rezoning would have on the area, such as increased traffic and crime. Ms. Jones brought to Council's attention the group of Link Road residents in the audience, and she indicated all are opposed to the rezoning request.

Mr. Preston Savage, 1422 Link Road, asked Council to deny the rezoning request.

Mayor Shelton noted that each member of Council has received copies of petitions in opposition to the rezoning request.

There were no further comments on the rezoning request for Link Road.

Mr. Scudder gave a brief overview of the request by the City of Bedford Planning Commission to rezone property fronting Bedford Avenue. Mr. Scudder stated the Planning Commission is recommending that this property be rezoned from R-3 to R-1A to conform with the existing zoning on Bedford Avenue.

Mayor Shelton called for comments on the rezoning request. There were no comments.

Mr. Scudder gave a brief overview of the request by the Planning Commission to rezone property fronting Ashland Avenue. Mr. Scudder stated that upon review of the Elks Home long-range development plans and the existing residential facilities, the Planning Commission felt that the PRD Planning Residential Development District would be more appropriate than the existing R-2 zone.

Mr. William Pickett, Director of the Elks National Home, spoke in favor of the rezoning request.

Mr. O. P. Stancer, 1509 Oakwood Street, spoke in favor of the rezoning request.

There were no further comments on the rezoning request for Ashland Avenue.

Mr. Scudder gave a brief overview of the request by the Planning Commission to rezone property fronting Independence Boulevard to B-2 General Business District. The property that currently fronts on both sides of Independence Boulevard from Route 221 to Shady Knoll Avenue is currently zoned and platted for R-2 Medium Density Residential development. Mr. Scudder reported the Planning Commission has determined that this current zoning does not represent the highest and best use of this property.

Mr. O. P. Stancer, 1509 Oakwood Street, asked Council to approve the rezoning request of property fronting Independence Boulevard.

Ms. Charlene McFall, City Planning Commission Chairman, stated the Planning Commission asks that Council approve the rezoning request.

Mayor Shelton called for further comments on this rezoning request, and there were none.

Mr. Scudder stated that the Planning Commission has withdrawn the request to rezone property fronting Norfolk Avenue from M-1 Manufacturing District to R-2 Medium Density Residential District.

Mayor Shelton closed the public hearing at 8:15 p.m.

On motion by Councilwoman Kochendarfer, seconded by Vice Mayor Brookshier, voted upon and carried unanimously, Council accepted the recommendation of the Planning Commission to rezone property fronting Industrial Drive identified as Tax Map #252-A-1, #252-A-2 and #252-A-3 from PRD Planned Residential Development District to CLI Commercial Light Industry.

On motion by Councilman Tharp, seconded by Councilman Ballard, voted upon and carried unanimously, Council accepted the recommendations of the Planning Commission on the following rezoning requests:

The request by property owner F. Dale Hull to rezone property fronting Link Road identified as Tax Map #257-A-3B from R-1 Single Family Residential District to R-2 Medium Density Residential District was denied.

The request by the City of Bedford Planning Commission to rezone property fronting Bedford Avenue identified as Tax Map #193-A-89 from R-3 High Density Residential District to R-1A Low Density Residential District was approved.

The request by the City of Bedford Planning Commission to rezone property fronting Ashland Avenue identified as Tax Map #172-A-1 from R-2 Medium Density Residential District to PRD Planned Residential Development District was approved.

The request by the City of Bedford Planning Commission to rezone property fronting Independence Boulevard identified as Tax Map #177-2C-29 through #177-2C-40; Tax Map #157-3-B; Tax Map #157-3C-15 through #157-3C-17; Tax Map #157-3B-13 through #157-3B-21; Tax Map #156-5C-9; Tax Map #157-3C-10 through #157-3C-12; Tax Map #156-5C-19 through #156-5C-23; Tax Map #156-5C-25; Tax Map #157-3C-26 through #157-3C-28 and Tax Map #156-5C-24 from R-2 Medium Density Residential to B-2 General Business District was approved.

Mr. Peter M. Snelling, Life Member of the Veterans of Foreign Wars, asked that the City fly the POW/MIA (Prisoners Of War/Missing in Action) Flag at City buildings, cemeteries, and parks on designated days. Mr. Snelling stated that he was requested by the Airborne Association to host a group of Airborne Veterans that meet in the Lynchburg area each year. The group of 45 British Airborne and 5 U.S.A. Airborne Veterans will visit the V.F.W. post on April 17.

On motion by Councilwoman Kochendarfer, seconded by Councilwoman Flood, voted upon and carried unanimously, Council accepted the recommendation of Mr. Snelling to observe the Federal holidays for flying the POW/MIA Flag and on April 9. The days are:

The anniversary of the fall of Bataan, April 9 (former Mayor Bernard Saunders was part of the Bataan Death March)

Armed Forces Day, the third Saturday in May

Memorial Day, the last Monday in May

Flag Day, June 14

Independence Day, July 4

National POW/MIA Recognition Day, the third Friday in September

Veterans Day, November 14

City Manager Gross stated Southeastern Power Administration (SEPA) is proposing that Council accept its offer to extend the City's contract by 20 years. It is felt the language in the Supplemental Contract is acceptable and incorporates as good or better terms and conditions than the original contract. It contains some modifications from the original as

negotiated with SEPA by Fred Ritts, Attorney for the Blue Ridge Power Agency; Robert Gross and Jack Madden, GDS Associates, Inc.; and Duane Dahlquist, General Manager for the Blue Ridge Power Agency.

The City Manager stated it is anticipated that increasing the term of the SEPA contracts to twenty years, with the appropriate termination provisions, along with the reassignment of the SEPA capacity and energy for the seven year term beginning July 1, 1998, will allow the members to keep their options open with respect to the long-term economic feasibility of the SEPA capacity and energy while taking advantage of the short-term savings offered by Cinergy or AEP.

Councilwoman Kochendarfer moved to execute the Supplemental SEPA contracts. The motion was seconded by Councilman Ballard, voted upon and carried unanimously.

City Manager Gross stated that as the Bedford County Courthouse and Burks-School Building renovation and expansion project begins, modifications will need to be made to existing parking areas within the immediate area of the Courthouse to allow for space for construction activity. In order to meet this parking and construction demand, Bedford County has requested that the City parking lot adjacent to the Electric Department below Depot Street be utilized as a parking and construction staging area for the project. It is anticipated that these parking areas will be restored after the project is completed, which is estimated to take approximately three years.

The City Manager stated the County is pursuing leasing property behind the Municipal Building along Plunkett Street for temporary parking for construction workers. Part of this area is owned by the City and part of this property is owned by Rick Cofer. The City Engineering and Planning Departments have reviewed the request and feel that this would be a reasonable accommodation to meet construction needs.

The request by the County is as follows: to allow the parking area adjacent to the Electric Department on Depot Street and the portion of property behind the Municipal Building along Plunkett Street to be utilized for a construction staging area and parking for construction workers.

Councilman Tharp moved that Council approve the request regarding the Courthouse construction and parking issues. The motion was seconded by Vice Mayor Brookshier.

Discussion ensued. It was determined that it is the responsibility of the Redevelopment and Housing Authority to waive the time restriction for improvements to Rick Cofer's property. The City Manager will bring this matter before the Authority.

The motion was then voted upon and carried unanimously.

On motion by Councilwoman Kochendarfer, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted a revised resolution in

recognition of the Liberty High School Basketball Team and Coaching Staff. 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 resolution follows as adopted:

## **RESOLUTION**

**WHEREAS**, the Liberty High School Minutemen Varsity basketball team has amassed a phenomenal record of 102 wins and only 8 losses from the 1994-95 season through the 1997-98 season; and

**WHEREAS**, Liberty High School has appeared in the Group AA State basketball Final Four Tournament each year for the past four years and the Minutemen have won the Group AA State Championship in 1996 and in 1997; and

**WHEREAS**, the Liberty High School Minutemen Varsity basketball team distinguished themselves for the fourth year in a row in Seminole District, Region III, and State level competition; and

**WHEREAS**, the Minutemen achieved an exceptional record in 1997-98 and were once again crowned as regular season and tournament champions in the Seminole District and won the Region III tournament in 1998; and

**WHEREAS**, the team went on to place second in the Group AA State tournament in Norfolk, Virginia; and

**WHEREAS**, the outstanding members of this team have developed a strong work ethic and a spirit of team play fostered by the leadership, support and training of Head Coach Mark Hanks and his staff, Athletic Director Ricky Falls and his associates, and the Liberty High School administration headed by Principal Dr. Brenda Cowlbeck; and

**WHEREAS**, the members of the Liberty High School Minutemen basketball team have brought an immense level of excitement to the community through their playing ability, perseverance and extraordinary talent and have created a following of thousands of loyal and enthusiastic fans; and

**WHEREAS**, this strong following of loyal and enthusiastic fans have been fired up by an outstanding and talented squad of Liberty High School cheerleaders who have helped to build a high level of school and community spirit; and

**WHEREAS**, the 1998 Liberty High School Minutemen team has again brought fame and distinction to this community which will be long remembered and celebrated;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Bedford hereby recognizes the extraordinary talents and achievements of the 1998 Minutemen basketball team and congratulates and honors the members of the team, the coaching staff, the cheerleading squad, the Liberty High School administration and all those associated with these outstanding young athletes. City Council calls upon the citizens of the Bedford community to exhibit their honor and respect by extending personal congratulations to the team and the school.

On motion by Councilman Tharp, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted a revised resolution in recognition of Liberty High School Basketball Team Members, after a brief discussion. 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:

### **RESOLUTION**

**WHEREAS**, the Liberty High School Minutemen Varsity basketball team members distinguished themselves for the fourth year in a row in Seminole District, Region III, and State level competition; and

**WHEREAS**, the Minutemen were once again crowned as a regular season and tournament champions in the Seminole District and won the Region III tournament in 1998; and

**WHEREAS**, the team went on to place second in the Group AA State tournament in Norfolk, Virginia; and

**WHEREAS**, the success of the Liberty Minutemen basketball team has depended on the outstanding leadership demonstrated by Senior Varsity players Raymond "Peanut" Arrington, Robert Carson, Kelly Garrett, Rodney Morris, Bobby Perkins, and Jonathan Whorley; and

**WHEREAS**, this leadership has contributed heavily to the team's success and has resulted in three of these seniors being individually recognized with post-season honors at the District, Region and State levels; and

**WHEREAS**, Rodney Morris has played with the Minutemen for the past two years and in 1998 achieved distinction by being named to the 1st. Team All Seminole District and the 1st. Team All Region III; and

**WHEREAS**, Robert Carson has played with the Minutemen for the past four years and in 1998 achieved distinction by being named to the 1st. Team All Seminole District, 1st. Team All Region II, and 2nd. Team All State in Group AA; and

**WHEREAS**, Raymond "Peanut" Arrington has played for the Minutemen for the past four years and in 1998 achieved distinction by being named Seminole District "Player of the Year," Region III "Player of the Year,"

and the Group AA State "Player of the Year," a first for any Liberty High School athlete; and

**WHEREAS**, the Virginia High School League Coaches Association has invited Raymond "Peanut" Arrington and Robert Carson to participate in the 1998 VHSL Coaches All-Star game to be played in July;

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Bedford hereby recognizes the extraordinary talents and achievements of the outstanding seniors from the Liberty High School Minutemen championship basketball team who have ended their high school careers with distinction and who have brought pride and honor to themselves, to Liberty High School and to Bedford, Virginia;

**BE IT FURTHER RESOLVED**, that the City Council of the City of Bedford congratulates and honors Raymond "Peanut" Arrington, Robert Carson and Rodney Morris for their outstanding achievements and post-season District, Regional and State honors as exceptional athletes; and

**BE IT FURTHER RESOLVED**, that the City Council of the City of Bedford calls upon all citizens to join together in honoring these young men for their exceptional athletic careers, for an outstanding 1998 basketball season, and to wish them the very best in their future endeavors.

City Manager Gross stated Council has received a letter from Fred Duis, President of the Wharton Memorial Foundation, requesting that the City approve use of the main floor and basement of the John Wharton House for a gift shop. The City Manager stated that under the terms of the deed to the Wharton Foundation, the City must approve uses other than those specified.

On motion by Councilwoman Kochendarfer, seconded by Vice Mayor Brookshier, voted upon and carried unanimously, Council approved the request from the Wharton Memorial Foundation to use the main floor and basement of the John Wharton House for a retail gift shop.

Mayor Shelton adjourned the meeting at 8:37 p.m.