

07-10-2001 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., July 10, 2001.

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

Members absent: Councilman W. D. Tharp.

Staff present: City Manager F. Craig Meadows; City Attorney W. W. Berry, IV (arrived at 7:42 p.m.); 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 June 26, 2001, regular Council meeting were approved as distributed.

The City Manager spoke regarding the following:

- Members of Council were given copies of the City's presentation to be made on July 11 at the Virginia Department of Transportation Preallocation Public Hearing in Salem
- The Mayor will present the "State of the City" address on July 11 at the Bedford Moose Lodge
- The City Manager suggested that Council have a two-day Long-Range Planning Session in late September or early October.
- Power outage earlier in the day – AEP lost a bank of transformers at its Centerville Station.
- It has been discovered that some damage to electric equipment has been sustained as the result of the June 5 storm.

Mayor Shelton commended the Parks & Recreation Department, the Police Department, and everyone involved with the July 4th festivities.

The Mayor recognized participants in the Bedford Area Chamber of Commerce Leadership Development Program who were in attendance at the meeting.

The Clerk of Council read aloud the following public hearing notice:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Planning Commission at 5:30 p.m., on Thursday, July 5, 2001 and by the City Council at 7:30 p.m. on Tuesday, July 10, 2001, at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- To consider a conditional use request to allow the property at 416 Avenel Avenue, Tax Map #194 A 11, located in a R1A-Low Density Residential District to be used as a bed and breakfast establishment. The request is being made by Thomas D. and Sara Diane Wilson, 416 Avenel Avenue, Bedford, VA 24523.

Information regarding this request is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to the request will have an opportunity to express his/her views at this hearing.

By the Authority of the Planning

Commission and City Council of

The City of Bedford

Mayor Shelton opened the public hearing at 7:40 p.m.

As there were no comments, the Mayor closed the public hearing at 7:41 p.m.

Nanci Drake, Tourism Director, presented general tourism information, and gave an update on tourism in this area.

Discussion ensued regarding directional signage for tourist attractions in the Bedford area.

Mayor Shelton stated the Planning Commission recommends that City Council approve the conditional use request made by Thomas D. and Sara Diane Wilson to allow the property at 416 Avenel Avenue, Tax Map #194 A 11, located in a R1A-Low Density Residential District to be used as a bed and breakfast establishment.

On motion by Councilman Padgett, seconded by Vice Mayor Messier, voted upon and carried, Council accepted the recommendation of the Planning Commission to approve the conditional use request by Mr. and Mrs. Wilson.

On motion by Councilman Padgett, seconded by Councilman Wandrei, voted upon and carried, Council appointed the following individuals to the City School Board for four year terms: Paul Sherman and Debra Bond.

City Manager Meadows stated the City has been asked by the Municipal Electric Providers Association of Virginia (MEPAV) to consider adoption of a resolution that supports the efforts of localities in Virginia to address telecommunications needs in their communities. On May 16, 2001, the U.S. District Court for the Western District of Virginia declared that the Virginia statute restricting local government telecommunications activities was unenforceable. Further on June 20, 2001, the same court refused to grant a stay of the order, which allowed the City of Bristol, who initiated the suit, to continue to move forward to meet its community's needs. The City Manager indicated that the resolution, if approved, would be sent to the General Assembly members so they may be aware of the City's interest in this issue.

On motion by Councilman Brookshier, seconded by Vice Mayor Messier, voted upon and carried by a roll call vote, Council adopted the resolution regarding telecommunication services. Roll call vote follows:

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

Mayor Shelton aye

The resolution follows as adopted:

PROPOSED RESOLUTION
REQUESTING THE VIRGINIA GENERAL ASSEMBLY

TO SUPPORT LOCAL GOVERNMENT EFFORTS TO ADDRESS CRITICAL TELECOMMUNICATIONS NEEDS

WHEREAS access to affordable high speed telecommunications services is a vital ingredient for a sustained economy, for meeting growing educational needs and enhancing the quality of life, connecting communities and people around the world; and

WHEREAS the "Digital Divide" separating much of Virginia from the benefits of this critical technology is readily recognized and the subject of review by several State commissions organized to study the economic development and technology needs of the Commonwealth, including the Rural Virginia Prosperity Commission, the Joint Commission on Technology and Science and the Tobacco Indemnification and Community Revitalization Commission; and

WHEREAS the Governor's e-Communities Task Force, in its guiding principles, has declared that "if Virginia is to become a commonwealth of e-communities - and erase the digital divide that exists between the technology haves and have-nots - it will be up to local governments to lead the way" and that "local elected governmental bodies should move quickly to create an online community presence, a task that can be carried out by private, public or non-profit entities of the community's choosing;" and

WHEREAS the telecommunications industry has acknowledged that there are substantial economic constraints that effectively place a limit on the ability of private firms to provide service in some areas of the Commonwealth; and

WHEREAS in a recent study of the challenge of making available advanced telecommunications to all Americans, the National Telecommunications and Information Service presented data showing that such service was not available to 84 percent of the communities with 25,000 to 50,000 citizens, 92% of the communities with a population of 10,000 to 25,000 and smaller communities had even less access; and

WHEREAS despite the express goals of the United States Congress in passing the Telecommunications Act of 1996, to promote competition and reduce regulation in order to secure lower prices and high quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, in the five years since its passage, very limited progress has been achieved in securing the

delivery of such important services to many areas of the Commonwealth;
and

WHEREAS in 1998 the Virginia General Assembly, at the urging of the telecommunications industry, passed legislation prohibiting all but one locality in the Commonwealth from providing these services or partnering with private telecommunications firms to ensure that these critical services were available even when no private firm would provide the service; and

WHEREAS in 1999 the General Assembly passed legislation that modified its ban slightly but failed to produce any improved service in these areas of the Commonwealth; and

WHEREAS on May 16, 2001, a United States District Court Judge for the Western District of Virginia declared the Virginia statute restricting local government telecommunications activities unenforceable, ruling the state law was preempted by the very clear expression of Congress in the 1996 Telecommunications Act that localities are entities that a state may not prohibit from providing telecommunications services; and

WHEREAS on June 20, 2001, that same federal judge refused to grant a stay of his order, allowing the City of Bristol, Virginia, which initiated the suit, to continue to move forward to meet the community's needs; now therefore, be it

RESOLVED by the City Council of the City of Bedford that all legislative bodies discussing technology needs in the Commonwealth of Virginia and every member of the General Assembly are urged to support the right of all localities, as they deem necessary and without artificially imposed restrictions, to provide such telecommunications services themselves or, as the locality determines appropriate, partner with private firms to ensure that their citizens and businesses have access to these critical and fundamental services.

On motion by Councilman Brookshier, seconded by Councilwoman Flood, voted upon and carried, the following item was added to the agenda:

Closed session pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)(7) for consultation with legal counsel and the City Manager regarding litigation

On motion by Vice Mayor Messier, seconded by Councilman Brookshier, 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)(7) for consultation with legal counsel and the City Manager regarding litigation. Roll call vote follows:

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

Council adjourned into closed session at 8:00 p.m. Non-Council members attending: City Manager Meadows, City Attorney Berry, Director of Planning and Community Development Warner, and Clerk of the Council Hatcher.

Council reconvened into open session at 8:25 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 Wandrei, seconded by Vice Mayor Messier, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

Councilman Brookshier aye

Councilwoman Flood aye

Mayor Shelton aye

Mayor Shelton adjourned the meeting at 8:36 p.m.