

11-24-98 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., November 24, 1998.

Members present: Mayor G. Michael Shelton; Councilman H. Davis Ballard; Councilman Larry D. Brookshier; Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; Councilman Ronnie C. Rice; 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 let all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of the November 10, 1998, regular meeting were approved as distributed.

On motion by Councilman Rice, seconded by Vice Mayor Messier, voted upon and carried unanimously, the following item was added to the agenda:

Sale of Abandoned Property

Mayor Shelton asked that the Safety Committee meet with the City Manager and the Police Chief to review the level of the wildlife problem in the City and any alternatives which would address that problem. The Mayor asked the Safety Committee to bring any recommendations to Council.

The Mayor mentioned that he had given Council information regarding "America's Promise - Alliance for Youth." The initial Steering Committee Kick-Off meeting will be held on December 10, 1998, at 7:30 p.m. in the Council Hall.

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

**CITY OF BEDFORD**

**CITY COUNCIL**

**NOTICE OF PUBLIC HEARING**

On November 24, 1998, at 7:30 p.m., in the City Council Chambers,  
Municipal Building, 215 East Main Street, the City Council of the City of

Bedford will hear and consider a request by The Maupin-Sizemore Foundation that Council adopt a Resolution supporting their application to the General Assembly of Virginia for designation of their properties which include The Shepherds Table, Bedford Christian Ministries and the Bedford Christian Free Clinic in the City of Bedford as exempt from property taxation pursuant to Article X, Section 6 (a) (6) of the Constitution of Virginia.

Citizens of the City are invited to attend and will be given an opportunity at this meeting to be heard on the question of whether the requested Resolution should be adopted.

The 1998/1999 assessed value of the real and tangible personal property of The Maupin-Sizemore Foundation located in the City is \$205,800.00. This property is currently being taxed. The property taxes payable in 1997/1998 and 1998/1999 are as follows:

1997/1998	\$1,584.60
1998/1999	\$1,564.08

Mayor Shelton opened the Public Hearing at 7:39 p.m.

Mr. Henry Clarke, one of the Directors of the Maupin-Sizemore Foundation, spoke in favor of Council granting this exemption.

Mr. Tom Foster, Chairman of the Operating Committee for the Bedford Christian Services Building, spoke in favor of this request.

Mr. Don Craghead, Executive Director of the Bedford Christian Free Clinic, spoke in support of this request.

As there were no further comments, Mayor Shelton closed the public hearing at 7:43 p.m.

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

**NOTICE OF PUBLIC HEARING**

**NOTICE OF INTENTION TO VACATE**

**OR ABANDON ALLEY OR STREET**

**(ALLEY RUNNING NORTH FROM LAUREL STREET)**

Please take notice at the meeting of the City Council of the City of Bedford, Virginia, to be held in the Council Chambers in the Municipal Building at 215 East Main Street, Bedford, Virginia, on November 24, 1998, at 7:30 p.m., Lisa R. McKinney and Donnie R. McKinney will apply for abandonment of an alley running from Laurel Street north to the intersection with an alley between Galax Street and Peaks Street as shown on a plat of survey in Deed Book 142, at Page 106.

The application fully describing the portion of the street to be abandoned and vacated is on file in the Office of the City Manager.

Anyone who is in favor of or opposed to the application will have an opportunity to express their views at this hearing.

J. G. Overstreet, p.q.

Lisa R. McKinney

Donnie R. McKinney

**NOTICE OF PUBLIC HEARING**

**NOTICE OF INTENTION TO VACATE**

**OR ABANDON ALLEY OR STREET**

**(ALLEY ON SOUTH SIDE OF JACKSON STREET)**

Please take notice at the meeting of the City Council of the City of Bedford, Virginia, to be held in the Council Chambers in the Municipal Building at 215 East Main Street, Bedford, Virginia, on November 24, 1998, at 7:30 p.m., RBX-Waltex, Inc. and Bomur, Inc. will apply for abandonment of a 10 foot alley between their two properties starting at Jackson Street and ending at the Norfolk Southern railway property.

The application fully describing the portion of the street to be abandoned and vacated is on file in the Office of the City Manager.

Anyone who is in favor of or opposed to the application will have an opportunity to express their views at this hearing.

Robert T. Wandrei, p.q.

RBX - Waltex, Inc.

Bomur, Inc.

## **NOTICE OF PUBLIC HEARING**

### **NOTICE OF INTENTION TO VACATE**

### **OR ABANDON ALLEY OR STREET**

### **(PORTION OF PINE STREET)**

Please take notice at the meeting of the City Council of the City of Bedford, Virginia, to be held in the Council Chambers in the Municipal Building at 215 East Main Street, Bedford, Virginia, on November 24, 1998, at 7:30 p.m., the City of Bedford will apply for the abandonment of such portions of Pine Street as lie south of Jeter street.

The application fully describing the portion of the street to be abandoned and vacated is on file in the Office of the City Manager.

Anyone who is in favor of or opposed to the application will have an opportunity to express their views at this hearing.

William W. Berry, IV, p.q.

City of Bedford

City Attorney

Mayor Shelton opened the public hearings at 7:45 p.m.

As there were no comments, the Mayor closed the public hearings at 7:46 p.m.

City Manager Gross stated that at the City Council meeting on January 13, 1998, members of the Operating Committee of the Bedford Christian Services Building

requested tax exempt status for the property on 217 W. Washington Street. The request was made too late to submit the 1998 General Assembly. The City Manager was directed to schedule a public hearing and bring this matter to Council's attention in time to be considered by the Legislature.

On motion by Councilman Rice, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted a resolution supporting the request by the Maupin-Sizemore Foundation for tax exempt status. Roll call vote follows:

Councilman Ballard	aye
Councilman Brookshier	aye
Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Rice	aye
Councilman Wandrei	aye
Mayor Shelton	aye

The resolution follows as adopted:

**CITY COUNCIL**

**CITY OF BEDFORD, VIRGINIA**

**November 24, 1998**

**RESOLUTION**

At Bedford, Virginia, on November 24, 1998, at 7:30 p.m., the City Council of the City of Bedford met in public session to consider the request of The Maupin-Sizemore Foundation, Bedford, Virginia, for adoption of a Resolution supporting the Foundation's application to the Virginia General Assembly for designation of its properties as exempt from taxation under Article X, Section 6 (a) (6) of the Constitution of Virginia [1971] and Section 58-1.3650 of the Code of Virginia.

Notice of Council meeting for this purpose has been published in The Bedford Bulletin, a newspaper of general circulation in the City of Bedford, on November 4 and 11, 1998, and at the meeting citizens of the City have been given an opportunity to be heard on the question of whether the requested Resolution should be adopted.

After hearing the presentation by the Foundation of its request and the comments of citizens, examining and considering each of the issues set forth in Section 30-19.04.B., Code of Virginia, with respect to the exemption, and discussing thoroughly the merits of the request and its impact on the City, BE IT HEREBY RESOLVED by the City Council of the City of Bedford:

1. That it supports the exemption from taxation of the real and tangible personal properties of The Maupin-Sizemore Foundation located in the City of Bedford.
2. That it recommends to the General Assembly of Virginia that the Foundation's properties be exempted and classified as being used exclusively for religious and charitable purposes.
3. That the 1998/1999 assessed value and property tax of the Foundation's real and tangible personal properties are as follows:

1997/1998	\$1,584.60
1998/1999	\$1,564.08

Mayor Shelton asked that the City Manager's Office work with the Foundation to submit this request to Delegate Lacey Putney and Senator Steven Newman and help expedite the process to make sure a bill is submitted the first day of the General Assembly Session.

Mayor Shelton stated that as the public hearings for the three applications for vacation of streets or alleys have been held this evening, the next step is to post the ordinances for vacation, and for the adjoining landowners to receive notices.

On motion by Vice Mayor Messier, seconded by Councilman Ballard, voted upon and carried unanimously, Council directed the City Attorney to post the ordinances for consideration at the December 8, 1998, meeting.

City Manager Gross stated that the allocation for full funding under HB 599 has been a growing problem for Virginia cities. The Legislature has reduced funding of HB 599 with resulting fiscal distress for metropolitan areas which are unable to increase their tax base and the growing fiscal pressures for services. The City Manager indicated that the plight of Virginia's cities caused by the annexation moratorium is well recognized and a proposed resolution has been provided to Council which calls upon the Governor and the General Assembly to develop a plan to fully fund HB 599 by the year 2000 and to increase funding for this program beginning in the fiscal year 1999.

Councilman Wandrei moved that the resolution in support of HB 599 be adopted. The motion was seconded by Councilman Ballard, voted upon and carried unanimously by the following roll call vote:

Councilman Brookshier	aye
Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Rice	aye
Councilman Wandrei	aye
Councilman Ballard	aye
Mayor Shelton	aye

The Resolution follows as adopted:

### **RESOLUTION**

A Resolution calling upon the Governor and the General

Assembly of Virginia

To fully fund the State's commitment to localities under HB 599

**WHEREAS**, the General Assembly of Virginia passed House Bill 599 in 1979 as part of a legislative package intended to direct additional state financial assistance to cities in exchange for the loss of authority to annex land in surrounding counties; and

**WHEREAS**, one type of state financial assistance included in HB 599 was payment to cities, towns and counties with police departments, which

was intended to compensate for the disparity between state funding for local police departments and sheriffs' offices; and

**WHEREAS**, the Virginia Code directs the Governor and the General Assembly to increase the total amount of HB 599 funds to be distributed each year by the anticipated percentage change in state general fund revenues; and

**WHEREAS**, funding for HB 599 was reduced from \$80.5 million to less than \$67 million in fiscal year 1992, and has remained frozen at that level since 1992; and

**WHEREAS**, based on annual general fund growth rates, the total amount of HB 599 funding would have increased to \$151 million by fiscal year 1999 if the state had funded this program in accordance with state law; and

**WHEREAS**, if the state had funded this program in accordance with state law, the City of Bedford would currently be receiving \$160,971 per year from the state instead of the \$71,146 which it is currently receiving. If the City of Bedford were receiving the higher amount of funding, it would be able to pay for two (2) additional police officers, carry out community policing programs and be able to supply a school resource officer for our public schools; and

**WHEREAS**, by fiscal year 2000 the total amount of funding that the state would have distributed to localities since the HB 599 program's inception if the law had been observed will be \$610 million; and

**WHEREAS**, since the program's inception the total amount of funding that the state has failed to distribute to Bedford totals \$549,575; and

**WHEREAS**, the commonwealth benefits when the relationship between the state and its local governments is based on mutual trust and support;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Bedford calls upon the Governor and General Assembly to develop a plan to fully fund HB 599 by the year 2000, and to develop amendments to the 1998-2000 budget enacted during the 1999 General Assembly session which will include a substantial increase in this program beginning in fiscal year 1999.

**BE IT FURTHER RESOLVED**, that, upon its passage, this resolution shall be transmitted to the Governor, the General Assembly leadership, the chairs of the Senate Finance Committee and House Appropriations Committee and the chairs of their public safety subcommittees, members

of the Commission on the Condition and Future of Virginia Cities, State Senator Steven D. Newman, Delegate Lacey E. Putney and the Virginia Municipal League.

City Manager Gross stated that Council has received copies of a resolution prepared for consideration as requested by Amherst County. The Amherst County Board of Supervisors is concerned about significant changes to the current operations of the Central Virginia Training Center that may negatively impact its residents, employees and the Central Virginia area. The Board has asked Council to consider adopting a resolution concerning the current development of a "Comprehensive Community and Facility Master Plan" for the delivery of mental health, mental retardation, and substance abuse services in Virginia.

Councilman Ballard moved that the resolution regarding the Central Virginia Training Center be adopted. The motion was adopted by Councilwoman Flood, voted upon and carried unanimously by the following roll call vote:

Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Rice	aye
Councilman Wandrei	aye
Councilman Ballard	aye
Councilman Brookshier	aye
Mayor Shelton	aye

The resolution follows as adopted:

## **RESOLUTION**

**Resolution regarding the "Comprehensive Community  
and Facility Master Plan"**

**For the delivery of mental health, mental retardation and  
substance abuse services in Virginia**

**WHEREAS**, the State of Virginia is developing a Community Facilities Master Plan for mental health, mental retardation and substance abuse services in the State; and

**WHEREAS**, many residents of Amherst County and the surrounding area, including Bedford and Bedford County, are employed at the Central Virginia Training Center; and

**WHEREAS**, the services rendered at the Central Virginia Training Center will be needed no matter what decisions are made with the present facility; and

**WHEREAS**, there is a core of residents of the Central Virginia Training Center that depend on the services provided by the Center and will not be able to live a safe, secure life without the Central Virginia Training Center; and

**WHEREAS**, the parents and family members of the residents of the Central Virginia Training Center cannot adequately provide the services now needed for many of the residents; and

**WHEREAS**, there are inadequate facilities in the Central Virginia area to meet the needs of the residents of the Central Virginia Training Center should it be closed or significantly curtailed in service delivery; and

**WHEREAS**, the Amherst County Board of Supervisors, in a meeting on October 20, 1998, unanimously went on record opposing any change in the current operation of the Central Virginia Training Center and the delivery of services to the residents; and

**WHEREAS**, the Amherst County Board of Supervisors has requested the governing bodies in the Region 2000 area to support its efforts by adoption of a similar resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Bedford that (1) the City opposes any significant change to the current operations of the Central Virginia Training Center that will negatively impact its residents, employees and Central Virginia area; (2) the City supports the Amherst County Board of Supervisors in its efforts to impact the negative effect of the State's study and plan; and, (3) that this Resolution, upon its adoption, be forwarded to State Senator Steve Newman, Delegate Lacey Putney, and to the Amherst County Board of Supervisors.

City Manager Gross stated that the U.S. Department of Justice is offering a 3-year grant of \$125,000 to localities for School Resource Officers. The funds can only be used for salaries and fringe benefits over a period of three years. There are no matching funds required. The application deadline is December 4, 1998. The City Manager indicated that the City must have a written plan for retention of the officer after the 3-year grant period. The Finance Committee has reviewed and supports the proposal. The Police Department will work with the School Superintendent to coordinate the implementation of the program.

Councilman Rice moved that Council approve the submission of the grant for School Resource Officers. The motion was seconded Vice Mayor Messier. After a brief discussion, the motion was then voted upon and carried unanimously.

Vice Mayor Messier moved that Council adopt the resolution canceling the second regular Council meeting in December. The motion was seconded by Councilman Ballard, voted upon and carried by the following roll call vote:

Vice Mayor Messier	aye
Councilman Rice	aye
Councilman Wandrei	aye
Councilman Ballard	aye
Councilman Brookshier	aye
Councilwoman Flood	aye
Mayor Shelton	aye

The resolution follows as adopted:

### **RESOLUTION**

**WHEREAS**, Section 11 of the Charter of the City of Bedford requires that Council shall "fix the time and place of its meeting," and

**WHEREAS**, the City Code requires in Section 2-3 that meetings shall be on "the second and fourth Tuesday of each month," and

**NOW, THEREFORE, BE IT RESOLVED**, the second regular Council meeting in December is scheduled for December 22, 1998, that date being during the Holiday Season; and

**BE IT FURTHER RESOLVED**, that the City Council meeting scheduled for December 22, 1998, be and the same hereby is canceled, and that a called meeting will be held if necessary.

City Manager Gross indicated that a number of years ago the City acquired 0.278 acres of property for the sum of \$10.00 off of Blount Road for use by the Electric Department for a substation. At that time, the City entered into an agreement that if the property were ever abandoned it would be offered back to the owner for \$150.00 to cover the cost of grading and improving the property. The City Electric Department has abandoned the property and the owner has asked the City to sell the property back to him and honor the agreement that was made.

The City Manager recommended that an ordinance be prepared and posted for the transfer of this property back to the owner.

On motion by Councilman Rice, seconded by Councilman Ballard, voted upon and carried unanimously, Council directed the City Manager to prepare and post an ordinance for the transfer of this property.

Councilman Ballard moved that Council adjourn into executive session pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel and staff regarding the CMS proposal for cemetery operations. The motion was seconded by Councilman Wandrei, voted upon and carried unanimously by the following roll call vote:

Councilman Rice	aye
Councilman Wandrei	aye
Councilman Ballard	aye
Councilman Brookshier	aye
Councilwoman Flood	aye
Vice Mayor Messier	aye
Mayor Shelton	aye

Council adjourned into executive session at 8:06 p.m., after a five minute recess declared by the Mayor. Non-council members attending were: City Manager Gross, City Attorney Berry, Clerk of the Council Hatcher, Mrs. Rosie Jordan, and representatives of Cemetery Management Systems, Inc.

Council reconvened into open session at 10:28 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 Wandrei moved that the resolution be adopted. The motion was seconded by Councilman Ballard, voted upon and carried unanimously by the following roll call vote:

Councilman Wandrei	aye
Councilman Ballard	aye
Councilman Brookshier	aye
Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Rice	aye
Mayor Shelton	aye

Mayor Shelton adjourned the meeting at 10:29 p.m. until December 1, 1998, at 7:30 p.m. in the Council Chambers to further discuss the CMS proposal for cemetery operations.