

2-27-01 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., February 27, 2001.

Members present: 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: Mayor G. Michael Shelton

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 February 13, 2001, regular Council meeting were approved as distributed.

City Manager Meadows welcomed radio station WBLT, which was broadcasting the Council meeting live for the first time.

The City Manager reported on the following items:

The Bedford Area Chamber of Commerce annual meeting and awards dinner will be held on March 30 at the Bedford Moose Lodge. Members of Council are to contact the City Manager's office if they wish to attend.

Members of the staff will travel to Altavista on February 28 to look at the software being used by the town and to begin the process of determining what software the City should use.

The Electric Director and City Manager will be interviewing consultants for an electric system study.

The department heads have been working to prepare the operating and capital budgets for their departments. The budget review process will begin next week.

The City received an award at the Virginia Local Government Manager's Conference.

Vice Mayor Messier welcomed Rebecca Blair from Jefferson Forest High School.

Councilman Brookshier asked when the East Main Street project will begin.

The City Manager stated that officials from the Virginia Department of Transportation have indicated the project should begin in late fall.

Councilman Tharp asked about the possibility of the City providing another dumpster.

The City Manager explained the problems and costs associated with the dumpsters.

Vice Mayor Messier stated that Mayor Shelton is in France.

The Vice Mayor stated the red heart pin he was wearing was in honor of National Heart Month.

The Consent Agenda consisted of the following item:

Reappointment of Marian N. Morrison to the Central Virginia Community Services Board for term to expire December 31, 2003.

On motion by Councilman Tharp, seconded by Councilman Padgett, voted upon and carried, Council adopted the Consent Agenda.

Andy Dooley, Director, Bedford County Parks & Recreation, spoke regarding the Dixie Youth Minor and Major World Series being held in Madison Heights and Bedford in August 2001. Bedford County Parks & Recreation in a joint effect with Madison Heights Youth Baseball Association will be hosting the series. Mr. Dooley stated it is expected that 6,000 to 8,000 people will be in attendance and Bedford businesses will greatly benefit from this event.

Mr. Dooley asked Council to consider a request for funds for this event in the amount of \$10,000.

The City Manager stated this would be considered in the budget process.

City Manager Meadows stated that Council enacted ordinances dealing with bicycles, roller skates and skateboards on November 14, 2000. Prior to that date, the City ordinances had made it illegal for anyone to ride a bicycle or to skate on City sidewalks. The new ordinance repealed those provisions and allowed bike riding on sidewalks except in the commercial areas (zoned B-1 and B-2) or other areas designated by the City Manager. The new ordinance also prohibited skateboards, scooters and roller skates on City sidewalks and required bicycle riders 14 years of age or younger to wear protective helmets.

The City Manager stated that he and the Mayor received numerous letters from school children pointing out that the new ordinance prohibited their riding bicycles to the City Elementary School and Middle School. The matter was reviewed by the Public Safety Committee on January 9, 2001, and the Committee directed the City Attorney to draft an

ordinance allowing the use of bicycles and scooters with brakes on sidewalks except in the B-1 Zone.

Mr. Meadows reported that the City Attorney has drafted the ordinance making changes requested by the Committee. Upon reviewing the provisions of the state enabling statute, Section 46.2-904, the City Attorney drafted the ordinance in order to enable the owners of private properties open to the public to post signs on their own properties prohibiting bicycle riding, skateboarding and roller skates.

Councilman Padgett moved that the reading of the proposed ordinance be dispensed with as the ordinance had been properly posted in accordance with the provisions of Section 19 of the City Charter. The motion was seconded by Councilman Brookshier, voted upon and carried.

Councilman Brookshier moved that the proposed ordinance be adopted as posted. The motion was seconded by Councilman Tharp, 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	absent

The ordinance follows as adopted:

**ORDINANCE AMENDING AND RE-ENACTING CERTAIN
ORDINANCES CONCERNING USE OF SKATEBOARDS,
SCOOTERS AND BICYCLES ON SIDEWALKS**

BE IT ORDAINED BY THE CITY COUNCIL of the City of Bedford,
Virginia:

Section 1. Section 13-66, Section 13-67, and Section 16-71 of the City Code as enacted on November 14, 2000 are amended and re-enacted as follows:

Section 13-66 Prohibition of Play on Streets:

(A) No person shall play on a highway or street, other than on the sidewalks thereof, within the City.

(B) No person shall use roller skates, skateboards, toys or other devices on wheels or runners (except bicycles, mopeds and motorcycles) on the highways and roadways of the City.

Section 13-67 Riding of Bicycles, Scooters and Skates on Sidewalks

(A) No person shall use roller skates, skateboards, or other toys or play devices (other than bicycles and scooters equipped with braking mechanisms to provide control) on sidewalks in the City.

(B) No person shall ride any bicycle or scooter on a sidewalk or a crosswalk, including those of churches, schools, recreational facilities, or any other business property open to the public, where such activity is prohibited.

(C) Such riding of bicycles or scooters on sidewalks or crosswalks is specifically prohibited in areas which are zoned B-1 or in other areas designated by the City Manager.

(D) Signs indicating the prohibition of roller skates shall be conspicuously posted at all entrances to the City, and signs prohibiting bicycles or scooters shall be conspicuously posted at the sidewalks entering the designated areas where such uses are prohibited.

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

Section 13-71 Penalties

(A) Any violation of the provisions of Section 13-67 (riding of bicycles, scooters and skates on sidewalks) shall be punishable by a civil penalty of \$50.00, collectible in the same manner 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) Violations of the provisions of Section 13-66, Section 13-68 and Section 13-70 shall be enforced in the same manner as traffic infractions with penalties as are prescribed in the parallel State Statutes and in the Rules of Court.

Section 2. 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.

City Manager Meadows stated that the existing City Business, Professional and Occupational License Tax Ordinance imposes a tax of \$500 per day plus \$.025 per \$100 of gross receipts for carnivals, circuses and speedways. SFC Vincent T. May, who supervises the Armory for the Virginia National Guard, some time ago complained that the \$500 tax had discouraged use of the Armory and requested that the City eliminate the tax.

The City Manager reported that the Finance Committee met and reviewed this request on November 28, 2000, and recommended reducing the fee to \$200 in view of the fact that circuses are only occasional events and do not compete with existing businesses. The City Attorney reports that the Commissioner of the Revenue also recommends elimination of the additional small gross receipts tax in view of the fact that it is such a small amount and makes administration of the tax time consuming and difficult.

The City Manager stated that the proposed ordinance had been posted in accordance with the requirements of Section 19 of the City Charter.

On motion by Councilman Tharp, seconded by Councilman Padgett, voted upon and carried, Council waived the reading of the proposed ordinance as it had been posted in accordance with the requirements of Section 19 of the City Charter.

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

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

Mayor Shelton

absent

The ordinance follows as adopted:

**ORDINANCE TO AMEND THE ORDINANCE FOR BUSINESS,
PROFESSIONAL AND OCCUPATIONAL LICENSE TAX
(JANUARY 1, 1996) REDUCING THE LICENSE TAX FOR
CIRCUSES AND CARNIVALS**

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

Section 1. Section 4.2 (M) of Article IV of the Ordinance for Business, Professional and Occupational License Tax, enacted January 1, 1996, is amended and re-enacted to read as follows:

(M) For carnivals, circuses and speedways Two Hundred Dollars (\$200.00) per day, subject to limitations in Section 58.1-3728 of the Code of Virginia, 1950, as amended.

Section 2. 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.

Ms. Barbara Bennett, Project Services Coordinator with Region 2000 Regional Commission, gave an update regarding the participation by Regional 2000 members in the Little Otter Regional Industrial Park. Ms. Bennett stated 139 shares in this park have been sold. She stated that the arrangement to have each participating jurisdiction hold equal votes on the decision making committee has not been a comfortable one. The City of Lynchburg and Bedford County have requested that be changed in the agreement so that the voting would be proportionate to ownership. Ms. Bennett stated that February 28 is the deadline for the first round of purchasing the shares.

The City Manager stated it is the recommendation of the staff that Council consider entering into an agreement to participate in the Regional Industrial Park and consider an investment of twenty-five shares, which would be an annual appropriation of \$13,800 towards the purchase of the land, subject to the approval of the form of the proposed

agreement by the City Attorney and the City Manager, and appropriate the \$13,800 from the contingency for that purpose.

Discussion ensued.

Vice Mayor Messier expressed concern that this park will create competition with smaller parcels available in other industrial parks. The Vice Mayor asked that this concern be addressed in the contract.

Councilman Tharp moved that the City purchase forty shares of stock contingent on the restructuring of the agreement so that the City is voting proportionate to its shares of ownership. Councilman Padgett seconded the motion.

Councilman Brookshier indicated that he would support a motion for purchasing twenty-five shares, but not forty shares.

Councilman Wandrei moved that the motion be amended as follows: that the City purchase twenty-five shares conditioned upon the voting being changed to be proportional to the investment. Councilman Brookshier seconded the motion.

Councilman Wandrei added the following to his motion: and that the City will be the provider of the utilities.

Councilman Wandrei restated his amended motion: that the City purchase twenty-five shares conditioned upon the voting being proportional and conditioned upon the City of Bedford being the provider of utilities. Councilman Brookshier agreed to the addition to the amended motion. The amendment to the motion was then voted upon and carried, five members voting aye, one member voting nay (Messier) and one member absent.

The City Attorney suggested that a provision be included in the original motion, as amended, appropriating the necessary money for the purchase of the shares.

Councilman Wandrei moved that the original motion, as amended, be amended as follows: that the City appropriate the necessary funding to purchase the twenty-five shares conditioned upon the voting being proportional and conditioned upon the City being the provider of the utilities for the park. Councilman Tharp seconded the motion.

Vice Mayor Messier explained that he would oppose the motion, as he believes there is no protection for the City's industrial park.

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

Vice Mayor Messier	nay
Councilman Padgett	aye

Councilman Tharp	aye
Councilman Wandrei	aye
Councilman Brookshier	aye
Councilwoman Flood	aye
Mayor Shelton	absent

Vice Mayor Messier adjourned the meeting at 8:35 p.m.