

Minutes 11-14-2000

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., November 14, 2000.

Members present: Mayor G. Michael Shelton; Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; Councilman Thomas M. Padgett; Councilman W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: Councilman Larry D. Brookshier.

Staff present: City Manager F. 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.

Chief of Police Graham introduced new Police Officer Winston Thurman.

The Clerk of Council administered the Oath of Office to Officer Thurman.

Mayor Shelton declared that the minutes of the October 24, 2000, regular Council meeting were approved as distributed.

The City Manager spoke regarding various items:

- the success of the City's United Way Campaign and recognized Bart Warner, coordinator of the campaign; he also recognized the City's employees for their participation in the program
- employee Christmas Dinner – Thursday, December 14, at 6:30 p.m. at the Armory
- issues on local property taxes as they relate to recreational vehicles – Mayor Shelton referred this item to the Finance Committee for its review and consideration and a recommendation to Council
- City offices will be closed on November 23 and 24 in recognition of the Thanksgiving Holiday
- Council has a copy of a memorandum from the Director of Planning & Community Development regarding the status of the Sign Ordinance Project.

The Public Works Director gave a status report on the College Street Project. Mr. Gibson indicated the project should be completed by November 17.

Public Works Director Gibson also gave a status report on the town lake project.

The City Manager reported that the Elk's Home Christmas lights will be turned on December 15 and the second annual "Old Fashioned Bedford Christmas" will be held in Centertown that same evening.

Vice Mayor Messier commended City employees for contacting him regarding a possible water leak at his home.

The Mayor stated that Council had been given copies of a revised list of City Council appointments to committees, board and commissions:

**2000-2002 CITY COUNCIL APPOINTMENTS
TO COMMITTEES, BOARDS AND COMMISSIONS
EFFECTIVE JULY 1, 2000**

(Revised as of 1/1/2001 due to changes in regional appointments)

City Planning Commission - Tom Messier

Council Representative to City School Board - Mike Shelton

Transportation Safety Commission – Skip Tharp

Keep Bedford Beautiful Commission – Tom Padgett

Central VA Area Agency on Aging Board of Directors - Mary Flood

LynCAG Board of Directors - Mary Flood

Region 2000 Regional Commission – Mike Shelton

Region 2000 Workforce Investment Council – Mike Shelton

Bedford Main Street, Inc., Board of Directors - Bob Wandrei

-

Standing Committees -

Electric - Mary Flood, Chair; Bob Wandrei

Finance - Tom Messier, Chair; Larry Brookshier

Property – Tom Padgett, Chair; Tom Messier

Public Safety – Bob Wandrei, Chair; Mary Flood

Streets – Skip Tharp, Chair; Tom Padgett

Water & Sewer – Larry Brookshier, Chair; Skip Tharp

-

Special Committees –

City/County Relations – Mike Shelton, Chair; Tom Messier

Solid Waste - Larry Brookshier, Chair; Bob Wandrei

Industrial Liaison - Mike Shelton, Chair; Tom Messier

Note: The Mayor is a member of all Standing and Special Committees of City Council.

On motion by Councilman Tharp, seconded by Councilman Padgett, voted upon and carried, the agenda was amended as follows:

- Deferred – Ordinance – Meals Tax Amendments
- Added – Request to close a section of Lowry Street

The Consent Agenda consisted of the following items:

- Request by Bedford Main Street, Inc., to close streets for the Christmas Parade on Saturday, December 2, 2000 (rain date Saturday, December 9). Council is requested to authorize the closing of the following streets:

From 11:30 a.m. to 2:00 p.m., College Street and Ashland Avenue near the Recreation Field, and, if necessary, Ashland Avenue in the vicinity of the Elks National Home;

From approximately 2:00 to 4:00 p.m., Peaks Street from College Street to North Bridge Street, North Bridge Street to East Main Street, turn left past the Courthouse, then right onto South Street, right to Washington Street past the Farmer's Market, right to Center Street and left to West Main Street, right on Fourth Street and disburse at the County Recreation Field.

- Request by the Bedford Area YMCA to hold its Annual Peaks of Otter Christmas Classic Foot Race on Saturday, December 2, 2000, and to block the following streets from 10:00 a.m. to 12:30 p.m.:

Bedford Middle School, exit onto Peaks Street, turn right onto Whitfield Drive, and left onto Oakwood. The 5k portion will continue down Oakwood for .28k more and turn around. The 10k portion will continue down Oakwood for 2.78k more and then turn around (in the County). Once the runners are heading back toward town on Oakwood Street, they will turn right onto Longwood Avenue and then continue on Longwood back to the Middle School entering at the upper (Longwood) entrance.

It is also requested that the right lane of traffic be closed off using cones beginning at Longwood Baptist Church, and continuing to Elm Street on Longwood.

- o Reappointment of Mr. Jonathan Buttram to serve a five-year term on the Local Building Code Board of Appeals, said term to expire June 11, 2005.

Councilman Tharp moved that the Consent Agenda be adopted. The motion was seconded by Councilman Padgett, voted upon and carried.

The City Manager stated Council had before them a copy of a letter from Mr. Robert E. Tonkinson, Jr., Vice President of Carilion Health System, regarding a proposed bond issue for several of the hospitals which are part of the Carilion Health System, in the aggregate principal amount not to exceed \$255,000,000. A portion of the proceeds would be allocated to Carilion Bedford Memorial Hospital for renovation of the existing facilities. The resolution authorizes the City of Roanoke Industrial Development Authority to hold the required public hearing in connection with the issuance of the bonds.

City Manager Meadows stated there were negotiations that took place with the hospital regarding the payment of an administrative fee on a prior industrial development bond issue and a facility in Bedford which would allow employees to go for pre-employee physicals and drug screenings. That program will begin with the City employees effective November 27.

On motion by Vice Mayor Messier, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the resolution authorizing the City of Roanoke Industrial Development Authority to hold a public hearing in connection with the proposed issuance of hospital bonds in the aggregate principal amount not to exceed \$255,000,000. Roll call vote follows:

Councilwoman Flood aye

Vice Mayor Messier	aye
Councilman Padgett	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Councilman Brookshier	absent
Mayor Shelton	aye

The Resolution follows as adopted: **(A copy is attached at the end of these minutes and will be inserted in the permanent minute book)**

City Manager Meadows stated the Joint Tourism Program is an effort between the City and County to establish and administer a tourism program to include the staffing, funding, planning and executing of tourism related programs and activities. The program is also envisioned to include development and operations of a state certified local/regional Visitor Information Center.

On motion by Councilman Tharp, seconded by Vice Mayor Messier, voted upon and carried, Council waived the reading of the proposed ordinance regarding the Joint Tourism Program as it had been properly posted.

Councilman Wandrei moved that the ordinance be adopted. The motion was seconded by Councilman Tharp, voted upon and carried by the following roll call vote:

Vice Mayor Messier	aye
Councilman Padgett	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Councilman Brookshier	absent
Councilwoman Flood	aye
Mayor Shelton	aye

The ordinance follows as adopted:

**AN ORDINANCE CREATING AND ESTABLISHING
A JOINT TOURISM PROGRAM FOR THE
COUNTY OF BEDFORD AND THE CITY OF BEDFORD
PURSUANT TO SECTIONS 15.2-1300 AND 15.2-940
OF THE CODE OF VIRGINIA**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
BEDFORD AND BY THE BOARD OF SUPERVISORS OF
BEDFORD COUNTY:**

Section 1. The Council of the City of Bedford and the Board of Supervisors of Bedford County pursuant to the provisions of Sections 15.2-1300 and Section 15.2-940 of the Code of Virginia, 1950, as amended, hereby create a Joint Tourism Program which shall operate subject to the following provisions:

JOINT TOURISM PROGRAM

1. PURPOSE: The purpose of the agreement is to establish and administer a tourism program that shall serve an area known as "the Bedford Area", to include the entire geographical boundaries of the City and County. The program is intended to encompass all aspects of a comprehensive tourism program, including but not limited to, staffing, funding, planning and executing of tourism related programs and activities, and the development and operations of a state certified local/regional Visitor Information Center.

2. OVERSIGHT: (a) The Bedford area tourism program shall function as a joint Tourism Department of local government and shall be administered by the County Administrator of the County and the City Manager of the City. The County Administrator and the City Manager shall employ a Director of Tourism who shall operate as head of the Joint Tourism

Department, who shall be responsible for the day-to-day operations of the Joint Tourism Program, and who shall report directly to the County Administrator and City Manager. (b) The County Administrator and the City Manager shall have control of and exercise general supervision, or direct supervision when deemed appropriate, over all decisions relating to staffing, budgeting, and overall operations. On any issue where the City Manager and the County Administrator cannot agree upon the decision, they shall certify the issue to the Chairman of the Board of Supervisors or to the City Mayor who shall act as a tie breaker on a rotating basis, with the County Chairman to so act in odd numbered years and the City Mayor to so act in even numbered years. The tiebreaker shall meet and confer with both administrators and shall attempt to resolve any differences by agreement.

3. GUIDING PRINCIPLES: (a) The two governing bodies mutually agree that Bedford County shall be the fiscal agent and will process all income and expenditures associated with the program. The Director of Tourism shall be an employee of fiscal agent. The Director of Tourism will prepare an annual budget and submit it to the County Administrator and City Manager for their approval. Funding for said budget shall be on an equal basis with each government contributing 50% of both capital and operating portions. Said budget will be presented annually to both governing bodies for approval and adoption. In the event that one of the governing bodies should fail to approve the annual budget request in any given year the annual funding for said year shall revert to the amount funded in the previous year or a mutually agreed upon increased amount over the previous year. (b) Employees assigned to staff the program shall report to the Director of Tourism. (c) A program of work shall be approved annually by the governing bodies and shall guide the activities of the program and its staff. (d) Work shall be in partnership with other organizations as may be mutually beneficial. (e) Any such annual budget shall be subject to appropriation.

4. THE BEDFORD ADVISORY COUNCIL ON TOURISM (BACT): (a) As a part of this Agreement, and within six (6) months of its adoption, there shall be created an Advisory Council which shall provide consultation to the County Administrator, City Manager and tourism staff in the implementation of an ongoing tourism program. This Advisory Council shall be known as the Bedford Advisory Council on Tourism (BACT) The BACT shall be advisory in nature and shall assist regarding the regular updating and maintenance of all elements and components required to maintain Bedford as a Virginia Tourism Accredited Community, more specifically, a current Tourism Marketing Plan, Situation Analysis, Community Profile, and any other requirements. (b) The BACT shall consist of nine members who shall be residents of the City of Bedford or Bedford County or who are employed or operate

businesses in the hospitality industry in one of the jurisdictions. One member shall be a member of the City Council appointed by that body; one member shall be a member of the Board of Supervisors selected by that body; one member shall be appointed by the Bedford Area Chamber of Commerce; and the six remaining members shall be appointed by a committee composed of the County Administrator, City Manager and Director of Tourism. The committee appointees shall be individuals who will represent the Bedford area hospitality interests from area hotels, restaurants, and attractions, (c) The members of the BACT shall serve terms of office of two years, except the initial term for the City Council appointee and for three of the committee appointees shall be for one year in order to assure that all terms do not expire at the same time. The appointing authority shall have an unqualified right to remove any appointee and to appoint a replacement if in the appointing authority's opinion such member has failed to attend meetings or otherwise has neglected the member's duties. Vacancies occasioned by inability of a member to act or by a member ceasing to meet eligibility requirements shall be filled by the appointing authority. Appointments to fill vacancies shall be only for the unexpired portion of the term. (d) The Director of Tourism shall serve as Chairman of the BACT. The BACT shall adopt by-laws, including provisions for regular, quarterly meetings.

5. OWNERSHIP OF PROPERTY AND INSURANCE: (a) The City and the County shall provide such real estate, including a Visitor's Center and appropriate office, as is required for the Joint Tourism Program. (b) The County as fiscal agent shall hold title to all tangible personal property used by the Joint Tourism Program, subject to the City's rights upon termination as hereinafter described. (c) The County shall procure insurance policies insuring all real estate and tangible personal property used in the Joint Tourism Program and shall provide Workmen's Compensation insurance for employees, premises liability, and general liability coverage insuring both jurisdictions in respect to the operations and properties of the Joint Tourism Program. The costs of all such insurance shall be considered an operating cost of the program to be shared equally by the two jurisdictions.

6. VISITOR CENTER: It is understood that a critical component of this Agreement includes the siting, construction, ownership, and operation of a state certified Visitor Center. Said Visitor Center shall be located in the City of Bedford or in one of the Revenue Sharing areas as designated in the Joint Economic Development and Growth Sharing Agreement dated February 9, 1998. Capital funding and ownership associated with said Visitor Center shall be the equal responsibility of the two governing bodies.

7. DURATION OF AGREEMENT: This cooperative Agreement shall become effective immediately upon approval and adoption of ordinances ratifying this agreement by the Board of Supervisors of the County and the City Council of the City and shall run for a minimum of five (5) years from the date of original signing. At the conclusion of the initial five (5) year period, this agreement shall automatically renew for additional successive five (5) year periods until action is taken by one or both parties to terminate the agreement.

8. TERMINATION OF AGREEMENT: Once the initial five (5) year period of this Agreement has passed, the Agreement may be terminated upon written notice of either or both of the participating local governments. Written notice of the intent to withdraw shall be required at least eighteen months prior to July 1 of the fiscal year in which the termination would be effective.

9. DISPOSITION OF PROPERTIES AND FUNDS UNDER TERMINATION: In the event of termination of this Agreement, and absent the creation of a revised or replacement Agreement, the following guidelines shall apply: (a) The parties shall use their best efforts to insure the ongoing operation of the Visitor's Center at the termination of this Agreement. (b) Upon termination of this Agreement, after the payment of all outstanding debts and costs, all remaining tangible personal property shall be divided equally between the participating political subdivisions.

Section 2. This Ordinance creating a Joint Tourism Program for the City of Bedford and for Bedford County shall become effective only upon adoption by both governing bodies, and such ordinance shall be in full force and effect from and after the date of passage by the second governing body.

The City Manager stated that at the request of Councilman Padgett, the City has reviewed the existing bicycle ordinance and also considered enactment of an ordinance requiring persons under 14 years of age to wear helmets. The Chief of Police and the City Attorney have prepared a revised ordinance for Council's consideration. The Public Safety Committee also had input into the ordinance that was posted. The City Manager reported that the ordinance incorporates many state regulations regarding bicycles.

Councilman Tharp moved that Council waive the reading of the ordinance as it has been properly posted. The motion was seconded by Vice Mayor Messier, voted upon and carried.

Councilman Tharp moved that Council adopt the ordinance regarding bicycle regulations. The motion was seconded by Councilwoman Flood.

Discussion ensued regarding the proposed ordinance excluding bicycle riding on sidewalks in the B-2 zone at Bedford Elementary School.

The motion was then voted upon and carried by the following roll call vote:

Councilman Padgett	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Councilman Brookshier	absent
Councilwoman Flood	aye
Vice Mayor Messier	aye
Mayor Shelton	nay

The ordinance follows as adopted:

**ORDINANCE AMENDING PROVISIONS CONCERNING
BICYCLES,

ROLLER SKATES AND SKATEBOARDS

AND SPECIFICALLY REQUIRING BICYCLE HELMETS

FOR CHILDREN FOURTEEN YEARS OF AGE OR YOUNGER**

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

Section 1. Section 20-8 and Section 13-15 of the City Code are repealed.

Section 2. The following new sections are added to the City Code:

ARTICLE V. BICYCLES, ROLLER SKATES, AND SKATEBOARDS

'13-65 Definitions

(A) Bicycle. A device propelled solely by human power, having pedals, two or more wheels, and a seat height of more than twenty-five inches from the ground when adjusted to its maximum height.

(B) Highway. The entire width between the boundary lines of every way or place open to the use of the public for the purpose of vehicular traffic in the Commonwealth, including the streets and alleys and the entire width between the boundary lines of all private roads or private streets which have been specifically designated "Highways" by an Ordinance adopted by the City Council.

(C) Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular traffic exclusive of the shoulder. A highway may include two or more roadways divided by a physical barrier or barriers or an unpaved area.

(D) Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(E) Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines or the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or an portion of a roadway at any intersection or elsewhere distinctly indicated for the Pedestrian crossing by lines or other markings on the surface.

' 13-66 Prohibition of Roller Skates, Scooters, Skateboards and other devices on Streets and Sidewalks.

No person shall use roller skates, skateboards, scooters or other toys or play devices on wheels or runners (other than bicycles) on sidewalks in the City. No such equipment (except bicycles, mopeds and motorcycles) shall be used on the roadways in the City. Signs indicating such prohibition shall be conspicuously posted at all entrances to the City and at other places deemed appropriate by the Chief of Police.

' 13-67 Bicycle Riding on Sidewalks

(A) No person shall ride a bicycle on a sidewalk or on a cross walk (including those of any churches, schools,

recreational facilities, or any other business property open to the public) in areas which are zoned B-1 or B-2 or in other areas designated by the City Manager. Signs indicating such prohibition shall be conspicuously posted at the sidewalks entering such areas.

(B) A person riding a bicycle on a sidewalk or on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible sign before overtaking and passing any pedestrian.

' 13-68 Bicycle Equipment

(A) Every bicycle and moped when in use between sunset and sunrise shall be equipped with a white light on the front which shall be visible in clear weather from a distance of at least 500 feet to the front and with a red reflector on the rear. Such reflector shall be of a type approved by the Superintendent of the Department of State Police and shall be visible in clear weather from fifty feet to 300 feet to the rear when directly in front of lawful high beams of head lights on a motor vehicle. A red light visible in clear weather for 500 feet to the rear may be used in lieu of or in addition to the red reflector. Such lights and reflector shall be of types approved by the Superintendent.

(B) Every bicycle when operated on a highway shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

' 13-69 Bicycle Helmets

(A) *Requirement.* Every person fourteen (14) years of age or younger shall wear a protective helmet when riding or being carried on a bicycle on any roadway, sidewalk, or public bicycle path within the City. For the purposes of this section, "protective helmet" shall refer to any helmet that meets the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation.

(B) *Penalty.* Violation of this section shall be punishable by a fine of \$25. However, such fine shall be suspended (i) for first time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by this Ordinance.

(C) *Parents' Responsibility.* The parent or guardian or any adult person having custody or supervision of any child and who is present when such child is operating a bicycle without a helmet in violation of this Section shall be held responsible to assure compliance and shall be subject to any penalties for non compliance.

(D) *Procedures.* (i) It shall be the duty of the Police Department to enforce this Section. The Chief of Police shall develop necessary forms, including written warnings, and shall maintain a registry of children who have received warning tickets as first offenders.

(ii) Each police officer is charged with the duty of stopping any child who may be in violation of this Section and ascertaining the child's name, age, residence address, and the name and address of his primary guardian or custodian. For the first offense, the officer shall issue a warning, advising the offender of the law and that any additional offense will result in issuance of a summons. The officer shall cause a copy of the written warning to be mailed or delivered to the guardian or custodian of the offender. In the case of an offense which according to the registry is the second or subsequent offense, the officer shall issue a summons requiring the offender and the parent or guardian to appear before the appropriate Juvenile and Domestic Relations District Court authorities.

(iii) Pursuant to Section 46.2-906.1 of the Code of Virginia, as amended, violation of subsection (a) or (b) shall not constitute negligence, assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

' 13-70 Special Operating Rules for Bicycles

(A) Persons riding bicycles on a highway or sidewalks shall not ride two or more abreast except on paths or parts of highways set aside for the exclusive use of bicycles.

(B) No person riding on any bicycle shall attach the same or himself to any vehicle or roadway.

(C) No bicycle operated in the City shall be used to carry more persons at one time than the number of persons for which it is designed and equipped.

(D) No person shall ride a bicycle upon any street or sidewalk without having his hands upon the handlebars.

(E) Every person riding a bicycle on a roadway shall be subject to all the statutory duties applicable to the driver of a motor vehicle, unless the context of the Statute indicates otherwise.

' 13-71 Penalties

(A) Any violation of the provisions of Section 13-66 (Prohibition of Roller Skates and Skateboards on Sidewalks) or Section 13-67 (Bicycle Riding on Sidewalks) shall be punishable by a civil penalty of \$50, collectible by payment as prescribed for parking tickets, except that, if payment is not received by the City Treasurer, then the appropriate law enforcement officer may cause to be issued a civil warrant in debt.

(B) Violation of the provision of Section 13-68, and Section 13-71 shall constitute traffic infractions with penalties as are prescribed for the parallel State Statutes Rules of Court.

Section 3. This Ordinance shall take effect upon completion of publication one time in a newspaper published in the City or upon posting at three or more places in the City for one week as required by Section 19 of the City Charter.

The City Manager stated that the Commissioner of the Revenue has requested the City Council to enact an ordinance extending the deadline for filing of applications and payment of renewal business licenses from January 31 to March 1 of the license year. Mr. Meadows stated that the proposed ordinance had been posted in accordance with the provisions of Section 2-30 of the City Code.

On motion by Vice Mayor Messier, seconded by Councilwoman Flood, voted upon and carried, Council waived the reading of the ordinance as it had been properly posted.

Councilman Tharp moved that the ordinance be adopted. The motion was seconded by Vice Mayor Messier, voted upon and carried by the following roll call vote:

Councilman Tharp aye

Councilman Wandrei aye

Councilman Brookshier	absent
Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Padgett	aye
Mayor Shelton	aye

The ordinance follows as adopted:

**AN ORDINANCE TO AMEND THE ORDINANCE FOR
BUSINESS, PROFESSIONAL AND OCCUPATIONAL
LICENSE TAX (JANUARY 1, 1996) ADOPTING A
MARCH 1 DUE DATE FOR RENEWAL APPLICATIONS**

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

Section 1. Section 2.2 and Section 2.3 of Article II of the Ordinance for Business, Professional and Occupational License Tax, enacted January 1, 1996, are amended and re-enacted as follows:

Section 2.2. Each person subject to a license tax shall apply for a license prior to beginning business. If the applicant was licensed on December 31 of the previous year, the application for a renewal of the license must be made no later than March 1 of the license year.

Section 2.3. The tax shall be paid with the application in the case of any license.

Section 2. The Clerk is directed pursuant to the provisions of Section 19 of the *City Charter* to publish the Ordinance one time in a newspaper published in the City or to post the Ordinance in three or more public places in the City for one week, and the Ordinance shall take effect when

seven (7) days have elapsed following the publication in the newspaper or when seven (7) days have elapsed following completion of posting.

-

The City Manager stated that the General Assembly at the urging of investor-owned utilities and in anticipation of deregulation has made substantial changes in the statutes dealing with taxation of electric and gas companies and their customers. These changes go into effect on January 1, 2001, and the City will lose revenue if appropriate ordinances are not put into effect prior to that date. Mr. Meadows stated the City Attorney has prepared an ordinance that imposes a gross-receipts tax upon heat, light and power companies that provide electricity or natural gas within the City. The City Manager reported that the proposed ordinance had been posted in accordance with Section 2-30 of the City Code.

On motion by Councilman Tharp, seconded by Vice Mayor Messier, voted upon and carried, Council waived the reading of the proposed ordinance.

On motion by Councilman Wandrei, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the ordinance to impose a license tax upon companies furnishing water, heat, light and power. Roll call vote follows:

Councilman Wandrei	aye
Councilman Brookshier	absent
Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Padgett	aye
Councilman Tharp	aye
Mayor Shelton	aye

The ordinance follows as adopted:

AN ORDINANCE TO IMPOSE A LICENSE TAX

UPON COMPANIES FURNISHING WATER, HEAT,

LIGHT AND POWER

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

Section 1. A new Article VIII is added to Chapter 22 of the City Code as follows:

ARTICLE VIII

License Tax Upon Certain Public Service Utilities

Section 22-82. Pursuant to the provisions of Section 58.1-37 31 of the Code of Virginia, 1950, for every company furnishing water or furnishing heat, light or power whether by means of electricity, natural gas or steam, there shall be an annual license tax at a rate of one-half of 1% of the gross receipts of such company accruing from sales to ultimate customers in the City of Bedford. After December 31, 2000 the license tax authorized by this Section shall not be imposed on pipeline distribution companies as defined in Section 58.1-2600 or on gas suppliers, gas utilities or electric suppliers (as defined in Section 58.1-400.2), except as provided in Section 58.1- 2901 D and Section 58.1-2905 D.

Section 22-83. Taxes imposed upon public service corporations pursuant to this Article shall be due and payable on January 31 of each license year.

Section 2. The Clerk is directed pursuant to the provisions of Section 19 of the City Charter to publish the Ordinance one time in a newspaper published in the City or to post the Ordinance in three or more public places in the City for one week, and the Ordinance shall take effect when seven (7) days have elapsed following the publication in the newspaper or when seven (7) days have elapsed following completion of posting.

Councilman Tharp, Chairman of the Streets Committee, stated that in order to be in compliance with the E911 Emergency Response Program, there are streets in the City that need to be named.

On motion by Councilman Tharp, seconded by Councilman Padgett, voted upon and carried, the following streets were named: Overlord Circle, Tiger Trail, Raflo Place, Burwell Way, Griffin Place, Scott Place, Maxwell Circle, Old Mill Road, Brunmore Circle, Brunmore Court, Comer Circle, and Woodside Court.

Mayor Shelton stated that Council had received a memorandum from him regarding the Bedford City School Board Mission Statement. The Mayor stated the intent of the statement is to provide guidance and direction to the City School Board and to provide better mechanisms of communications between City Council and the School Board.

On motion by Councilman Padgett, seconded by Councilman Tharp, voted upon and carried, Council approved the Mission Statement for the City School Board.

The Mission Statement follows as adopted:

-

BEDFORD CITY SCHOOL BOARD MISSION STATEMENT

The City of Bedford School Board is unique in its existence due to the educational service contract with Bedford County. Since City educational programs are operated via contract with Bedford County, the operation of schools is delegated to the Bedford County School Board by the City Council. Consequently, the Bedford City School Board is essentially advisory in nature to the City Council. All properties and facilities for educational purposes are owned and maintained by the City of Bedford, with City Council serving as the legal authority for these properties.

The City School Board shall review educational programming for the City of Bedford, considering the educational service contract with Bedford County for the development of high quality educational services for all citizens of the City. Fundamental to this is the belief that all people should have equal opportunity to develop and expand their skills and knowledge.

- o The City School Board shall review educational programs provided to City residents by Bedford County, and shall ensure that all students have access to opportunities that are sensitive to individual needs for successful development, knowledge and learning. The City School Board shall review the results of standardized testing, i.e., Standards of Learning, to address issues relative to accreditation by the State and areas for improvements, if needed. Realizing that Bedford County administers the educational programming for SOLs, City School Board assessment of test results at schools for which City students attend is important. The City School Board shall annually report to the City Council the results of SOL testing, Standards of Accreditation results, City student graduates of

Liberty High School and the percent/numbers seeking higher education, and other similar reports of student achievement.

- The City Council shall seek to provide adequate and efficient school facilities for the education of City students and in accord with the educational service contract. In doing so, it shall establish program and capital philosophies consistent with the school-age population, city student enrollment trends, and the rated capacity of existing city-owned facilities. It is important to this end that the City School Board review and assess enrollment trends and attendance zones for students attending City schools and report any concerns to the City Council.
- Where it finds that new educational programs are appropriate or necessary, the City School Board may develop plans of action for consideration by the appropriate governing bodies. The City School Board shall support and promote educational and related programs as adopted by the City of Bedford for its citizenry to ensure public acceptance, understanding and support of needs and actions. Key programs specific to the City student population may be developed. For instance, means to address the high teen pregnancy rate, discipline problems, after-school programming for students, and special instructional programs could be considered.

Discussion ensued regarding the holiday schedule for City employees.

The City Manager reviewed the Commonwealth of Virginia's holiday schedule. Mr. Meadows asked if Council would give permission for City employees to observe the Christmas holidays on Monday, December 25, 2000, and Tuesday, December 26, 2000 (instead of Friday, December 22, 2000.)

It was the concurrence of Council to allow this change.

Discussion ensued regarding the State separating the Lee-Jackson Holiday and the Dr. Martin Luther King, Jr., Holiday.

On motion by Councilman Tharp, seconded by Vice Mayor Messier, voted upon and carried, Council agreed to maintain the current schedule of ten holidays for City employees.

Planning Director Warner stated a request had been received to close a section of Lowry Street between Freedom Lane and Boxwood Terrace for approximately three months for grading work. As part of a private project, the grade of Lowry Street and the intersection at Boxwood Terrace would be improved at no cost to the City. Mr. Warner reported that

no residential property would be affected. Mr. Warner stated the Streets Committee recommends approving this request.

On motion by Vice Mayor Messier, seconded by Councilman Tharp, voted upon and carried, Council approved the request to close a section of Lowry Street between Freedom Lane and Boxwood Terrace for approximately three months for grading work.

Mayor Shelton adjourned the meeting at 8:25 p.m.