

01-26-99 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., January 26, 1999.

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 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.

The Clerk of Council brought to Council's attention corrections to the minutes of the January 12, 1999, regular Council meeting.

Mayor Shelton declared that the minutes of the January 12, 1999, regular Council meeting were approved as corrected.

City Manager Meadows reminded Council of the planning session scheduled for January 30, 1999, beginning at 8:30 a.m. at Liberty Lake Park.

Councilman Rice reported that the Bedford County Board of Supervisors, at its meeting on January 25, awarded the contract for the shell building (for the temporary Courthouse) in the Industrial Park to Buzzy Coleman.

Mayor Shelton reminded Council of a meeting to be held on January 28 in the Council Hall regarding the organization of the Twinning Association for a relationship with Woburn, England, and with the communities of the Omaha Beach area of Normandy, France.

The Mayor received a letter from one of the members of the Omaha Beach Association in France stating that he will be in Bedford on February 1 and 2.

The City Manager stated that a public hearing was held on December 8, 1998, regarding the vacation of an alley connecting East Main Street and Depot Street. No opposition was received. Mr. Meadows indicated the purpose of vacating this alley is due to the renovations of the Bedford County Courthouse. The plans show for a portion of the alley to be a private access way to the new main entrance to 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.

City Manager Meadows stated that the action requested is for Council to adopt the ordinance for the abandonment of an alley between East Main Street and Depot Street near the Bedford County Courthouse and authorize the execution of a deed that will allow the County to proceed with construction.

On motion by Councilman Wandrei, seconded by Vice Mayor Messier, voted upon and carried unanimously, Council waived the reading of the proposed ordinance as it had been posted in accordance with the provisions of Section 2-30 of the City Code.

On motion by Councilman Brookshier, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted an ordinance vacating the alley connecting East Main Street and Depot Street. 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 ordinance follows as adopted:

**AN ORDINANCE VACATING AN ALLEY
CONNECTING EAST MAIN STREET AND DEPOT STREET,
BOUNDED ON THE EAST BY THE
BEDFORD COUNTY COURTHOUSE PROPERTY**

WHEREAS, Bedford County is proceeding with the renovation and expansion of the Bedford County Courthouse; and

WHEREAS, the County of Bedford in connection with the planned renovations and expansion has filed with the City an application; and

WHEREAS, the County of Bedford has filed with the City of Bedford an application for abandonment of an alley 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. and R & R Realty, Inc.; and

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

WHEREAS, the City Council held a public hearing on December 8, 1998 pursuant to the notice posted in the newspaper; and

WHEREAS, written notice was given to all landowners adjoining the public right-of-way proposed to be vacated, and

WHEREAS, the City Council finds that it is not necessary for the appointment of viewers; and

WHEREAS, it appears to the City Council that no public inconvenience would be suffered by the closing of the alley, which is the subject of the application; and

WHEREAS, the property owners adjoining the alley, including the County of Bedford, have asked the City to convey to them the various portions of the alley pursuant to a written agreement between Bedford County and the various private parties; dated January 20, 1999, a copy of which has been filed with the City Planning Department; and

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:

All that certain alley 15 feet in width extending from East Main Street in a northward direction to Depot Street as more fully shown on a plat of survey prepared by Shrader Engineering and Land Surveying, Inc. revised 11-19-98, entitled "**Abandoned Alley to County of Bedford, Va. & Peoples Furniture Company, Inc.**", City of Bedford, Va., **Physical Features Located February 9, 1995, Alley Surveyed August 25, 1998.**"

Section 2. The Mayor and the Clerk are authorized to sign and deliver to Bedford County and the private property owners adjoining the alley such quitclaim deeds as are contemplated in the agreement between the parties, provided such deeds shall be approved by the City Attorney and provided that utility easements are reserved for the benefit of the City.

Section 3. This Ordinance shall be effective immediately, and the City Clerk shall cause a copy of the Ordinance to be recorded upon an 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.

Mayor Shelton stated that the agenda item "Partial Vacation of Bedford Avenue" needed to be removed from the agenda. There were no objections.

City Manager Meadows stated the adoption of the Joint Economic and Growth Sharing Agreement calls for the creation of a Joint Industrial Development Authority which will be responsible for owning and operating the industrial park off of Independence Boulevard and which is charged with promoting economic and industrial development within the development areas designated in the Agreement. The ordinance is proposed to be adopted by the Bedford County Board of Supervisors on February 8, 1999. The ordinance has been posted in accordance with the provisions of Section 2-30 of the City Code.

On motion by Vice Mayor Messier, seconded by Councilman Wandrei, voted upon and carried unanimously, Council waived the reading of the proposed ordinance as it had been posted in accordance with the provisions of Section 2-30 of the City Code.

On motion by Councilman Wandrei, seconded by Councilman Ballard, voted upon and carried unanimously by a roll call vote, Council adopted the Ordinance creating a Joint Industrial Development Authority. Roll call vote follows:

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

created specifically pursuant to the provisions of Section 15.2-4916 which provides for two or more municipalities to create jointly an Authority and to determine what limitations should be placed upon such Authority.

Section 1.3 Purposes and Powers. Except as limited by the terms hereof, the Authority shall have all the powers granted to Authorities under the provisions of Title 15.2, Chapter 49 of the Code of Virginia, 1950, as amended. The Authority shall be charged with the specific duty of developing and operating an Industrial Park site on property within the City of Bedford near Independence Boulevard and such additional park sites as may be designated by the City Council and the Board of Supervisors under the terms of an Agreement dated June 2, 1997 and entitled "Joint Economic and Growth Sharing Agreement." The Authority also shall have the responsibility for promoting industrial and commercial development in certain areas of the City of Bedford and of Bedford County which shall be designated from time to time by the governing bodies of the jurisdictions as "Economic Development Areas." The Bedford Joint Industrial Development Authority shall operate only in those Economic Development Areas designated by the governing bodies, it being the intention that the separate Industrial Development Authorities of the two jurisdictions shall continue to operate in respect to other areas of the two jurisdictions.

ARTICLE II. DIRECTORS

Section 2.1 Governing Body. The Bedford Joint Industrial Development Authority shall be governed by a Board of Directors composed of seven directors. The Directors shall be residents of the City of Bedford or of Bedford County. No Director shall be an officer or employee of either jurisdiction.

Section 2.2 Appointment of Directors. The seven Directors shall be appointed by the governing bodies of the two jurisdictions. Three members shall be appointed by the Council of the City of Bedford; three shall be appointed by the Board of Supervisors of Bedford County; and the seventh member shall be appointed by the Council of the City of Bedford for one term and by the Board of Supervisors of Bedford County for the next term, and the appointment of such seventh member shall continue to alternate between the two governing bodies. The seven Directors shall be appointed initially for terms of one, two, three and four years; one being appointed by each governing body for a one year term; one being appointed by each governing body for two year terms; one being appointed by each governing body for three year terms; and the fourth alternating member being appointed by the City Council for a four-year term; subsequent appointments shall be for terms of four years; except appointments to fill vacancies which shall be for the unexpired terms shall

be by the governing body that made the appointment to the office which is being vacated. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any Director a successor thereto shall not have been appointed, then the Director whose term of office shall have expired shall continue to hold office until his successor shall be appointed and qualify.

Section 2.3 Quorums for Action. Four members of the Board of Directors shall constitute a quorum of the Board for the purpose of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the Authority shall be leased or disposed of in any manner without a majority vote of the members of the Board of Directors.

ARTICLE III

OFFICERS

Section 3.1 Positions. The Directors shall elect from the membership a Chairman, a Vice-Chairman, and from their membership or not, as they desire, a Secretary and a Treasurer, or a Secretary/Treasurer. Such officers shall continue to hold such offices until their respective successors shall be elected.

Section 3.2 Compensation. The Directors shall receive no salary or compensation unless approved by the governing bodies from time to time, but they shall be reimbursed for their traveling and other expenses incurred in the performance of their duties.

ARTICLE IV

REPORTS AND AUDITS

Section 4.1 Annual Audit. Each year the Bedford Joint Industrial Authority shall be audited by an independent auditing service, and copies of the audit shall be furnished to both the City Council and to the Board of Supervisors. The audit shall be presented to the City Council and to the County Board of Supervisors within a period of sixty (60) days after the close of the fiscal year or thereafter as is reasonably expedient.

Section 4.2 Financial reports and records. The Board of Directors shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions, which shall be open for inspection by representatives of the City Council and by representatives of the Board of Supervisors. Within

sixty (60) day of the close of each fiscal year, the Board of Directors shall submit to the City Council and to the Board of Supervisors financial reports showing expenditures and revenues and a statement showing the financial condition of the Authority at the end of the preceding fiscal year, a written opinion of the success of the Authority approved by its Board of Directors, a list of tenants, purchasers or other persons occupying or using any of its facilities, and recommendations regarding future Industrial and Commercial projects.

Section 4.3 Dissolution and Disposal of Property. If the City Council and the Board of Supervisors are of the opinion that the purposes for which the Authority was formed have been substantially complied with and that all obligations heretofore incurred by the Authority have been fully paid, upon certification thereof by the Members of the Board of Directors of the Bedford Joint Industrial Authority, then the two governing bodies shall resolve that the Authority should be dissolved, and the Authority shall be dissolved pursuant to the provisions of Section 15.2-4914, and the title to all funds and properties owned by the Authority at the time of such dissolution shall vest equally in the City of Bedford and in the County of Bedford.

Section 2. This Ordinance creating a Joint Industrial Development Authority for the City of Bedford and for Bedford County shall become effective only upon adoption by both governing bodies, and such Ordinance shall be in full force and effect from and after the date of passage by the second governing body.

The City Attorney suggested that Council appoint the members to the Joint Industrial Development Authority at its meeting on February 9.

City Manager Meadows stated that one of the things not contemplated in the FY 1998-99 was the purchase of an administrative vehicle for use by the City Manager. Mr. Meadows requested that funds be appropriated to purchase the vehicle.

On motion by Vice Mayor Messier, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Council appropriated \$17,503 from the unappropriated contingency to Account No. 101204.4306 for the purchase of an administrative vehicle for use by the City Manager. Roll call vote follows:

Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Rice	aye
Councilman Wandrei	aye

Councilman Ballard aye

Councilman Brookshier aye

Mayor Shelton aye

Councilman Ballard moved that Council adjourn into executive session pursuant to Section 2.1-344 (a)(7) Legal Counsel of the Code of Virginia of 1950, as amended, concerning the U. S. Cellular Lease on No Business Mountain. The motion was seconded by Councilman Brookshier, voted upon and carried unanimously 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

Council adjourned into executive session at 7:45 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, Chief of Police Graham, and Clerk of the Council Hatcher.

Council reconvened into open session at 7:56 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.

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

