

Minutes 11-28-2000

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 28, 2000.

Members present: Mayor G. Michael Shelton (arrived at 7:56 p.m.); Councilman Larry D. Brookshier; Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; Councilman Thomas M. Padgett; Councilman W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: None.

Staff present: City Manager F. Craig Meadows; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Vice Mayor Messier opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Vice Mayor Messier declared that the minutes of the November 14, 2000, regular Council meeting were approved as corrected.

The City Manager asked that the following items be added to the agenda:

- Consent Agenda: Appointment of Members – Community Policy and Management Team (CMPT) for The Comprehensive Services Act for At Risk Youth
- Authorization to Close City Operations on December 22, 2000
- Additional Annual Holiday for City Employees/Policy to Set Holiday Schedule

The City Manager reviewed information regarding several upcoming events. Mr. Meadows spoke regarding: statement of economic interest forms due December 15; United Way Campaign; Cable Channel 12; Library System Financial Report; Tourism Director interviews; staff trip to Lexington regarding tourism; letter from Virginia's Region 2000 Board of Directors opposing the proposed merger of U.S. Airways and United Air due to concerns about the effect on flights out of the Lynchburg Regional Airport; resolution of respect for the late Dr. Tom Jennings to be presented at the next regular Council meeting.

Discussion ensued regarding the letter from Virginia's Region 2000 Board of Directors opposing the proposed merger of U.S. Airways and United Air due to concerns about the effect on flights out of the Lynchburg Regional Airport. It was a consensus of a majority of Council that the City Manager write a letter in support of the Region 2000 Board of Directors' opposition to the airline merger.

On motion by Councilman Tharp, seconded by Councilman Padgett, voted upon and carried unanimously, the following items were added to the agenda:

- Consent Agenda: Appointment of Members – Community Policy and Management Team (CMPT) for The Comprehensive Services Act for At Risk Youth
- Authorization to Close City Operations on December 22, 2000
- Additional Annual Holiday for City Employees/Policy to Set Holiday Schedule

The Consent Agenda consisted of the following items:

Reappointment of Mr. William P. Pickett and Mr. James C. McIvor to serve four-year terms on the Industrial Development Authority, said terms to expire November 30, 2004.

Appointment of Lt. Tony Sullivan and Ms. Rosemarie Jordan to serve as City representatives on the Community Policy and Management Team for the Comprehensive Services Act.

On motion by Councilman Brookshier, seconded by Councilwoman Flood, voted upon and carried, Council adopted the Consent Agenda.

Mr. Jason Hartman, Brown Edwards & Company, reviewed the Audit Report for the fiscal year ending June 30, 2000.

Discussion ensued.

The Mayor arrived at 7:56 p.m.

Councilman Wandrei requested the staff to provide Council with monthly financial statements.

Joanne Mitchell Caldwell, City Treasurer, presented the following report on uncollected taxes:

REAL ESTATE TAX STATUS AS OF NOVEMBER 15, 2000:

Tax Year	Assessment	Uncollected	Tax Percentage Collected
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1997-98	\$1,698,732.71	\$ 3,627.62	99.78%
1998-99	\$2,037,089.73	\$ 4,075.30	99.79%
1999-00	\$2,067,132.93	\$14,967.51	99.27%

PERSONAL PROPERTY TAX STATUS AS OF NOVEMBER 15, 2000

1997	\$1,158,553.89	\$ 6,189.84	99.46%
1998	\$1,189,529.96	\$ 7,822.53	99.34%
1999	\$1,239,361.23	\$ 7,976.91	99.35%

Ms. Caldwell reviewed a new program that has been established for making utility payments and personal property and real estate taxes payments with credit cards by telephone and on-line. Ms. Caldwell stated this service is being offered at no cost to the City. The Treasurer reviewed the fees that will be charged to the customers for using this service.

The City Manager stated that in order to comply with changes in Sections 53.1-183, 53.1-185.1 and 53.1-185.3 of the Code of Virginia effective July 1, 2000, a resolution must be adopted to incorporate revisions to existing resolutions or ordinances relating to the Community Criminal Justice Board structure. Mr. Meadows stated that a member of each governing body, or the City Manager or deputy appointed by the governing body is now required to serve on the CCJB.

Councilman Padgett moved that the resolution be adopted. The motion was seconded by Councilman Tharp.

On motion Vice Mayor Messier, seconded by Councilman Padgett, voted upon and carried unanimously, the motion was amended to include "and that the City Manager or his designee be appointed to the Community Criminal Justice Board."

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

Councilman Brookshier	aye
Councilwoman Flood	aye
Vice Mayor Messier	aye

Councilman Padgett	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Mayor Shelton	aye

The resolution follows as adopted:

**A RESOLUTION OF THE CITY OF BEDFORD
RESTRUCTURING BY JOINT ACTION
WITH THE CITY COUNCIL OF THE CITY OF
LYNCHBURG AND THE BOARDS OF SUPERVISORS OF
BEDFORD COUNTY AND CAMPBELL COUNTY, THE
COMMUNITY CRIMINAL JUSTICE BOARD**

WHEREAS, the Virginia General Assembly adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders (Section 53.1-180 et. Seq. of the Code of Virginia) and the Pretrial Services Act (Section 19.2-152.2 et. Seq. of the Code of Virginia), both of which became effective July 1, 1995; and

WHEREAS, Section 53.1-82.1 of the Code of Virginia requires that the City of Lynchburg submit a Community Based Corrections Plan to the Department of Corrections in order to receive reimbursement for eligible costs of jail construction; and

WHEREAS, the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act both mandate that any locality required to submit a Community Based Corrections Plan is further required to establish Community Corrections Programs and Pretrial Services Programs; and

WHEREAS, Section 53.1-183 and 19.2-152.5 of the Code of Virginia require that each county or city or combination thereof, participating in Community Corrections Programs and Pretrial Services programs establish a Community Criminal Justice Board (CCJB)

WHEREAS, the Cities of Lynchburg and Bedford established, by joint resolution effective July 1, 1995, the multi-jurisdictional Lynchburg-Bedford Community Criminal Justice Board, and

WHEREAS, due their participation in the Blue Ridge Regional Jail Bedford County and Campbell County are also required to participate in the establishment of a Community Criminal Justice Board and in the provision of pretrial and community corrections alternatives, an amended resolution was adopted effective September 28, 1996, establishing the Lynchburg/Bedford/Campbell Community Criminal Justice Board, and

WHEREAS, the Lynchburg Community Corrections Program and Pretrial Services has provided the judicial system with the required community corrections and pretrial services to the participating localities to the extent funded by the Commonwealth, and

WHEREAS, Section 53.1-183 requires each locality to be represented on the board and each CCJB to include the following: a member from each governing body or a city or county manager, county administrator or executive, or assistant or deputy appointed by the governing body; a general district court judge; a circuit court judge; a juvenile and domestic relations court judge; a chief magistrate; a chief of police; a Commonwealth attorney; a public defender; a regional jail administrator, a representative of local education and a community services board administrator.

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

1. That the City of Bedford concurrently with the City of Lynchburg and the Counties of Bedford and Campbell shall implement the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Service Act as provided herein;
2. That the Lynchburg Community Corrections Program and Pretrial Services be responsible for the implementation of the cited legislative directives;
3. That effective November 6, 2000, the Lynchburg/Bedford/Campbell Community Criminal Justice Board be comprised of the following members who are appointed pursuant to Section 53.1-183 of the Code of Virginia:

- a. The Chief Judge of the 24th Judicial Circuit Court or another Circuit Court Judge as designated by the Chief Judge of the 24th Judicial Circuit Court;
- b. The Chief Judge of the 24th Judicial General District Court or another General District Court Judge as designated by the Chief Judge of the 24th Judicial General District Court;
- c. The Chief Judge of the 24th Judicial Juvenile and Domestic Relations Court or another Juvenile and Domestic Relations Court Judge as designated by the Chief Judge of the 24th Judicial Juvenile and Domestic Relations Court;
- d. The Chief Magistrate for the 24th Judicial Circuit;
- e. The Chief of Police for the City of Lynchburg;
- f. The Public Defender for Bedford City and Bedford County;
- g. The Commonwealth's Attorney for Campbell County;
- h. The Regional Jail Administrator;
- i. The Director of Central Virginia Community Services;
- j. A member of the faculty of Central Virginia Community College, to be designated by the President of Central Virginia Community College;
- k. A member of the governing body or the City Manager or County Administrator or executive or assistant or deputy appointed by each governing body of the following localities (total of four):

City of Lynchburg

City of Bedford

Bedford County

Campbell County

1. That the City of Lynchburg shall continue to act as the administrative and fiscal agent for the Program; and
2. That the resolution shall be effective provided the City of Lynchburg and Bedford County and Campbell County adopt similar resolutions.

City Manager Meadows stated that the Commonwealth has imposed a new electric consumption tax upon all customers of electric utilities, effective January 1, 2001. The General Assembly made a special provision for municipalities that operate their own electric system – if the municipality elects to pay an amount equivalent to the tax as a separate item on its transmission service bill, the municipality may exempt its customers from payment of the tax. The Electric Committee of City Council has indicated that it does not wish to impose any new taxes or fees on our electric customers until a comprehensive review of the City's rate structure and associated tax implications is completed.

On motion by Councilman Padgett, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted the resolution supporting the transmission billing option for the electric utility consumption tax. Roll call vote follows:

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

The resolution follows as adopted:

RESOLUTION

WHEREAS, The Commonwealth of Virginia, effective January 1, 2001, has imposed a new electric utility consumption tax upon all customers of electric utilities, and

WHEREAS, The General Assembly has made special provisions for municipalities that operate electric systems to exempt their customers from the payment of the consumption tax, if the municipalities elect to pay an amount equivalent to the tax as a separate item on their bills for transmission service, and

WHEREAS, the City Council of the City of Bedford has determined it does not wish to impose new taxes or fees on its electric customers without a full review of its electric charges and tariffs to its customers, and a comprehensive review of the impact of the new taxes upon its customers and revenues,

NOW, THEREFORE, BE IT RESOLVED, by the City Council that the City of Bedford hereby elects, pursuant to Virginia Code § 58.1-2900(A)(5), to have an amount equivalent to the State Electric Utility

Consumption Tax added to the bill which the City pays, through the Blue Ridge Power Agency, for electric transmission service.

City Manager Meadows stated the Central Virginia Community Services Board is requesting City Council to adopt a resolution allowing them to enter into equipment leases with Dell Financial Services, L.P., Municipal Leasing Credit Corporation and other vendors to lease computers, software, and related equipment. The Board's budget for fiscal year 2001 provides funds sufficient to pay the lease costs associated with the equipment leases for fiscal year 2001.

Councilman Tharp moved for the adoption of the resolution authorizing the Central Virginia Community Services Board to adopt a resolution allowing it to enter into equipment leases. The motion was seconded by Councilman Padgett, voted upon and carried unanimously by the following roll call vote:

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

The resolution follows as adopted:

RESOLUTION

WHEREAS, Central Virginia Community Services Board is a Chapter 10 Board created pursuant to Chapter 10 of Section 37.1 of the Code of Virginia, by the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Lynchburg and Bedford, in order to provide mental health, mental retardation, and substance abuse services to said Counties and Cities;

WHEREAS, Central Virginia Community Services Board desires to enter into Equipment Leases with Dell Financial Services, L.P., Municipal Leasing Credit Corporation, and other vendors, to lease computers, software, and related equipment as shown on the attached list. The term of each lease would vary between thirty-six (36) and sixty (60) months, but each would allow Central Virginia Community Services Board to purchase the computers, software, and related equipment at the end of the lease term for \$1.00 (together all such leases referred to as the "Equipment Leases") and which computers, software, and related equipment are to be used by Central Virginia Community Services Board to provide mental health, mental retardation, and substance abuse services to its service area.

WHEREAS, the present budget for fiscal year 2001 provides funds sufficient to pay the lease costs associated with the Equipment Leases for fiscal year 2001.

WHEREAS, the Equipment Leases may be considered to be a financing arrangement and as such a type of "loan";

WHEREAS, Section 37.1-197(a)(11) requires Central Virginia Community Services Board to obtain the consent of the governmental bodies of the political subdivisions that established it prior to "applying for and accepting loans";

WHEREAS, , Central Virginia Community Services Board has requested the consent of each political subdivision for Central Virginia Community Services Board to enter into and perform the Equipment Leases in the event such Equipment Leases constitute a "loan" within the meaning of Section 37.1-197(a)(11) of the Code of Virginia, 1950.

THEREFORE, BE IT RESOLVED that Central Virginia Community Services Board is authorized to enter into and perform the Equipment Leases.

On motion by Vice Mayor Messier, seconded by Councilman Brookshier, voted upon and carried unanimously by a roll call vote, Council adopted the resolution canceling the second regular Council meeting in December. Roll call vote follows:

Councilman Padgett	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Councilman Brookshier	aye
Councilwoman Flood	aye
Vice Mayor Messier	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 second regular Council meeting in December is scheduled for December 26, 2000, that date being scheduled as a City holiday; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council meeting scheduled for December 26, 2000, be and the same hereby is canceled, and that a called meeting will be held if necessary.

City Manager Meadows stated that in the spirit of the holiday season and to honor the efforts of City employees during the year 2000, it is desired to provide additional holiday time for employees to be with their families during the observance of the Christmas period and to be able to safely travel to locations outside the immediate area. The City Manager reported that as the Governor of Virginia has granted additional holiday time of three equivalent days beyond the standing holidays for state operations, and many local governments in the area are following the Governor's action, December 22 is requested to be provided as an additional authorized holiday for City employees. City Manager

Meadows stated that essential City functions shall continue determined by the City Manager, and employees required to work on December 22, 2000, shall be affected by the appropriate personnel policies.

Councilman Brookshier moved that Council authorize the closure of City operations on December 22, 2000. The motion was seconded by Councilman Wandrei.

Vice Mayor Messier stated that he would oppose the motion and explained his reasons for doing so.

Discussion ensued.

The motion was then voted upon and carried, six members voting aye, one member (Messier) voting nay.

The City Manager read aloud the following report regarding an additional annual holiday for City employees and a policy to set a holiday schedule:

The City of Bedford currently observes 10 holidays per calendar year. Any additional holiday time off for employees is and has been at the discretion of the City Council. A survey of neighboring jurisdictions indicates that an average of 11 holidays per year is observed by those jurisdictions. Since the City of Bedford holidays are set by the City Council, it is found that establishing an eleventh holiday for City employees is in order, beginning with the 2001 calendar year.

In establishing this eleventh holiday, it is the intent of the City Council to provide a "floating" holiday policy that insures continued operations of the City services, yet allows employees to observe time off at their choosing subject to supervisory approval. It is also recognized that in certain circumstances, it may be more beneficial to determine the eleventh holiday prior to the beginning of a calendar year.

The "floating" holiday will be established for City employees as follows:

1. In the event the City Council, upon recommendation of the City Manager, sets the eleventh holiday ("floating holiday") on a specific day during the coming calendar year, for whatever reason deemed appropriate, that day will be observed by City-wide operational closings pursuant to established policies. This action will supplant the ability of employees to use the "floating holiday" at their discretion as set forth in #3 below. Action to set the eleventh holiday on a specific day during the coming calendar year shall be

taken no later than the last regularly scheduled City Council meeting in December of each year.

2. If the City Manager has no recommendation for placement of the eleventh holiday on a specific day, then the "floating holiday" shall be provided to employees for the coming calendar year as outlined in #3 below, with no action from City Council being required. All other established holidays shall be observed as set by policy.
3. If the "floating holiday" is not set by City Council prior to January 1 of a calendar year, each full-time employee shall be provided a "floating holiday" equivalent to one full workday to observe at his or her choosing based upon making prior arrangements for the time off with his or her immediate supervisor. This holiday time may be used for any purpose and must be used by the end of the calendar year or it will lapse. No payment for an unused "floating holiday" will be provided. For new employees (probationary) hired on or after July 1, this "floating holiday" shall not be available in that calendar year.

The City Manager stated that Council is requested to approve the addition of an eleventh holiday for City employees pursuant to the conditions as set forth in the "Floating" Holiday Policy described above.

On motion by Councilman Padgett, seconded by Councilwoman Flood, voted upon and carried unanimously after a brief discussion, Council approved the addition of an eleventh holiday for City employees pursuant to the conditions as set forth in the "Floating" Holiday Policy.

Mayor Shelton adjourned the meeting at 8:35 p.m.