

03-09-99 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., March 9, 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.

Mayor Shelton declared that the minutes of the February 23, 1999, regular Council meeting were approved as distributed.

City Manager Meadows reported that a representative of the Virginia Department of Transportation has notified the City that VDOT should have a stop light installed at East Main Street and Independence Boulevard by the Fall.

The City Manager stated he has asked the Public Works Director and Police Chief to take a look at signalization and traffic flow at the Longwood Avenue/Oakwood Street intersection, and signalization at the Longwood Avenue and Independence Boulevard intersection.

City Manager Meadows suggested that Council take a tour of the Middle School Gymnasium and the new E-911 Center before the second regular meeting in April.

The City Manager stated that RFP's are being solicited from interested firms for the Middle School Comprehensive Site Study. Those proposals are due back by March 28.

City Manager Meadows reported that bids for audit services for the upcoming fiscal year are currently being solicited.

The City Manager stated that Council had been given copies of the following:

- a copy of an article about Bedford in the February 1999 *Mid-Atlantic Antiques Guide*

- a memorandum from Spiegel & McDiarmid outlining the Virginia General Assembly's actions toward electric restructuring
- a letter from Duane Dalquist, Blue Ridge Power Agency, relating to the AEP refund
- an invitation to a Press Conference being held by the Bank of The James on Friday, March 12, at 10:00 a.m.

Councilman Ballard stated the City had received a letter from Susan Greer, owner of Greer's General Store, asking to be appointed to the Keep Bedford Beautiful Commission. Councilman Ballard requested that the appointment of Ms. Greer be added to the Consent Agenda.

Councilman Rice asked that the Property Committee work with the City Manager and, Fran Hart, Director of Parks, Recreation, & Cemeteries, to review the possibility of turning the old landfill into a soccer field.

Discussion ensued regarding the Peaks Area Soccer Association (PASA) participating in a project to convert the old landfill into a soccer field.

The City Manager will meet with Ms. Hart and review any preliminary cost estimates that have previously been prepared.

Mayor Shelton stated the Property Committee would be involved at a later time.

It was the consensus of Council to add the following item to the Consent Agenda:

Appointment of Member - Keep Bedford Beautiful Commission

Mayor Shelton reminded Council of the Chamber of Commerce Dinner to be held at the Moose Lodge on March 19 at 6:30 p.m.

Mayor Shelton reported that the Transportation Commission's annual Preallocation Hearing will be held on March 23 at the Salem Civic Center.

Mayor Shelton commented on the confusing situation that occurred this morning due to schools being convened at the regular time and then being closed at 9:00 a.m. because of snow. The Mayor was concerned about the apparent problem in decision making that brought in cafeteria workers to prepare breakfast, which had to be discarded, and the operation of the buses. The Mayor asked the City Manager to work with the school system to determine what type of costs were incurred in meal preparation and the operation of the buses in order to ascertain the cost to the City.

The Consent Agenda consisted of the following item: Appointment of Susan Greer to the Keep Bedford Beautiful Commission for a term expiring June 30, 2001.

On motion by Councilman Rice, seconded by Councilman Ballard, voted upon and carried unanimously, Council adopted the Consent Agenda.

Renee Fisher, Executive Director of Longwood Industries, Inc., described the services offered by Longwood Industries. Ms. Fisher stated that Longwood Industries is requesting level funding in the FY 1999-2000 budget in the amount of \$5,400.

Ellen Wandrei, Managing Director of the Bedford City/County Museum, made a presentation to Council regarding the progress of the renovation of the Museum. Ms. Wandrei explained the funding request for the Museum for FY 1999-2000.

Ms. Wandrei stated the Twenty-fourth Masonic District is making a significant contribution to the renovation of the interior of the Museum.

Council will schedule a tour of the Museum in order to see the progress of the renovation project.

City Manager Meadows stated that following the February 23, 1999, Council meeting, Council directed the City Attorney to prepare an Ordinance closing approximately 130 feet of Bedford Avenue that lies between Peaks Manor Drive and Fourth Street and retaining public rights including pedestrian use of the sidewalks. The City Manager stated the closing will be subject to the developers' construction of the proposed street system as presented to the Planning Commission.

On motion by Councilman Wandrei, seconded by Councilwoman Flood, voted upon and carried unanimously, Council waived the reading of the proposed ordinance regarding the partial closing of Bedford Avenue, as the ordinance had been posted in accordance with the provisions of Section 2.30 of the City Code.

Councilman Wandrei moved that Council adopt the ordinance. The motion was seconded by Councilman Brookshier, voted upon and carried by the following roll call vote:

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

The ordinance follows as adopted:

**ORDINANCE DISCONTINUING A PORTION OF
BEDFORD AVENUE ON THE NORTH SIDE
OF THE CONCRETE RETAINING WALL**

WHEREAS, W. E. Cundiff Company has filed with the City of Bedford a request for closing of a portion of Bedford Avenue; and

WHEREAS, notice of the said application and of the intention of the City Council to vacate or abandon said portion of Bedford Avenue from the proposed new entrance of Peaks Manor Apartments to Fourth Street was published for two weeks in the *Bedford Bulletin* pursuant to the provisions of §15.2-2006, and notice was also given that the Planning Commission would jointly meet with the City Council; and

WHEREAS, the Planning Commission recommended closing and discontinuing the maintenance of the portions of Bedford Avenue, but retaining the public's right-of-way and making the closing subject to the developer's construction of the planned street system; and

WHEREAS, written notice has been given to all landowners adjoining the public right-of-way proposed to be discontinued, and the City Council after a public hearing finds that it is not necessary for the appointment of viewers and that it is in the best public interest to close and discontinue portions of Bedford Avenue north of the concrete retaining wall.

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

Section 1. That the City Council has determined to discontinue and close for public use the pave portions of Bedford Avenue lying on the north side of the concrete retaining wall and east of Fourth Street but the City Council does not abandon or vacate the public's rights in such portions of Bedford Avenue.

Section 2. The discontinuance of public maintenance and the closing of such portions of the street shall be conditioned and occur only upon the developer's posting a

bond with corporate surety or other financial assurance satisfactory to the City under the terms of the Land Development Regulations to assure construction of the planned street system, and this Ordinance shall be effective only upon reimbursement of the payment of the costs of publishing the notice and the costs of recording the certified copy of the Ordinance in the Clerk's Office.

Section 3. The City Clerk shall cause a copy of this Ordinance to be recorded in the Clerk's Office of the Circuit Court of Bedford County upon the expiration of sixty days from the adoption of this Ordinance unless an appeal is noted in the Circuit Court pursuant to the Statutes made and provided the City Manager has certified that the conditions of the Ordinance, including the reimbursement and payment of sums to the City and the posting of the security have been met.

City Manager Meadows reported that following the February 23, 1999, Council meeting, Council directed the City Attorney to prepare an Ordinance vacating portions of Reservoir Avenue that abut Lots #18, #19, and portions of Lot #17.

On motion by Vice Mayor Messier, seconded by Councilman Ballard, voted upon and carried unanimously, Council waived the reading of the proposed ordinance vacating portions of Reservoir Avenue, as the ordinance had been posted in accordance with the provisions of Section 2.30 of the City Code.

Councilman Rice moved that the ordinance vacating portions of Reservoir Avenue be adopted. The motion was seconded by Vice Mayor Messier, voted upon and carried by the following roll call vote:

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

The ordinance follows as adopted:

**AN ORDINANCE VACATING A PORTION
OF RESERVOIR AVENUE**

WHEREAS, Vance A. Hazel and Virginia R. Hazel, owners of certain property at the corner of Helm Street and a paper street referred to on the land records as Reservoir Avenue, have applied for the vacation of the portion of Reservoir Avenue that abuts their property; and

WHEREAS, notice of the said application and of the intention of the City Council to vacate or abandon the entire street known as Reservoir Avenue was published for two weeks in the *Bedford Bulletin* pursuant to the provisions of §15.2-2006; and

WHEREAS, after the public hearing on February 23, 1999, the City Council approved vacation of the portion of Reservoir Avenue adjacent to the property of the Hazels and directed that an Ordinance to that effect be prepared, but further directed that consideration of vacating the remainder of Reservoir Avenue would be deferred until viewers could be appointed; and

WHEREAS, written notice has been given to all property owners adjoining the public right of way proposed to be vacated, and the City Council finds that it is not necessary for the appointment of viewers in respect to the portions of Reservoir Avenue adjacent to the Hazel property and that it is in the public interest to discontinue and vacate the street 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 portions of Reservoir Avenue adjacent to the property of Vance A. Hazel and Virginia R. Hazel and lying to the south of the Hazel property are hereby abandoned and vacated pursuant to the provisions of §15.2-2006.

Section 2. The applicant shall reimburse the City Council for the cost of publishing the 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 in the Clerk's Office of the Circuit Court of Bedford County upon expiration of sixty (60) days of the adoption of this Ordinance unless an appeal is noted to the Circuit Court pursuant to the Statutes made and provided.

The City Manager reported that Christmas in April of Bedford, Inc., is requesting Council to authorize the waiving of building permit fees in connection with the group's scheduled projects within the City, as well as any landfill tipping fees that might be applicable. The projects will include repairs on three houses. The estimated total cost for materials for the projects within the City is \$5,000 and the permit fees and landfill tipping fees would be approximately \$40.00. The staff has recommended the waiving of the fees; however, permits will be required for both zoning and building code purposes. In addition, it should be understood that any removal of asbestos must be done under EPA guidelines.

On motion by Councilman Brookshier, seconded by Councilwoman Flood, voted upon and carried unanimously, Council waived the building permit fees and landfill tipping fees for projects to be undertaken by Christmas in April of Bedford, Inc., within the City.

Councilman Rice recommended that the people whose homes are considered for Christmas in April projects should be screened more thoroughly. The City Manager will convey Mr. Rice's comments to the Director of Christmas in April.

Robert Monk, Animal Control Officer, presented a report regarding deer management in the City. The report included the following information:

- the increase in motor vehicle accidents in the City because of deer:

1996 - 17 accidents

1997- 37 accidents

1998 - 60 accidents

- management options - descriptions and costs of: (a) Lynchburg's Wildlife Management Program (b) Fairfax's Deer Management Program

- alternatives to hunting

Council will be furnished copies of the Virginia Deer Management Plan.

It was the consensus of Council that the Safety Committee review from a policy standpoint the most effective program for deer management for the community.

The Mayor asked the staff to develop a questionnaire for members of Council to complete regarding their ideas on a deer management program. The results of the questionnaire will be given to the Safety Committee for its review.

Discussion ensued regarding methods for distributing the Police Department's Deer Controlling Recommendations for Homeowners. The following methods for distribution of the recommendations were: mailing with the utility bills and coverage in the local newspaper.

Mayor Shelton adjourned the meeting at 9:00 p.m.