

### 3-23-99 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 23, 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 led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of the March 9, 1999, regular Council meeting were approved as distributed.

The City Manager stated that RFP's for the Middle School Comprehensive Site Study are due by Friday.

City Manager Meadows reported that the RFP's for audit services for the upcoming fiscal year are also due by Friday.

The City Manager stated the staff has been reviewing the Longwood Avenue/Oakwood Street intersection and the Longwood Avenue and Independence Boulevard intersection. The Longwood Avenue/Oakwood Street intersection is scheduled for repavement this year. When this work is done, the following will be addressed: the center line on Longwood Avenue and updating the signalization at that intersection, including a trip switch on Oakwood Street. The City has asked the Virginia Department of Transportation to review signalization and traffic flow at the Longwood Avenue and Independence Boulevard intersection.

City Manager Meadows stated that he and the Electric Utility Director attended a meeting with officials from American Electric Power (AEP) regarding the refund. AEP was seeking to have several of the Blue Ridge Power Agency cities remove themselves as contestants to AEP's merger. As a result of that meeting, the City will be receiving a check from AEP for approximately \$1.3 million within the next four weeks. Mr. Meadows stated the money will be used for some much needed improvements to the electric system.

The City Manager spoke about the emergency situation of an ammonia leak at Professional Food Systems on Industrial Avenue which occurred on March 19.

The Chief of Police spoke about the help the City has received from fire and rescue personnel, surrounding communities, and governmental agencies in taking care of this situation. The Chief explained that a private contractor was doing work inside the facility and a leak occurred in the system. The building inspector was called in and he ordered the evacuation of the building. The Fire Department and Rescue Squad and emergency services personnel were notified and responded.

Representatives of the Department of Emergency Services and the Environmental Protection Agency explained the problem that occurred and the steps taken to correct the situation. They reported that there has been a significant reduction of levels, but there is pressure on the system and the valve is still leaking.

The Chief stated that a letter had been delivered to the Vice President of the company this afternoon advising the company that the facility is to be repaired and not to be reused and they are not to start up the refrigeration system until repairs have been made, it has been inspected and tested by an engineer.

Councilman Ballard stated that he received a telephone call from a citizen in the Burks Hill Road area who observed the following: at the location where a new convenience store is to be built on Burks Hill Road, a tank was being removed and the contents of the tank were allowed to drain onto the ground and were then covered by dirt.

The Chief stated that the police officer who investigates such complaints will review this.

Councilman Rice suggested that Council write a letter or pass a resolution of support for the renovation of the Court House, and have it read at a meeting of the Bedford County Board of Supervisors.

Councilman Rice spoke regarding the entrance to the D-Day Memorial.

The City Manager reported that plans for the Memorial have been formally presented to the City staff and those plans have been given to officials at VDOT for their opinion on the design of the interchange. Mr. Meadows stated that same information has been sent to Dewberry & Davis with a request for a recommendation, as part of the Burks Hill Road study which has been undertaken by the City Planning Commission,

City Manager Meadows indicated that a meeting has been scheduled with Richard Burrow regarding technical details about the project.

Councilman Brookshier expressed appreciation to the Fire Department and Electric Department for their response to a recent fire at Rubatex Corporation.

Mayor Shelton reported that he, the City Manager, the Public Works Director, and the Director of Planning & Community Development attended the VDOT preallocation hearing earlier in the day and presented the City's needs. The Mayor stated that a strong

request was made for directional signs to Bedford on Interstate 81, exit 150, with the offer of the City providing whatever assistance is necessary.

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 at 7:30 p.m. on Tuesday, March 23, 1999, at Council Hall, Municipal Building, 215 East Main Street, for the following purposes:

1. To consider the conveyance of 0.100 acres to William B. Huff and Joyce M. Huff as part of an exchange of lands in connection with the construction of the new industrial access road from Independence Boulevard into the proposed industrial park.
2. To consider confirming the sale and conveyance of the abandoned electric substation property on Blount Road to Wayne L. Fitzgerald and Nancy R. Fitzgerald (previously authorized by Ordinance enacted on December 8, 1998).
3. To consider execution of a Deed of Easement to the Commonwealth of Virginia, Board of Historic Resources, imposing restrictions upon the museum property owned by the City and County on East Main Street in accordance with requirements of a state grant for rehabilitation of historic buildings.
4. To consider confirming the sale and conveyance of a triangular lot of land located on the north side of Industrial Avenue and an adjoining portion of an old roadway to J & T Enterprises (previously authorized by Ordinance enacted on October 27, 1998).

Anyone who wishes to attend will have an opportunity to express their views at this hearing.

By the Authority of the City of Bedford City Council

The City Attorney stated that a technical correction needed to be made to the Public Hearing Notice under number one. Mr. Berry indicated that in the exchange, the City is

receiving 0.100 acres and the City is conveying .395 acres to William B. Huff and Joyce M. Huff.

Mayor Shelton opened the public hearing at 8:36 p.m.

As there were no comments, Mayor Shelton closed the public hearing at 8:37 p.m.

The Consent Agenda consisted of the following items:

Reappointment of Hazel Otey, Youtha Porter, Mary Johnson, and Louise Robertson to serve three-year terms on the Keep Bedford Beautiful Commission, said terms to expire June 30, 2002.

Appointment of William H. Ross to the Redevelopment and Housing Authority, said term to expire October 13, 2002.

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

On motion by Councilman Wandrei, seconded by Councilman Ballard, voted upon and carried unanimously, Council waived the reading of an Ordinance confirming the sale and conveyance of property off Blount Road.

On motion by Councilman Rice, seconded by Councilman Ballard, voted upon and carried unanimously by a roll call vote, Council adopted the Ordinance confirming the sale and conveyance of the abandoned electric substation property consisting of .0278 acres of property off Blount Road to Wayne Fitzgerald for \$150.00. 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 CONFIRMING THE SALE  
AND CONVEYANCE OF THE ABANDONED  
SUBSTATION PROPERTY ON BLOUNT ROAD  
TO WAYNE L. FITZGERALD AND NANCY R. FITZGERALD**

**WHEREAS**, the City Council by Ordinance enacted on December 8, 1998, approved the sale of 0.278 acres to Wayne S. Fitzgerald and Nancy R. Fitzgerald for a price of \$150; and

**WHEREAS**, the City Council has held a public hearing at its regularly scheduled meeting on March 23, 1999, after public notice of said hearing was advertised once in the *Bedford Bulletin* at least seven days prior to the hearing; and

**WHEREAS**, the City Council desires to confirm its decision to approve the conveyance;

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

Section 1. The City Council confirms its approval on December 8, 1998, of the sale to Wayne L. Fitzgerald and Nancy R. Fitzgerald of the abandoned substation lot from the City of Bedford for a price of One Hundred Fifty Dollars (\$150.00); and

Section 2. The Mayor and City Clerk are hereby authorized to execute and deliver the proposed Deed of Exchange conveying the simple title of the abandoned substation lot to Wayne L. Fitzgerald and Nancy R. Fitzgerald, free and clear of any liens.

Section 3. This Ordinance shall take effect immediately.

City Attorney Berry stated there is an error in the proposed ordinance confirming the sale and conveyance of a lot of land to J & T Enterprises, as follows:

Section 2 should be eliminated, and Section 3 then becomes Section 2

On motion by Vice Mayor Messier, seconded by Councilman Rice, voted upon and carried unanimously, Council waived the reading of the proposed ordinance confirming the sale and conveyance of a lot of land to J & T Enterprises.

On motion by Councilman Rice, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the amended ordinance confirming the sale and conveyance of a lot of land to J & T Enterprises. Roll call vote follows:

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 CONFIRMING THE SALE  
AND CONVEYANCE OF A TRIANGULAR LOT  
OF LAND LOCATED ON THE SOUTH SIDE OF  
INDUSTRIAL AVENUE AND AN ADJOINING PORTION  
OF AN OLD ROADWAY TO J & T ENTERPRISES**

**WHEREAS**, the City Council by Ordinance enacted on October 27, 1998 approved the sale of a triangular lot of land bounded on the north by Industrial Avenue, on the southwest by property formerly being part of a 30' outlet road known as Miller Road, and on the east by property owned by J & T Enterprises, a Virginia partnership, composed of Jerry E. Brown and Thomas E. Reynolds, Jr., partners and the sale has taken place; and

**WHEREAS**, the City Council has held a public hearing at its regularly scheduled meeting on March 23, 1999 after public notice of said hearing was advertised once in the *Bedford Bulletin* at least seven days prior to the hearing to allow for public comment and no one has objected to said conveyance; and

**WHEREAS**, the City desires to confirm its approval on October 27, 1998 of the conveyance;

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

Section 1. The City Council confirms its approval on October 27, 1998 of the sale to J & T Enterprises of the triangular lot of land bounded on the north by Industrial Avenue, on the southwest by property formerly being part of a 30' outlet road known as Miller Road, and on the east by property owned by J & T Enterprises, a Virginia partnership, composed of Jerry E. Brown and Thomas E. Reynolds, Jr., partners for a price of Five Thousand Dollars (\$5,000); and

Section 2. This Ordinance shall take effect immediately.

On motion by Vice Mayor Messier, seconded by Councilman Ballard, voted upon and carried unanimously, Council waived the reading of the proposed ordinance authorizing the City Manager to execute the Deed of Easement for the Bedford City/County Museum.

On motion by Vice Mayor Messier, seconded by Councilman Brookshier, voted upon and carried unanimously, Council adopted the ordinance authorizing the City Manager to execute the Deed of Easement for the Bedford City/County Museum. 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

The ordinance follows as adopted:

**AN ORDINANCE AUTHORIZING THE EXECUTION  
OF A DEED OF EASEMENT RESTRICTING  
ALTERATIONS TO THE CITY-COUNTY MUSEUM PROPERTY**

**WHEREAS**, a condition of the State Grant for improvements to the City-County Museum requires certain restrictions to be placed upon the property to protect its historic and architectural features; and

**WHEREAS**, the City Council has held a public hearing at its regularly scheduled meeting on March 23, 1999 after public notice of said hearing was advertised once in the *Bedford Bulletin* at least seven days prior to the hearing;

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

Section 1. The City Council approves the proposed Deed of Easement placing certain restrictions upon the museum property for the benefit of the Commonwealth of Virginia, Board of Historic Resources.

Section 2. The Mayor and City Clerk are hereby authorized to execute and deliver the proposed Deed of Easement.

Section 3. This Ordinance shall take effect immediately.

On motion by Vice Mayor Messier, seconded by Councilman Ballard, voted upon and carried unanimously, Council waived the reading of the proposed ordinance approving an exchange of land near the new Industrial Park entrance.

On motion by Vice Mayor Messier, seconded by Councilman Ballard, voted upon and carried unanimously by a roll call vote, Council adopted the Ordinance approving an exchange of land near the new Industrial Park entrance involving land owned by the City and land owned by William R. Huff and Joyce M. Huff. Roll call vote follows:

Vice Mayor Messier

aye

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

The ordinance follows as adopted:

**AN ORDINANCE AUTHORIZING AN EXCHANGE  
OF PROPERTY IN CONNECTION WITH THE  
CONSTRUCTION OF THE NEW INDUSTRIAL  
ACCESS ROAD FROM INDEPENDENCE BOULEVARD  
INTO THE PROPOSED INDUSTRIAL PARK,  
PURSUANT TO WHICH WILLIAM B. HUFF  
AND JOYCE M. HUFF CONVEY 0.100 ACRES TO THE CITY  
AND THE CITY OF BEDFORD CONVEYS 0.395 ACRES TO  
JOYCE M. HUFF AND WILLIAM B. HUFF**

**WHEREAS**, William B. Huff and Joyce M. Huff own property on the south side of the proposed Industrial Access Road leading from Independence Boulevard to the new Industrial Park; and

**WHEREAS**, when the final construction drawings were prepared for the new road, the City discovered that additional land was needed to complete drainage facilities for the road; and

**WHEREAS**, William B. Huff and Joyce M. Huff have agreed to convey the hereinafter described lot containing 0.100 acres to the City in exchange

for a lot containing 0.395 acres, all as shown on a Plat of Survey Entitled "*Plat Showing Survey of Property Being Conveyed by: Lot B City of Bedford . . . to Joyce M. and William B. Huff – 0.395 acres and Lot A Joyce M. and William B. Huff . . . to City of Bedford 0.100 Acres,*" prepared by Donnie W. Slusher, dated January 22, 1999; and

**WHEREAS**, the City Council has held a public hearing at its regularly scheduled meeting on March 23, 1999 after public notice of said hearing was advertised once in the *Bedford Bulletin* at least seven days prior to the hearing; and

**WHEREAS**, the proposed Deed of Exchange has been approved by the City Attorney, and the City Council desires by this Ordinance to accept the proposed conveyance;

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

Section 1 The City Council deems it to be in the best interests of the City to enter into an exchange of lands with William B. Huff and Joyce M. Huff, pursuant to which William B. Huff and Joyce M. Huff will convey 0.100 acres to the City of Bedford and the City of Bedford will convey 0.395 acres to William B. Huff and Joyce M. Huff, the property as being show on a Plat of Survey Entitled "*Plat Showing Survey of Property Being Conveyed by: Lot B City of Bedford . . . to Joyce M. and William B. Huff – 0.395 acres and Lot A Joyce M. and William B. Huff . . . to City of Bedford 0.100 Acres,*" prepared by Donnie W. Slusher, dated January 22, 1999; and

Section 2. The Mayor and City Clerk are hereby authorized to execute and deliver the proposed Deed of Exchange conveying the simple title to the 0.395 acres to William B. Huff and Joyce M. Huff and conveying fee simple title to the 0.100 acres to the City of Bedford, free and clear of any liens.

Section 3. This Ordinance shall take effect immediately.

Mayor Shelton stated that he had talked with the City Manager and County Administrator to obtain information for the development of a resolution setting forth the position of Council regarding the Court House project. The Mayor asked that the resolution be prepared.

City Manager Meadows stated the resolution will include the fact that the City is putting 11.74% into the Court House project.

After its adoption, the Mayor will publicly present the resolution to the Board of Supervisors.

Mayor Shelton adjourned the meeting at 8:45 p.m.