

5-25-99 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., May 25, 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 May 11, 1999, regular Council meeting were approved as distributed.

The City Manager reported on the following items:

- a flyer listing deer repellent measures was included with the utility bills
- invitation to Council to attend the employee picnic scheduled for June 19 at Liberty Lake Park
- the Electric Utility Director and City Manager will be attending a MEPAV conference regarding electric utility deregulation May 26-28
- introduced Sandra Luse, new Tourism Director for the Chamber of Commerce

Councilman Rice asked if the Virginia Department of Transportation (VDOT) has contacted the City about the new traffic signals at the intersection of Independence Boulevard and Longwood Avenue.

The Director of Public Works stated that the Traffic Engineer at the VDOT Salem office is to meet with him regarding the new signals.

Discussion ensued regarding converting the old landfill into a soccer field. The City Manager stated that a meeting has been held and that possibly a report can be made within the next two weeks.

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

NOTICE

SYNOPSIS OF BUDGET FOR FISCAL YEAR

JULY 1, 1999 TO JUNE 30, 2000

CITY OF BEDFORD, VIRGINIA

Notice is hereby given that a public hearing will be held by the City Council May 25, 1999, at 7:30 p.m. in the Council Hall of the City Municipal Building in relation to the budget for the City of Bedford for fiscal year 1999-00, at which time any citizen of the City shall have the right to attend and state his or her views. Detailed copies of the budget are available for inspection during normal office hours in the office of the City Manager and the office of the Clerk of Council.

Mayor Shelton opened the public hearing at 7:38 p.m.

Mr. John Vaeth, 1382 Jefferson Terrace, spoke as Chairman of the Bedford Industrial Management Council (BIMC). Mr. Vaeth outlined the reasons BIMC opposes the budget as proposed:

- 1) A 20% rate increase only applied against commercial users of City water and sewage is unfair and inconsistent with current revenue/expense matching practices.
- 2) BIMC believes such a rate increase is detrimental in economic development. Specifically, in maintaining existing businesses and attracting new business to our City. As a council, BIMC believes there is a need for further diversification of business in the City.
- 3) Other cost reduction or revenue enhancing opportunities deserve study.

Mr. Vaeth stated that BIMC recommends that Council not approve the budget as submitted.

Ms. Melanie Crenshaw, Director of the Bedford Red Cross, gave an overview of the Youth Services Programs and explained the Safe Haven Program.

Ms. Barbara Ring, Director of the Chamber of Commerce, asked Council to continue funding the tourism program and explained the benefits derived from the program.

Ms. Vicki Fuerer, representing Bedford Main Street, Inc., asked Council to continue level funding in the proposed budget for Bedford Main Street.

Ms. Charlene McFall, Chairman of Bedford Main Street, Inc., asked Council to continue level funding in the proposed budget for Bedford Main Street.

Mr. Steve Pittman, 810 Baltimore Avenue, spoke about the importance of replacing vehicles in the Police Department.

Mr. Eddie Harmony, 510 Longwood Avenue, also spoke about the importance of replacing vehicles in the Police Department.

Ms. Linda Kochendarfer, 1127 Granite Drive, asked Council to support the Main Street Program and maintain level funding.

Mr. Philip Sullivan, 1422 Belmont Avenue, spoke about the replacement of vehicles in the Police Department, the need for safe, reliable transportation, and the impact that unsafe vehicles have on the level of services to the citizens.

As there were no further comments, Mayor Shelton closed the public hearing at 8:26 p.m.

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, May 25, 1999, at the City Municipal Building, Council Hall, 215 E. Main Street for the purpose of considering the following requests:

1. To consider dedication of 5.177 acres of land as an industrial access road to be known as Venture Boulevard located on the east side of Independence Boulevard and providing access to Bedford Center for Business which is being developed by the Joint Industrial Development Authority of the City of Bedford and Bedford County.
2. To authorize conveyance to the City of Bedford Redevelopment and Housing Authority of the House and Lot located at

438 West King Street, title to which was acquired by the City in connection with a rehabilitation loan and which property must be disposed of in accordance with the Greater West King Street Rehabilitation Grant.

Information regarding the above matters is on file in the department of Economic Development.

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

By the Authority of the City of Bedford

City Council

Mayor Shelton opened the public hearing at 8:28 p.m.

As there were no comments on the industrial access road, Mayor Shelton called for comments regarding the conveyance of the house and lot located at 438 West King Street to the City of Bedford Redevelopment and Housing Authority.

As there were no comments, Mayor Shelton closed the public hearing at 8:29 p.m.

On motion by Councilman Wandrei, seconded by Vice Mayor Messier, voted upon and carried unanimously, Council waived the reading of a proposed ordinance authorizing the dedication of 5.177 acres as an industrial access road as the ordinance had been proposed posted.

On motion by Vice Mayor Messier, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance authorizing the dedication of 5.177 acres as an industrial access road. 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 AUTHORIZING THE
DEDICATION OF 5.177 ACRES AS AN
INDUSTRIAL ACCESS ROAD**

WHEREAS, the City of Bedford has acquired title to 95.499 acres of land, more or less, located on the east side of Independence Boulevard which is being developed as an Industrial and Business Park to be known as the Bedford Center for Business; and

WHEREAS, by resolution adopted on June 23, 1998, the City Council requested that the Commonwealth of Virginia Transportation Board provide industrial access funding to provide an adequate road to the property; and

WHEREAS, industrial access funding has been approved by the Virginia Department of Transportation and as a condition of such funding the City is required to dedicate the right-of-way as an industrial access road; and

WHEREAS, the City has caused a plat of survey to be prepared showing the metes and bounds of the industrial access road to be so dedicated, the plat of survey being entitled "Bedford Center for Business," and being dated January 25, 1999, revised May 4, 1999, and having been prepared by Donnie W. Slusher, land surveyor; and

WHEREAS, the City Council has held a public hearing to consider such action at its regularly scheduled meeting on May 18, 1999, after public notice of said hearing was advertised once in the *Bedford Bulletin* at least seven days prior to the hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD:

Section 1. The City Council hereby authorizes and directs the Mayor and the Clerk of Council to execute and deliver for recordation an appropriate deed of dedication dedicating to the use of the public as a public industrial road the following described real estate:

All that certain 5.177 acres designated Venture Boulevard on a plat of survey prepared by Donnie W. Slusher, Land Surveyor, dated 1/25/99, revised 5/4/99, entitled "Bedford Center for Business."

Section 2. This Ordinance shall take effect immediately.

On motion by Councilman Brookshier, seconded by Councilman Ballard, voted upon and carried unanimously, Council waived the reading of a proposed ordinance authorizing conveyance to the City of Bedford Redevelopment and Housing Authority of the House and Lot located at 438 West King Street as the ordinance had been properly posted.

On motion by Councilman Ballard, seconded by Councilman Brookshier, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance authorizing conveyance to the City of Bedford Redevelopment and Housing Authority of the House and Lot located at 438 West King Street. Roll call vote follows:

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

The ordinance follows as adopted:

**AN ORDINANCE AUTHORIZING THE
CONVEYANCE TO THE CITY OF BEDFORD**

**REDEVELOPMENT AND HOUSING AUTHORITY OF THE
HOUSE AND LOT LOCATED AT 438 WEST KING STREET**

WHEREAS, the City of Bedford Redevelopment & Housing Authority previously acquired the lot located at 438 West King Street and conveyed title to Linda M. Childress, who had executed and delivered to the City of Bedford a rehabilitation deed of trust note in the principal amount of \$31,000 for the construction of renovations and improvements upon the property under a Redevelopment Grant; and

WHEREAS, Linda M. Childress was unable to comply with the requirements of the Grant and pursuant to a deed dated March 30, 1999, and recorded in the Clerk's Office of the Circuit Court of Bedford County as Instrument No. 90004488 conveyed the hereinafter described lot with the improvements thereon to the City of Bedford in consideration of the City's releasing her from the covenants under the promissory note and the deed of trust; and

WHEREAS, the City desired to reconvey the property to the City of Bedford Redevelopment & Housing Authority so that the Authority can dispose of the property in accordance with the terms of the City Grant; and

WHEREAS, the City Council has held a public hearing to consider such action 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 OF BEDFORD:

Section 1. The City Council approves the conveyance to the City of Bedford Redevelopment and Housing Authority of the following described property, to-wit

All that certain lot or parcel of land, together with the buildings and improvements thereon and the privileges and appurtenances thereunto belonging, situate on the north side of King Street, in the City of Bedford, Virginia, containing .084 acres and known as 438 King Street and shown as Property of City of Bedford on a Plat of Survey entitled, "Resurvey of the Property of City of Bedford Located on WEST KING STREET" made by City of Bedford Engineering Department dated November 3, 1998, and recorded with a deed from the City of Bedford

Redevelopment and Housing Authority to Linda M. Childress, dated December 15, 1998, and recorded as Instrument No. 980017147, pursuant to which title was conveyed to Linda M. Childress.

Section 2. The Mayor and the City Clerk are hereby authorized to execute and deliver a deed carrying out the terms of this Ordinance.

The City Manager stated that the increase in development at the Ole' Turnpike Road, Highway 460, and Woodhaven Drive interchange is significant. Mr. Meadows reported that within a half mile of the intersection and including the intersection, there have been a number of traffic accidents in the last year, some of which have been attributed to limited sight distance.

On motion by Councilman Rice, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted the resolution regarding safety improvements at Ole' Turnpike Drive, Highway 460 and Woodhaven Drive. 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 resolution follows as adopted:

RESOLUTION

WHEREAS, the City of Bedford and the Bedford residency of the Virginia Department of Transportation agree that safety improvements need to be made to the Intersection of Ole' Turnpike Drive, U. S. Highway 460 and Woodhaven Drive; and

WHEREAS, the State Police and City of Bedford Police are concerned with safety at this location due to increased development in the area; and

WHEREAS, an increasing number of vehicular accidents are occurring at this intersection and areas just east and west of the intersection; and

WHEREAS, the City of Bedford had identified the Intersection on its Six-Year Transportation Plan for safety improvements; and

NOW, THEREFORE, BE IT RESOLVED, the City of Bedford supports the Virginia Department of Transportation Bedford residency's desire to utilize safety funds to make these needed improvements at the Intersection of Ole' Turnpike Drive, Highway 460 and Woodhaven Drive.

The City Manager stated that legislation approved by the 1999 General Assembly gives Virginia Retirement System (VRS) members the option of retiring with unreduced benefits at age 50 with 30 years of service. This benefit is available to state employees and school divisions and is also available to participating municipalities, unless their governing bodies elect not to provide the benefit. The cost to the City would be approximately 1.5% more if the City elects to provide it. City Manager Meadows recommended that Council agree to allow this enhanced benefit for the City employees effective July 1, 1999.

On motion by Councilman Ballard, seconded by Vice Mayor Messier, voted upon and carried unanimously, Council supported the City's participation in the 50/30 retirement provisions of the Virginia Retirement System.

On motion by Councilman Wandrei, seconded by Vice Mayor Messier, voted upon and carried unanimously by a roll call vote, Council approved the resolution canceling the first regular Council meeting in June. 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 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

WHEREAS, the City Council intends to adjourn its May 25, 1999, meeting to June 1, 1999, at 6:00 p.m. to take action upon the budget, and it does not appear necessary to hold its regular meeting on June 8, 1999;

NOW, THEREFORE, BE IT RESOLVED, that the regularly scheduled meeting of June 8, 1999, be canceled;

BE IT FURTHER RESOLVED THAT, the Mayor may call a special meeting between June 1, 1999, and the next regular meeting on June 22, 1999, if circumstances so require.

Mayor Shelton declared a recess from 8:40 p.m. until 8:50 p.m.

Council proceeded to hold a work session on the proposed budget for FY 1999-00.

The City Manager reviewed a summary of changes for the proposed budget.

Members of Council asked questions and discussed various items in the proposed budget, some of which included: the proposed water and sewer increase, Liberty Lake Park Christmas lights, landfill tipping fees, new sidewalk construction, and other items.

Vice Mayor Messier moved that Council take \$60,000 of the \$77,000 additional contingency and move it into the General Fund to offset increases in the Water and Sewer rate on the commercial side. The motion was seconded by Councilwoman Flood.

A lengthy discussion ensued.

The Clerk read the motion. The Mayor and City Manager indicated the motion should read: "that Council take \$60,000 of the \$77,000 additional contingency and move it into the Water and Sewer Fund (not General Fund) to offset increases in the Water and Sewer rate on the commercial side."

The City Manager asked if the intention of the motion is an adjustment to the rate increase or a reduction in the rate increase.

Vice Mayor Messier stated the intention of the motion is a reduction in the increase.

The motion was then voted upon and did not pass.

Councilman Wandrei moved that Council delete the funds for Christmas lights as reflected in the Recreation Department budget. The motion was seconded by Councilman Rice, voted upon and did not pass. Roll call vote follows:

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

Councilman Brookshier moved that Council delete the \$85,000 allocated in the proposed budget for new sidewalk construction. The motion was seconded by Councilman Wandrei.

Councilman Ballard made following amendment to the motion: to reduce the deletion of funds from \$85,000 to \$50,000, which died for lack of a second.

Councilman Brookshier's motion was then voted upon and did not pass.

Councilman Brookshier moved that Council delete the tipping fee increase from the proposed budget. The motion was seconded by Councilman Rice.

Discussion ensued.

Councilman Brookshier amended his motion by including the deletion of the \$1.50 increase in the monthly residential refuse collection fee. Councilman Rice, who seconded the motion, agreed to the amendment.

The motion was then voted upon and did not pass.

Vice Mayor Messier moved that Council adjourn into executive session pursuant to Section 2.1-344(a)(1) (Personnel) of the Code of Virginia of 1950, as amended, for discussion of personnel matters. The motion was seconded by Councilman Wandrei, 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

Council adjourned into executive session at 10:22 p.m.

Council reconvened into open session at 10:34 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 Ballard aye
Councilman Brookshier aye
Councilwoman Flood aye
Vice Mayor Messier aye
Councilman Rice aye
Councilman Wandrei aye
Mayor Shelton aye

Councilman Ballard stated that the Property Committee is recommending the firm of Craddock & Cunningham to prepare the Master Plan for the Middle School. Discussion ensued regarding having an educational consultant also work on that project.

Councilman Wandrei asked for more time to consider this recommendation in detail.

Council will consider this item at the next meeting, which is scheduled for June 1.

Mayor Shelton adjourned the meeting at 10:22 p.m. until June 1, 1999, at 6:00 p.m. in the Council Chambers.