

12-08-98 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 8:05 p.m., December 8, 1998.

Members present: Mayor G. Michael Shelton; Councilman H. Davis Ballard; Councilman Larry D. Brookshier; Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; and Councilman Robert T. Wandrei.

Members absent: Councilman Ronnie C. Rice.

Staff present: City Manager Craig Meadows; 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 welcomed the new City Manager, Craig Meadows.

Mayor Shelton declared that the minutes of the November 24, 1998, regular Council meeting were approved as distributed; and the minutes of the December 1, 1998, adjourned Council meeting were approved as corrected.

Vice Mayor Messier complimented Fran Hart and the Recreation Department on the impressive display of Christmas lights at Liberty Lake Park.

The Mayor stated that A. C. Fuller deserves a lot the credit for the work on the Christmas lights at Liberty Lake Park.

On motion by Vice Mayor Messier, seconded by Councilman Ballard, voted upon and carried, the following changes were made to the agenda:

Added: Consider Declaring Thursday, December 31, 1998, as a City Holiday

Moved: Presentation by Regional Renaissance Vision Group was moved to the first item under "New Business"

Deferred: Abandonment of an Alley between East Main Street and Depot Street near Bedford County Courthouse was deferred until the January 12, 1999, regular meeting

Elizabeth Berry-Mosley, Grants Coordinator, reviewed two modification requests from the original 1995 CDBG Greater West King Street Revitalization Grant:

- To utilize unencumbered funds to address remaining slum and blighting influences that detract from the current revitalization activities addressed through the grant.

- To modify Bondurant Alley to provide a more practical and fiscally responsive redesign that addresses community concerns.

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

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City of Bedford City Council on Tuesday, December 8, 1998 at 7:30 p.m. at the City Municipal Building, Council Hall, 215 E. Main Street, Bedford, VA 24523 for the purpose of:

To modify the program design for completion of the 1995 Community Development Block Grant for Greater West King Street revitalization.

Information regarding this hearing is on file in the office of the Bedford Grants Coordinator, Room B-16, City Municipal Building, 215 E. Main Street, Bedford, VA 24523.

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

By the Authority of the Department of

Planning and Community Development and

City Council of the City of Bedford

Mayor Shelton opened the Public Hearing at 8:14 p.m.

As there were no comments, Mayor Shelton closed the public hearing at 8:15 p.m.

City Manager Meadows reported that Robert T. Wandrei has applied to the City for abandonment of portions of Jeter Street beginning at the point where City maintenance ends and continuing on in a westerly direction to the boundary of the Western Hills Subdivision. The City records indicate that Mr. Wandrei owns the property on both sides of the road to be abandoned. Mr. Meadows stated there are two property owners in the Western Hills Subdivision whose properties abut the end of the paper street, but have access to their properties from that subdivision.

The City Manager stated that the proposed additions to the Bedford County Courthouse require construction of portions of the new building on a 15 foot wide strip of land that is described in the old deed records as an alley running from East Main Street to Depot Street. The proposed plans call for portions of the alley to be a private access way to the new main entrance of the Courthouse; a portion of the alley will have the Courthouse addition on it; and the northern portion of the alley will be used primarily for utility easements. Mr. Meadows indicated that upon abandonment of the public's rights in the alley, all of the adjoining owners have agreed to enter into a deed that will allow the County to proceed with construction.

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

(Portion of Jeter Street)

Please take notice that 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 December 8, 1998 at 7:30 p.m., Robert T. Wandrei will apply for abandonment of those portions of Jeter Street beginning at the point where the present City maintenance ends and continuing in a westerly direction to the boundary of the Western Hills Subdivision.

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

**NOTICE OF PUBLIC HEARING
NOTICE OF INTENTION TO VACATE
OR ABANDON ALLEY OR STREET
(ALLEY BETWEEN EAST MAIN STREET AND DEPOT STREET
NEAR BEDFORD COUNTY COURTHOUSE)**

Please take notice that 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 December 8, 1998 at 7:30 p.m., T. E. Reynolds, Peoples Furniture Company, Incorporated and the County of Bedford will apply for abandonment of an alleyway described in the property records in the Clerk's Office of the Circuit Court of Bedford County as being 15 feet in width, connecting East Main Street and Depot Street, bounded on the east by the Bedford County Courthouse property and on the west by the Burks Scott building and the properties of Peoples Furniture Company, Inc.

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.

T. E. Reynolds

Peoples Furniture Company

County of Bedford

Mayor Shelton opened the public hearings at 8:18 p.m.

Mr. Johnny Overstreet, Attorney for Bedford County, explained the request for the abandonment of the alley between East Main Street and Depot Street.

There were no comments regarding the abandonment of portions of Jeter Street.

As there were no further comments, the Mayor closed the public hearings at 8:25 p.m.

On motion by Vice Mayor Messier, seconded by Councilwoman Flood, voted upon and carried, Council waived the reading of the ordinance to vacate the alley running north from Laurel Street, as the ordinance had been properly posted.

On motion by Councilman Wandrei, seconded by Councilman Brookshier, voted upon and carried by a roll call vote, Council adopted the ordinance to vacate the alley running north from Laurel Street. Roll call vote follows:

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

The ordinance follows as adopted:

**AN ORDINANCE VACATING AN ALLEY
RUNNING NORTH FROM LAUREL STREET**

WHEREAS, Lisa R. McKinney and Donnie R. McKinney have filed with the City of Bedford a petition for abandonment of an alley between two lots on the north side of Laurel Street; and

WHEREAS, notice of the said application and of the intention of the City Council to vacate or abandon the alley or street has been published for two weeks in the **Bedford Bulletin** pursuant to the provisions of Section 15.2-2006; and

WHEREAS, it appears to the City Council that the alley has never been used by the public or developed for public use, and it has been established that no public inconvenience would be suffered by the closing of the alley which is the subject of the application; and

WHEREAS, written notice was given to all landowners adjoining the public right-of-way proposed to be vacated, and the City Council has held a public hearing pursuant to the Notice posted in the newspaper, and the City Council finds that it is not necessary for the appointment of viewers and that it is in the public interest to discontinue and vacate the alley and that no inconvenience would result from such discontinuance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL of the City of Bedford, Virginia, as follows:

Section 1. That the following alley be abandoned pursuant to the provisions of Section 15.2-2006, the alley hereby abandoned being more particularly described as follows:

An alley 15 feet in width bounded on the west by Lot No. 15 and on the east by Lot No. 16, extending from Laurel Street in a northward direction to an alley that runs from Peaks Street on the west to Galax Street on the east, all as shown on a plat of survey entitled "Peaks Street Lots of Mrs. Augusta T. White....," recorded in the Clerk's Office of the Circuit Court of Bedford County in Deed Book No. 142, at page 106.

Section 2. Pursuant to the provisions of Section 15.2-2006, the applicant shall reimburse the City Council the cost of publishing the aforesaid notice and the cost of recording a certified copy of the ordinance in the Clerk's Office of the Circuit Court of Bedford County.

Section 3. This Ordinance shall be effective upon the reimbursement and payment of said sums to the City, and the City Clerk shall cause a copy of the Ordinance to be recorded upon the expiration of sixty (60) days from the adoption of this Ordinance unless an appeal is noted to the Circuit Court pursuant to the Statutes made and provided.

On motion by Councilman Brookshier, seconded by Councilman Ballard, voted upon and carried, Council waived the reading of the ordinance to vacate the alley on the south side of Jackson Street, as the ordinance had been properly posted.

Councilwoman Flood moved that Council adopt the ordinance to vacate the alley on the south side of Jackson Street. The motion was seconded by Councilman Ballard.

Councilman Wandrei stated that he would abstain from voting on this matter and the following agenda item, "Ordinance to Vacate Portions of Pine Street." The motion was then voted upon and carried by a roll call vote as follows:

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

The ordinance follows as adopted:

**AN ORDINANCE VACATING AN ALLEY
BETWEEN THE PROPERTY OF RBX-WALTEX, INC.
AND THE PROPERTY OF BOMAR, INC.
ON THE SOUTH SIDE OF JACKSON STREET.**

WHEREAS, RBX - WALTEX, INC. and BOMAR, INC. have filed with the City of Bedford a petition for abandonment of an alley between their properties running from the southside of Jackson Street in a southerly direction and ending at the Norfolk Southern Railway Property; and

WHEREAS, notice of the said application and of the intention of the City Council to vacate or abandon the alley or street has been published for two weeks in the **Bedford Bulletin** pursuant to the provisions of Section 15.2-2006; and

WHEREAS, it appears to the City Council that the alley has never been used by the public or developed for public use, and it has been established that no public inconvenience would be suffered by the closing of the alley which is the subject of the application; and

Councilman Rice	absent
Councilman Wandrei	abstained
Councilman Ballard	aye
Councilman Brookshier	aye
Mayor Shelton	aye

The ordinance follows as adopted:

AN ORDINANCE VACATING PORTIONS OF PINE STREET

WHEREAS, the City of Bedford has published notice of the intention of the City Council to vacate or abandon those portions of Pine Street which lie south of Jeter Street, said notice having appeared for two weeks in the **Bedford Bulletin** pursuant to the provisions of Section 15.2-2006; and

WHEREAS, it appears to the City Council that the portions of the street to be vacated have never been used by the public or developed for public use, and it has been established that no public inconvenience would be suffered by the closing of such portions of the right of way: and

WHEREAS, written notice was given to all landowners adjoining the public right-of-way proposed to be vacated, and the City Council has held a public hearing pursuant to the Notice posted in the newspaper, and the City Council finds that it is not necessary for the appointment of viewers and that it is in the public interest to discontinue and vacate the alley and that no inconvenience would result from such discontinuance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL of the City of Bedford, Virginia, as follows:

Section 1. That those portions of Pine Street that lie south of Jeter Street be abandoned pursuant to the provisions of Section 15.2-2006.

Section 2. This Ordinance shall be effective immediately, and the City Clerk shall cause a copy of the Ordinance to be recorded upon the expiration of sixty (60) days from the adoption of this Ordinance unless an appeal is noted to the Circuit Court pursuant to the Statutes made and provided.

Dr. Bob Bashore and Barbara Bennett, representing the Regional Renaissance Vision Group, indicated that the Vision Group proposes to work with the counties and municipalities in this area to have public discussions about elements of community life that should be sustained and built upon to maintain or improve quality of life in the region. Mr. Bashore reviewed a proposed time line and asked Council to submit a list of five individuals to serve on the Board of Directors. Mr. Bashore stated that each locality will be asked to contribute fifty cents per citizen to fund this project.

On motion by Councilman Wandrei, seconded by Councilman Ballard, voted upon and carried, Council approved the revisions to the Program Design modifications in the original 1995 CDBG Greater King Street Revitalization Grant. The requested modifications follow as approved:

- To utilize unencumbered funds to address remaining slum and blighting influences that detract from the current revitalization activities addressed through the grant.
- To modify Bondurant Alley to provide a more practical and fiscally responsive redesign that addresses community concerns.

Councilman Wandrei indicated that he would abstain from voting on the next agenda item, "Abandonment of portions of Jeter Street." The request for abandonment was made by Councilman Wandrei.

On motion by Councilwoman Flood, seconded by Councilman Brookshier, voted upon and carried, one member abstaining (Wandrei), Council waived the reading of the ordinance for abandonment of portions of Jeter Street.

Councilman Brookshier moved that Council adopt the ordinance for abandonment of portions of Jeter Street. The motion was seconded by Vice Mayor Messier, and following a brief discussion, was voted upon and carried by the following roll call vote:

Vice Mayor Messier	aye
Councilman Rice	absent
Councilman Wandrei	abstained
Councilman Ballard	aye
Councilman Brookshier	aye

direction to the boundary of the Western Hills Subdivision
(See Plat Book No. 23, page 256).

Section 2. Pursuant to the provisions of Section 15.2-2006, the applicant shall reimburse the City Council the cost of publishing the aforesaid notice and the cost of recording a certified copy of the ordinance in the Clerk's Office of the Circuit Court of Bedford County.

Section 3. This Ordinance shall be effective upon the reimbursement and payment of said sums to the City, and the City Clerk shall cause a copy of the Ordinance to be recorded upon expiration of sixty (60) days from the adoption of this Ordinance unless an appeal is noted to the Circuit Court pursuant to the Statutes made and provided.

City Manager Meadows stated that at the November 24, 1998, Council meeting, Council directed the City Manager to prepare and post an ordinance for the transference of 0.278 acres of property off Blount Road back to the owner for \$150.00 to cover the cost of grading and improving the property. The ordinance has been properly posted.

Councilman Ballard moved that Council waive the reading of the proposed ordinance for sale of abandoned property off Blount Road. The motion was seconded by Councilwoman Flood, voted upon and carried.

Councilman Brookshier moved that Council adopt the ordinance for sale of abandoned property off Blount Road. The motion was seconded by Councilman Wandrei, voted upon and carried by the following roll call vote:

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

The ordinance follows as adopted:

**AN ORDINANCE AUTHORIZING THE SALE AND
CONVEYANCE OF THE ABANDONED ELECTRIC
SUBSTATION PROPERTY ON BLOUNT ROAD
TO WAYNE L. FITZGERALD AND NANCY R. FITZGERALD**

WHEREAS, the City owns a small lot or parcel of land containing 0.278 acres which was conveyed to the Town of Bedford, Virginia, by Odell E. Fitzgerald and Blanche A. Fitzgerald by a deed dated December 10, 1962 and recorded in the Clerk's Office of the Circuit Court of Bedford, Virginia in Deed Book 309, at page 212, and

WHEREAS, the Lot formerly was used by the City of Bedford at the site of an electric substation; and

WHEREAS, due to improvements and changes in the electric system of the City of Bedford, the lot is no longer used by the City of Bedford and there is no proposed public use of the property; and

WHEREAS, Wayne L. Fitzgerald and Nancy R. Fitzgerald own a tract of land adjoining the City lot which was conveyed to them by Blanche A. Fitzgerald by a deed dated June 5, 1968 and recorded in Deed Book No. 347, at page 105; and

WHEREAS, Wayne L. Fitzgerald and Nancy R. Fitzgerald have offered to purchase the abandoned substation lot from the City of Bedford for a price of One Hundred Fifty Dollars (\$150.00), it being the understanding that the City had agreed when it purchased the lot from their predecessors in title that the City would convey the property back for that price if the property were no longer used by the City.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
BEDFORD, VIRGINIA:**

1. It is determined to be in the best interests of the City of Bedford to sell to Wayne L. Fitzgerald and Nancy R. Fitzgerald for a price of One Hundred Fifty Dollars (\$150.00) the following property, to-wit:

All that certain lot or parcel of land together with the improvements thereon and the appurtenances thereunto belonging, located in Peaks Magisterial District, Bedford County, Virginia, along the Old Blount Road, containing

0.278 acres as shown on a plat of survey prepared by the City of Bedford Engineering Department, dated October 28, 1998, entitled "**CITY OF BEDFORD ELEC. SUB-STATION PROPERTY**" together with any appurtenant easement along the outlet road as more fully set forth in the deed from Odell Lee Fitzgerald and Blanche A. Fitzgerald to the Town of Bedford, Virginia, a Municipal Corporation, which deed is dated December 10, 1962 and is recorded in the Bedford County Circuit Court Clerk's Office in Deed Book 309 at page 212.

2. Upon payment of the consideration, the Mayor and the City Clerk are authorized to execute and deliver to Wayne L. Fitzgerald and Nancy R. Fitzgerald a deed conveying the property with General Warranty and English Covenants of Title in a form approved by the City Attorney.

3. This Ordinance shall take effect immediately.

City Manager Meadows reported that the Board of Directors of the Central Virginia Community Services is seeking approval, in accordance with Section 37.1-197(11) of the Code of Virginia, to obtain a loan to purchase two separate properties currently leased by Central Virginia Community Services. The Board is requesting Council to adopt a resolution authorizing it to apply for and accept a loan in the amount of \$1,800,000.00 from One Valley Bank on the terms set forth in a commitment letter dated November 18, 1998.

On motion by Councilman Wandrei, seconded by Councilman Ballard, voted upon and carried by a roll call vote, Council adopted the resolution authorizing Central Virginia Community Services Board to apply for and accept a \$1,800,000.00 loan from One Valley Bank on the terms set forth in the November 18, 1998, commitment letter. Roll call vote follows:

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

The resolution follows as adopted:

RESOLUTION

WHEREAS, Central Virginia Community Services Board is a governmental entity created pursuant to the provisions of Chapter 10 of Title 37.1 of the Code of Virginia (Section 37.1-194 et seq.), pursuant to a joint agreement between the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Bedford and Lynchburg, in order to provide those jurisdictions with mental health, mental retardation, and substance abuse services; and

WHEREAS, Section 37.1-197(11) allows Chapter 10 Boards such as Central Virginia Community Services Board to obtain loans as authorized by the governing bodies of the political subdivisions that established it; and

WHEREAS, the Board of Directors of Central Virginia Community Services Board has found it in the best interest of Central Virginia Community Services Board to purchase two office buildings, one located at 2241 Langhorne Road, Lynchburg, Virginia, and the other at 2235 Landover Place, Lynchburg, Virginia, both of which they are now renting; and

WHEREAS, in order to purchase both properties, Central Virginia Community Services Board needs to obtain a loan in the amount of \$1,800,000.00, on the terms set forth in the November 18, 1998, commitment letter, a copy of which is attached; and

WHEREAS, Central Virginia Community Services Board has petitioned the City of Bedford to obtain the approval required by Section 37.1-197(11) in order to obtain such loan; and

THEREFORE, BE IT RESOLVED, that Central Virginia Community Services Board is hereby authorized by the City of Bedford to apply for and accept the \$1,800,000.00 loan from One Valley Bank on the terms set forth in the November 18, 1998, commitment letter.

On motion by Councilman Wandrei, seconded by Councilwoman Flood, voted upon and carried, Council declared December 31, 1998, as a City holiday with all offices authorized to close except those departments requiring 24-hour continuous operation.

Mayor Shelton adjourned the meeting at 8:50 p.m.

The next regular meeting will be held on January 12, 1999.