

12-14-99 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., December 14, 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 November 12, 1999, adjourned Council meeting were approved as distributed; and the minutes of the regular Council meeting of November 23, 1999, were approved as corrected.

City Manager Meadows expressed appreciation to members of Council for attending the employee Christmas dinner.

The City Manager reported that a representative of the Virginia Department of Transportation stated the engineering for the stop light at the intersection of East Main Street and Independence Avenue will begin immediately.

City Manager Meadows stated the City will be making improvements on Orange Street: junk vehicles cleanup; removal of dumpsters across from Public Works by the end of January; and the City will be cleaning up its facilities on Orange Street.

Councilman Ballard spoke about tractor-trailer trucks continuing to drive through the downtown area and the problem that causes. The City Manager stated that a possible solution could be the installation of signs.

Mr. Roger Henderson, Executive Director of the Bedford Community Health Foundation, gave a presentation on behalf of the Bedford Community Health Assessment Team. Mr. Henderson stated that the purpose of the Team was to assess the health needs of the community. Mr. Henderson explained the threefold purpose of the presentation: 1. to information Council of why the assessment was conducted, the methodology and the findings; 2. to recognize and highlight those programs that are already in place addressing these issues; 3. to point out some programs where City Council might have the opportunity to help address some these health needs in the community.

Mr. Howard Ainsley, Vice President and Director of Carilion Bedford Memorial Hospital, stated there is a need to place a greater emphasis on health education. Mr. Ainsley asked Council to be mindful of health issues especially during budget time.

Mr. Steve Fullerton, Brown Edwards and Company gave highlights of the Comprehensive Annual Financial Report for the year ended June 30, 1999.

On motion by Councilman Rice, seconded by Councilwoman Flood, voted upon and carried unanimously, Council accepted the Comprehensive Annual Financial Report for the year ended June 30, 1999.

The Mayor stated that a presentation on the Standards of Learning would be made by Ms. Mickey VanDerwerker, City Representative to the County School Board, and member of Parents Across Virginia United to Reform SOLS.

Ms. VanDerwerker gave a slide presentation and reviewed the goals of Parents Across Virginia.

A brief discussion ensued.

City Manager Meadows stated that City entered into an agreement between the Bedford Community Health Foundation, Inc., and the Board of Trustees of the Bedford Public Library on May 9, 1995, granting the Health Foundation a five-year lease of facilities located in the library for use of the Foundation. The lease agreement had a provision that the lease could be extended for an additional five years if the Health Foundation so desired and the Board of Trustees of the Library and City Council concurred. Mr. Meadows reported the Library Board of Trustees endorsed the request of the Health Foundation to extend the lease.

Mr. Meadows stated that Council is requested to agree to the extension of the May 9, 1995, agreement between the City and the Board of Trustees of the Bedford Public Library and the Bedford Community Health Foundation for an additional five (5) years terminating on June 3, 2005.

On motion by Vice Mayor Messier, seconded by Councilman Ballard, voted upon and carried unanimously, Council agreed to the extension of the agreement between the City and the Board of Trustees of the Bedford Public Library and the Bedford Community Health Foundation.

The City Manager stated that in order to conform with new wording in the State Erosion and Sediment Control legislation, the City of Bedford Code should be amended.

On motion by Councilman Brookshier, seconded by Councilman Ballard, voted upon and carried unanimously, Council waived the reading of the proposed ordinance regarding erosion and sediment control.

Councilwoman Flood moved that the Ordinance to Amend and Reordain the City Code as it pertains to Erosion and Sediment Control be adopted. The motion was seconded by Councilman Ballard.

Councilman Wandrei questioned if an exception should be included in the Ordinance for gardens over 10,000 square feet.

Discussion ensued.

On motion by Councilman Wandrei, seconded by Vice Mayor Messier, voted upon and carried, Council amended the second sentence of Sec. 5-22 of the ordinance to include the language *except as exempted by State Code*.

The original motion to adopt the ordinance was then voted upon 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

The resolution follows as adopted:

**AN ORDINANCE AMENDING THE EXISTING CITY LAWS
CONCERNING EROSION AND SEDIMENT CONTROL**

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

Section 1. Article 3, Chapter 5 of the Code of the City of Bedford is amended and re-enacted as follows:

Sec. 5-19. Purpose of Article.

ARTICLE 3. EROSION AND SEDIMENT CONTROL

This article shall provide for, both during and following development, the effective control of erosion and sedimentation by the enforcement of the Virginia Erosion and Sediment Control Law and the minimum standards

promulgated by the Virginia Soil and Water Conservation Board and known as the Virginia Erosion & Sediment Control Regulations.

Sec. 5-20. Program and Regulations Established.

The erosion and sediment control program of the City of Bedford shall consist of the current Virginia Erosion and Sediment Control Handbook for standards and guidelines relating to soil erosion and sediment control. The City of Bedford shall exercise the responsibilities of the program authority, as provided by Virginia law and by this article.

Sec. 5-21. Designation of Administrator and Enforcement Authority.

The Building Official is designated as the administrator, enforcement officer and permit issuing authority in The City of Bedford and shall have the power and authority to inspect, monitor, report, issue and revoke permits and to ensure compliance with the erosion and sediment control program of the City. The plans for a land disturbing activity shall be forwarded to the Engineering Department for review, recommendations and inspections.

Sec. 5-22. Approval of Plans and Issuance of Permit and Fee.

Erosion and sediment control plans shall be submitted to and reviewed and acted upon by the administrator or his designee. A plan is required for all land disturbing activities in excess of 10,000 square feet except as exempted in the State Code, Erosion & Sediment Control Law. The applicant shall apply for a Land Disturbing Permit from the City. Plans shall be approved and permits shall be issued pursuant to the Virginia law and applicable regulations of the Virginia Soil and Water Conservation Board or its successor board.

Applicants shall pay to the City a fee to defray the cost of program administration, including costs associated with plan review, issuance of land disturbing permits, periodic inspection and enforcement. The fee shall be \$25.00 per acre or portion thereof, of the land disturbing activity.

Sec. 5-23. Appeals and Penalties.

Appeals and Penalties shall be in accordance with the Virginia Erosion and Sediment Control Law. For purposes of this section, the "person aggrieved" shall be limited to the applicant or permit holder, owners of adjacent and downstream property and any interested government agency or officer thereof.

Sec. 5-24. Surety required.

Land disturbing activities in excess of one (1) acre shall require a surety approved by the Administrator, in an amount and for a duration satisfactory to insure soil stabilization.

Sec. 5-25. Liability of persons enforcing the erosion and sediment control regulations.

Any officer or employee charged with the enforcement of the erosion and sediment control regulations acting in good faith and without malice to the City in the discharge of his duties shall not thereby render himself liable personally and he is hereby relieved from all personal liability from any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against any city officer or employee because of such act or omission performed by him in the enforcement of any provisions of the erosion and sediment control regulations shall be defended by the city attorney until final determination of the proceedings.

Section 2. This ordinance shall take effect upon completion of publication one time in a newspaper published in the week or posting at three or more places for one week as required by Section 19 of the City Charter.

The City Manager stated the Taxicab Committee received a request from Cross Country, Ltd., Taxi to raise their rates to \$4.00 each way. Taxicab charges have not been reviewed since December 1985. The current rate is a variable rate based on miles.

Mr. Meadows stated it is recommended that Council adopt a rate change to a flat \$4.00 each way for any fare up to one mile outside the City limits. Any fares outside the one-mile limit may not exceed \$1.00 per additional mile. Additional flat rates would be: \$0.50 per additional passenger; \$0.25 handling for each parcel/luggage handled by the driver; \$12.00 per hour/0.20 per minute for waiting.

On motion by Vice Mayor Messier, seconded by Councilman Brookshier, voted upon and carried unanimously, Council approved the request for rate change for taxicab fees.

City Manager Meadows stated a request has been received recently to open an indoor archery range. The existing ordinance was reviewed as a result of that request. Mr. Meadows indicated that the Chief of Police recommended amendments to Section 14-69 and Section 14-74 of the City Code which deal respectively with discharge of firearms and discharge of other weapons such as air guns, bows and arrows. A proposed ordinance has been posted in accordance with the requirements of the City Code.

Councilman Ballard moved that Council waive the reading of the proposed ordinance. The motion seconded by Councilman Brookshier, voted upon and carried unanimously.

Councilman Ballard moved that Council adopt the ordinance amending the City Code regarding discharge of firearms and other weapons. The motion was seconded by Councilwoman Flood, 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	aye
Councilman Ballard	aye
Mayor Shelton	aye

The ordinance follows as adopted:

**AN ORDINANCE AMENDING THE EXISTING CITY LAWS CONCERNING
DISCHARGING OF FIREARMS AND DISCHARGING
OF AIR GUNS AND BOWS AND ARROWS
TO INCLUDE VARIOUS EXCEPTIONS,
INCLUDING EXCEPTIONS FOR INDOOR ARCHERY
RANGES AND USE BY CITY PERSONNEL
IN THE CONTROL OF ANIMALS**

Be it ordained by the City Council of the City of Bedford, Virginia:

Section 1. Section 14-69 and Section 14-74 of the Code of the City of Bedford are amended and re-enacted as follows:

Section 14-69 Weapons - Discharging of Firearms

It shall be unlawful for any person in the city to discharge any rifle, shotgun, or firearm of any description; provided, that this section shall not apply to the following:

(a) the discharge of firearms and other weapons by law enforcement officers and military forces in the city as part of authorized training in the performance of their duties or by any other person whose discharge of a firearm is justifiable or excusable at law in the protection of his life or as otherwise specifically authorized by law;

(b) the discharge of blank cartridges in theatrical performances or sporting events or the firing of salutes by firing squads at military funerals;

(c) the use of the City's firearms range under the supervision of the Police Department;

(d) the use of firearms for control of animals by approved city personnel under the supervision or at the recommendation of the Virginia Department of Game and Inland Fisheries, the Virginia Department of Agriculture, or the Virginia Department of Health.

Section 14 -74 - Same - Discharging or Using Slingshots, Air Guns, etc.

It shall be unlawful for any person in the city to discharge or use any slingshot, sling, gravel shooter, air gun, bow, cross bow or similar implement provided, that this section shall not apply to the following:

(a) the discharge of arrows from a bow on an indoor archery range which has been approved as to safety of location and construction by the Chief of Police;

(b) the operation of a shooting event that is sponsored by an organized group, provided, the written approval of the Chief of Police as to the safety and location and date of the event is obtained prior to the event.

(c) the use of such weapons under the supervision of the Police Department for the purposes of training on the City's firearms range;

(d) the use of such weapons for control of animals by approved city personnel under the supervision or at the recommendation of the Virginia Department of Game and Inland Fisheries, the Virginia Department of Agriculture, or the Virginia Department of Health.

Section 2. This ordinance shall take effect upon completion of publication on time in a newspaper published in the week or posting at three or more places for one week as required as Section 19 of the City Charter.

Mayor Shelton adjourned the meeting until December 16, 1999, at 5:00 p.m. for a presentation by Craddock Cunningham regarding the Middle School Master Plan.