

## **8-24-1999 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., August 24, 1999.

Members present: Mayor G. Michael Shelton; Councilman H. Davis Ballard; Councilman Larry D. Brookshier; Vice Mayor E. Thomas Messier; Councilman Ronnie C. Rice; and Councilman Robert T. Wandrei.

Members absent: Councilwoman Mary L. Flood.

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 August 10, 1999, regular Council meeting and the minutes of the August 17, 1999, called Council meeting were approved as distributed.

City Manager Meadows brought to Council's attention the following:

Brochures for: Leadership Bedford '99 and Bedford Business Expo '99

Schedule of the Regional Renaissance meetings

Notice from Golden West Foods that its Chairman and owner, Frank B. Brooks, passed away on August 18, 1999.

Public Works Director Clarke Gibson spoke regarding the water situation:

- water level at the reservoir, as of today, 62 inches below the spillway
- average production from August 15 - August 21 was 1.29 million gallons per day; previous week, 1.45 million gallons per day
- mandatory restrictions were implemented on August 17
- a pump was purchased and installed at the river pumping station, which is allowing the City to pump 200,000 per day of well water to the Water Treatment Plant
- if there is no significant rainfall and no further reduction in demand, it is projected the Condition 3 date (which is 7 feet below the spillway) would be

implemented on September 7. The condition four date (15 feet below the spillway) is projected at October 18.

City Manager Meadows reported that citizens and industries have responded extremely well to the mandatory water use restrictions. The City Manager stated that the following industries have

sent information to the City regarding the steps they have taken to reduce water consumption: RUS, Golden West, and Piedmont Label.

The City Manager suggested the dates of Friday, October 29, and Saturday, October 30, for Council's retreat planning session. Members of Council are to notify the City Manager's Office if they will be unable to attend.

Councilman Rice spoke regarding the Goode soccer teams being interested in working with Bedford County regarding leasing soccer fields and he suggested the City should look into this.

Councilman Brookshier stated that Rubatex Corporation experienced a major internal electrical emergency recently and offered appreciation and praise for the City Electric Department's assistance with this problem.

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

## **PUBLIC HEARING NOTICE**

### **Vacation of Streets Within**

#### **The City of Bedford**

#### **Pursuant to Section 15.2-2272**

Notice is hereby given of a public hearing to be held by the City Council on Tuesday, August 24, 1999, at 7:30 p.m. for the purpose of considering the following request:

Georgia Chryssikos Witt, Lewis J. Chryssikos and Nell K. Chryssikos, by and through their attorney, T. Henry Clarke, IV, will petition the City Council of the City of Bedford, Virginia, to adopt an ordinance pursuant to Section 15.2-2272 of the Code of Virginia of 1950, as amended, vacating Maiden Lane and Claytor Avenue, as shown on that certain "Map of Bedford Court" dated September 1927, made by S. S. Lynn, being of record in the Clerk's Office of the Circuit Court of Bedford County, Virginia, in Plat Book 153, at Page 222.

The purpose of the proposed ordinance is to vacate those certain streets known as Maiden Lane and Claytor Avenue located on property owned by Georgia Chryssikos Witt, Lewis J. Chryssikos and Nell K. Chryssikos. Attorney for Petitioners: T. Henry Clarke, IV.

Information regarding this request is on file in the office of Planning & Community Development.

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

By the Authority of the City Council

Of the City of Bedford

**PUBLIC HEARING NOTICE**

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Notice is hereby given of a public hearing to be held by the City Council on Tuesday, August 24, 1999, at 7:30 p.m. for the purpose of considering the following request:

The City of Bedford, by and through its City Attorney, William W. Berry, IV, will petition the City Council of the City of Bedford, Virginia, to adopt an ordinance pursuant to Section 15.2-2272 of the Code of Virginia of 1950, as amended, vacating all such portions of plats of record that show the private streets designated Echols Creek Drive (also referred to as Broad Street), Dean Drive and Norfolk Avenue as lie within the boundaries of the Bedford Center for Business (Plat Book No. 38, page 52), except for the rights of William R Huff and Joyce M. Huff in Dean Drive south of Venture Boulevard. The private streets are shown on the plat entitled "Map of the Twin Spring Development" (Subd. Plat Book No. 1, page 45).

Information regarding this request is on file in the office of Planning & Community Development.

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

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Elizabeth Berry-Mosely reviewed a map showing the two requests.

Vacation of Maiden Lane and Claytor Avenue: the staff recommended that the vacation be conditioned upon a resurvey to create two separate lots, which could be subdivided at a later date, if necessary.

Vacation of streets within the Bedford Center for Business: the City is requesting vacation of the old plats showing the private roads within the area included in the new business/industrial park, except for the portion of Dean Drive south of Venture Boulevard, which William R. and Joyce Huff have reserved for access to their property.

Mayor Shelton opened the public hearings at 7:50 p.m.

T. Henry Clark, IV, attorney representing Georgia Chryssikos, Witt, Lewis J. Chryssikos and Nell K. Chryssikos stated his clients have not had a chance to evaluate the cost involved in resurveying Maiden Lane and would like to continue this request to another date if possible. Mr. Clark indicated his clients would like to proceed with the Claytor Avenue request and that they are in agreement with the conditions set forth about surveying it into one tract.

Hugh Bond, realtor asked Council to vacate all of Claytor Avenue. Mr. Bond also asked that the Maiden Lane request be deferred until the cost of the survey can be evaluated.

Mr. David Thomas, Shady Knoll Avenue (lots 11 and 12), spoke against Council vacating Maiden Lane, as it would possibly force a right-of-way across his property.

Mayor Shelton asked for comments on the vacation of streets within the Bedford Center for Business. There were no comments.

As there were no further comments, Mayor Shelton closed the public hearings at 8:01 p.m.

City Attorney Berry reviewed with Council possible changes to the proposed ordinance vacating Claytor Avenue, which would eliminate Maiden Lane from consideration. The City Attorney reviewed the following: this would combine all the properties owned by them on the east side and a new plat showing 8, 9, 10,

11, and 12 in Block C on the west side, together with a little piece of Lot 2 which is sticking out into Independence Avenue and part of Claytor would be one lot.

Discussion ensued.

The City Attorney stated the ordinance with the amendment takes in less than the one that was advertised so there is no problem with the advertisement.

Mr. Clarke withdrew the request for vacating Maiden Lane.

The Clerk of Council read aloud the proposed amended section of the ordinance.

Councilman Rice moved that Council waive the reading of the remainder of the proposed ordinance. The motion was seconded by Councilman Wandrei, voted upon and carried.

On motion by Vice Mayor Messier, seconded by Councilman Wandrei, voted upon and carried by a roll call vote, Council adopted the amended ordinance vacating Claytor Avenue. Roll call vote follows:

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

The ordinance follows as adopted:

**AN ORDINANCE VACATING CLAYTOR AVENUE AS  
SHOWN ON THAT CERTAIN "MAP OF BEDFORD COURT"**

**WHEREAS**, Georgia Witt, Lewis L. Chryssikos, and Nell L. Chryssikos have petitioned the City Council to vacate portions of the plat entitled "Map of Bedford

Court" which is recorded in the Clerk's Office of the Circuit Court of Bedford County in Plat Book No. 1, at page 259; and

**WHEREAS**, public notice of the intention to vacate the portions of such plats has been given by publication and advertisement as required by law; and

**WHEREAS**, the petitioners are successors in title to the developer of the subdivision and own title to the underlying fee in the private roads; and

**WHEREAS**, the abandonment of these roads will leave certain of the lots without access, but the petitioners own large blocks which include the lots that would have no access, and, if the interior lot lines were vacated and the lots owned by the petitioners were combined, each resulting lots would have access to the public roads;

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

**Section 1.** The City Council pursuant to the provisions of Section 15.2-2272 of the Code of Virginia (1950), as amended, hereby vacates those portions of the plat entitled "Map of Bedford Court" (Plat Book No. 1, page 259) as show Claytor Avenue, but said vacation shall be conditioned on the recordation of a new plat showing the resulting combined properties of the petitioners on the east side of Independence Boulevard and the combination of lots 8-12 and 21 and the portion of Claytor Avenue on the west side of Independence Boulevard, which shall be approved by the City Zoning Administrator.

**Section 2.** This ordinance shall be effective from and after the date of adoption, and the Clerk of the City Council shall cause a certified copy of this ordinance with a copy of the new plat attached to be recorded in the Clerk's Office of the Circuit Court of Bedford County if no appeal of the adoption of the ordinance is filed within the time specified in Section 15.2-2272 or if the ordinance is upheld on appeal.

Councilman Ballard moved that Council waive the reading of the proposed ordinance for vacation of streets within the Bedford Center for Business as it had been properly posted. The motion was seconded by Vice Mayor Messier, voted upon and carried.

On motion by Vice Mayor Messier, seconded by Councilman Ballard, voted upon and carried by a roll call vote, Council adopted the ordinance vacating streets within the Bedford Center for Business, which include portions of Echols Creek Drive (Broad Street), Dean Drive and Norfolk Avenue. Roll call vote follows:

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

The ordinance follows as adopted:

**AN ORDINANCE VACATING ALL SUCH PORTIONS  
OF THE PLATS OF RECORD THAT  
SHOW THE PRIVATE STREETS DESIGNATED  
ECHOLS CREEK DRIVE (ALSO REFERRED TO  
BROAD STREET), DEAN DRIVE AND  
NORFOLK AVENUE AS LIE WITHIN THE  
BOUNDARIES OF THE BEDFORD CENTER  
FOR BUSINESS**

**WHEREAS**, the City of Bedford has acquired title to approximately 96 acres of land on the East side of Independence Boulevard for use as a new business and industrial park being developed jointly by the County of Bedford and by the City of Bedford; and

**WHEREAS**, the City has recorded in the Clerk's Office of the Circuit Court of Bedford County in Plat Book No. 38, at page 52, anew plat entitled "Bedford Center for Business," which shows a new industrial access road known as Venture Boulevard containing 5.177 acres and a large tract of 90.322 acres; No. 31, Page 52; and

**WHEREAS**, the land within the boundaries of the Bedford Center for Business is a part of property formerly shown on a plat or survey entitled "Map of the Twin Springs Development," which was recorded in Subdivision Plat Book No. 1, Page 45 in 1960; and

**WHEREAS**, the map of the Twin Spring Development included many small lots and several private streets designated as Norfolk Avenue, Dean Drive, and Broad Avenue, which extended through the land now owned by the City of Bedford and shown on the new plat entitled "The Bedford Center for Business"; and

**WHEREAS**, the City of Bedford, in order to avoid any questions concerning the elimination of the old roadways within the boundaries of its properties, has requested the City Council to adopt an ordinance formally vacating and abandoning those portions of the old plats which have been replatted as The Bedford Center for Business and which were shown on said plats as Broad Avenue (also referred to on later plats as Echols Creek Drive), Dean Drive, and Norfolk Avenue, except for a small portion of Dean Drive which lies south of Venture Boulevard and which provides access from Independence Boulevard and Venture Boulevard to the property of William R. Huff and Joyce Huff; and

**WHEREAS**, public notice of the intention to vacate the portions of such plats has been given by publication and advertisement as required by law;

**WHEREAS**, said old private streets are no longer needed to provide access between the lots shown on a map of Twin Spring Development and other public roadways;

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

**Section 1.** The City Council pursuant to the provisions of Section 15.2-2272 of the Code of Virginia (1950), as amended, hereby vacates those portions of recorded plats and those portions of private streets thereon which are designated Broad Street (designated on some later plats as Echols Creek Drive), Dean Drive and Norfolk Avenue and which lie within the boundaries of the Bedford Center for Business (Plat Book No. 38, Page 52), except for the private easement rights of William R. Huff and Joyce M Huff in the portion of Dean Drive located south of Venture Boulevard, such streets having been shown on the plat entitled "map of Twin Spring Development" (Subdivision Plat Book No. 1, Page 45).

**Section 2.** This ordinance shall be effective from and after the date of adoption, and the Clerk of the City Council shall cause a certified copy of this ordinance to be recorded in the Clerk's office of the Circuit Court of Bedford County if no appeal of the adoption of the ordinance is filed within the time specified in Section 15.2-2272 or if the ordinance is upheld on appeal.

Mrs. Joanne Caldwell, City Treasurer, presented the annual report of uncollected real estate and personal property taxes for the fiscal years 1996-97, 1997-98, and 1998-99:

**Real Estate Tax Status as of August 13, 1999:**

Tax

Tax Year	Assessment Collected	Assessment Uncollected	Percentage
1996-97	\$1,569,444.70	\$1,726.64	99.89%
1997-98	\$1,698,732.71	\$7,267.14	99.58%
1998-99	\$2,037,089.73	\$19,632.08	99.04%

**Personal Property Tax Status as of August 13, 1999:**

1996	\$ 1,022,713.51	\$6,342.28	99.38%
1997	\$ 1,158,553.89	\$8,550.74	99.27%
1998	\$ 1,189,529.96	\$14,788.69	98.76%

City Manager Meadows stated the Code of Virginia requires approval of the governing bodies that established the local community services board for the Performance Contract for the Central Virginia Community Service Board. Mr. Meadows indicated that the contract Council had before them had been approved by the Central Virginia Community Service Board of Directors at its June meeting.

On motion by Councilman Brookshier, seconded by Councilman Ballard, voted upon and carried, Council approved the Central Virginia Community Services' Performance Contract for State Fiscal Year 2000.

Mayor Shelton adjourned the meeting at 8:15 p.m.

