

5-22-01 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., May 22, 2001.

Members present: Mayor G. Michael Shelton; 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.

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 May 8, 2001, regular Council meeting were approved as distributed.

The City Manager reported on the following:

- Thanked Council for its support for him to attend the American Public Power Association Executive Management Institute in Wisconsin.
- He will be out of town for the rest of the week attending the Municipal Electric Providers of Virginia Conference.
- The Chief of Police is in training this week for recertification.
- The five rookies in the Police Academy will be graduating on June 8 at 2:00 p.m. at Salem High School
- Announced that a Director of Human Resources has been hired.

Vice Mayor Messier stated that he visited the Cardinal Criminal Justice Institute with the Chief of Police and was very impressed with the facility.

The City Manager stated that all state and federal highway marker signs are being replaced around the City, as they do not meet Department of Transportation standards.

Councilman Brookshier asked about the City's policy on mowing of lots.

City Manager Meadows stated there has been some discussion in the Streets Committee about addressing rights-of-way and maintaining those.

The City Attorney stated that he hopes to have an ordinance for Council to review at the next Council meeting dealing with requiring the property owners to mow the strip between the curb and the sidewalk. The City presently has an ordinance on overgrown weeds.

The City Manager stated the staff has been instructed to take a much more aggressive position on that ordinance this year. If the issue is not solved, the City will step in, deal with it and then charge the property owner for whatever work the City has to do.

Mayor Shelton stated that the mayor equivalent of Woburn, England, visited Bedford and presented the City with a plaque regarding the twinning of Bedford and Woburn in 1998. The Mayor mentioned other gifts that were given to the City. The Mayor thanked those individuals involved with the visit: Dave and Meg Ballard, Barbara Ring, Fran Hart, Craig Meadows, Bill Rolfe, and Lucille Boggess.

The Mayor stated that on May 20 at the Norfolk Naval Base, the Virginia Committee for the Employer Support of the Guard and Reserve presented to the City its highest award for Bedford's support for the National Guard.

Mayor Shelton stated that members of Council and the Board of Supervisors and guests from France will be boarding buses at the Central Library to travel to the D-Day Memorial for the dedication ceremony on June 6.

Mayor Shelton asked that the closed session include: Litigation, pursuant to Section 2.1-344 (a)(7) of the Code of Virginia of 1950, as amended.

On motion by Councilman Padgett, seconded by Vice Mayor Messier, voted upon and carried unanimously, the following item was added to the agenda:

Report of Property Committee – Presentation by Brian Wishneff & Associates – Old Grammar School

The Clerk of Council read aloud the following Public Hearing Notice:

PUBLIC HEARING NOTICE

Notice is hereby given that a public hearing will be held by the City Council May 22, 2001 at 7:30 p.m. in the Council Hall of the City Municipal Building in relation to the budget for the City of Bedford for fiscal year 2001-02, at which time any citizen of the City shall have the right to attend and state his or her views. Detailed copies of the budget are available for inspection during normal office hours in the office of the City Manager and the Office of the Clerk of Council.

Mayor Shelton opened the public hearing at 7:54 p.m.

As there were no comments, Mayor Shelton closed the public hearing at 7:54 p.m.

The Consent Agenda consisted of the following items:

- o Appointment of Meredith Dooley, Ann Wood, Dorothy Arthur and Susan Greer to serve on the Keep Bedford Beautiful Commission, said terms to expire June 30, 2004

- o Grant Permission to the Bedford County Parks and Recreation Department to close Bedford Avenue Extension from Mountain Avenue to Ashland Avenue for the 2001 Dixie Minor World Series on the following dates and times:

August 13 2:00 p.m. – 10:00 p.m.

August 14 2:00 p.m. – 10:00 p.m.

August 15 4:00 p.m. – 10:00 p.m.

August 16 4:00 p.m. – 10:00 p.m.

August 17 4:00 p.m. – 10:00 p.m.

August 18 8:00 a.m. – 8:00 p.m.

- o Authorize the closing of Bedford Avenue Extension between Mountain Avenue and Ashland Avenue on June 6, 2001, for additional parking, if needed, for the D-Day dedication; and that Tiger Trail be closed on June 5, 2001, at 12:00 p.m. for security purposes.

On motion by Councilman Tharp, seconded by Councilman Wandrei, voted upon and carried unanimously, the Consent Agenda was adopted.

Brian Wishneff reviewed two options for use of the old Grammar School Building. Option A-1 would include: classrooms for the sixth grade, computer labs, the gym would be a media center, and Central Virginia Community College could use the third floor. Option A-2 would include the same setup but the third floor could be used for Public Administration Offices. The Property Committee recommended the Option A-1 concept.

Discussion ensued.

The City Manager will prepare financial information on the project.

It was the consensus of Council to accept the recommendation of the Property Committee of the Option A-1 concept for the Grammar School Building.

The City Manager and Brian Wishneff & Associates will prepare a project budget and this item will be on the agenda of the next regular Council meeting.

The City Manager stated that State legislation was amended in 1999 to authorize the enactment of an ordinance allowing property owners to designate the police in writing to act as the owner's agent in forbidding individuals to go upon or remain on the owner's lands, buildings or premises. The Police Chief has requested that the City's trespass law be amended to take advantage of this procedure. The City Manager reported that the City Attorney recommends that the trespass law be broadened to include violation of court orders by a property owner who has been directed not to return to his property by certain protective orders issued by the courts.

On motion by Councilman Tharp, seconded by Vice Mayor Messier, voted upon and carried, Council waived the reading of the proposed ordinance amending and re-enacting Section 14-45 of the City Code Extending the City Trespass Law as it had been properly posted.

On motion by Councilman Tharp, seconded by Councilman Brookshier, voted upon and carried by a roll call vote, Council adopted the Ordinance amending and re-enacting Section 14-45 of the City Code Extending the City Trespass Law. Roll call vote follows:

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

The ordinance follows as adopted:

AN ORDINANCE AMENDING AND RE-ENACTING
SECTION 14-45 OF THE CITY CODE
EXTENDING THE CITY TRESPASS LAW
TO INCLUDE CERTAIN VIOLATIONS OF JUDICIAL ORDERS
AND ESTABLISHING A PROCEDURE ALLOWING
PROPERTY OWNERS TO DESIGNATE THE CITY POLICE DEPARTMENT
AS A PERSON LAWFULLY IN CHARGE
OF PROPERTY FOR ENFORCEMENT OF TRESPASS LAWS

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

Section 1. Section 14-45 of the Code of the City of Bedford is amended and re-enacted as follows:

(A) If any person shall, without authority of law, go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof, at a place or places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to

the use of such land, building or premises, goes upon or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to Code of Virginia sections 16.1-253.1, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.9, 19.2-152.10 or an ex parte order issued pursuant to Code of Virginia section 20-103, and after having been served with such order, he shall be guilty of a Class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of Code of Virginia sections 18.2-132 through 18.2-136.

(B) Any owner of real property may, in writing on a form prescribed by the chief of police, designate the police department as a person lawfully in charge thereof, as those terms are used in subsection (a) of this section, for the purpose of forbidding another to go or remain upon the lands, buildings or premises of such owner. Such designation shall include a description of the land(s), building(s) or premises to which it applies; shall reference the period of time during which it is in effect; and shall be kept on file in the office of the chief of police in such other location within the police department as the chief of police deems appropriate.

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 in Section 19 of the City Charter.

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The City Manager reported that Section 2.2 of the Blue Ridge Regional Jail Authority Service Agreement states that non-sheriff members of the Board shall be appointed for three-year terms and that the terms of the initial Board members shall expire on June 30, 2001. The current non-sheriff members for the City are Milton H. Graham, member, and F. Craig Meadows, alternate.

On motion by Councilman Padgett, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted the resolution regarding appointments to the Blue Ridge Regional Jail Authority. 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 Blue Ridge Regional Jail Authority Service Agreement dated November 10, 1994, as amended, states that members of the Authority Board shall be elected for three-year terms and that the terms of the initial Board expire June 30, 1998; and

WHEREAS, the governing body of each participating jurisdiction has appointed a member and an alternate whose current terms expire June 30, 2001; and

WHEREAS, the governing body of each jurisdiction has been requested by the Authority to appoint a member and an alternate for a term commencing July 1, 2001, and ending June 30, 2004.

NOW THEREFORE, BE IT RESOLVED by the City Council of Bedford City that Milton H. Graham is hereby appointed as a member of the Blue Ridge Regional Jail Authority and F. Craig Meadows is appointed as the alternate for such member, each for terms commencing July 1, 2001, and ending June 30, 2004.

The City Manager stated that the staff is continuing to make some cleanup adjustments to the proposed budget and prior to the adoption of the budget, a list of corrected items will be sent to Council.

The City Manager stated the Electoral Board has requested that the City fund the Registrar's participation in the Virginia Retirement System. This would add approximately \$4,100 to the budget.

The Mayor asked if the position as established meets the requirements for being eligible for the Virginia Retirement System.

The Staff will verify if the position meets the requirements.

On motion by Councilman Tharp, seconded by Vice Mayor Messier, voted upon and carried by a roll call vote, Council adjourned into closed session pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)(1) for discussion of personnel matters and Section 2.1-344(a)(7) litigation. Roll call vote follows:

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

Councilwoman Flood aye

Mayor Shelton aye

Council adjourned into closed session at 8:36 p.m. Non-Council members attending: City Manager Meadows and City Attorney Berry.

Council reconvened into open session at 9:22 p.m.

The Clerk of Council read aloud the following proposed resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

On motion by Councilman Tharp, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the resolution. 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

Mayor Shelton adjourned the meeting at 9:23 p.m. until June 12, 2001, at 6:30 p.m. in the Council Hall for interviews for a vacancy on the Regional Library Board.