

## **08-14-2001 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., August 14, 2001.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier (arrived at 7:45 p.m.); Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; Councilman W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: Councilman Thomas M. Padgett

Staff present: City Manager F. Craig Meadows; City Attorney W. W. Berry, 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 July 24, 2001, regular Council meeting were approved as distributed.

City Manager Meadows spoke regarding various items: Jefferson's Assembly, scheduled for September 27 at Poplar Forest; the BEDFORD RIDE program is slated to begin after Labor Day; the City received a certificate of participation for the Safe Haven Program from the American Red Cross; the Dixie Youth Minor World Series began on August 13; and a retirement reception for David English will be held at the Virginia Department of Transportation Residency Office on September 7.

On motion by Vice Mayor Messier, seconded by Councilman Tharp, 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)(3), real estate matters.

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

### **PUBLIC HEARING NOTICE**

Notice is hereby given of a public hearing to be held by the City Council at 7:30 p.m. on Tuesday, August 14, 2001, at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

To consider an amendment to allow additional single-family home designs for Governor's Hill, a Planned Residential Development and Conditional Use. Oscar Padgett of The Heritage Corporation, 403 Otey Street, Bedford, VA 24523, is making the request.

Information regarding these requests 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 or her views at this hearing.

By the Authority of the  
City Council of the  
City of Bedford

Mayor Shelton opened the public hearing at 8:40 p.m.

The following individuals spoke:

Richard Hartley, 1273 Emerald Crest Drive, expressed concern about the quality of construction and square footage issues and asked to be kept abreast of developments as matters proceed.

Cindy Watson, 1265 Emerald Crest Drive, asked Council to defer its decision until further information is received from Oscar Padgett regarding his plans.

George Brown, 1285 Emerald Crest Drive, expressed concern about not having enough information on this matter.

Mrs. Julie Brown, 1285 Emerald Crest Drive, asked that the existing covenants be respected when a decision is made.

As there were no further comments, Mayor Shelton closed the public hearing at 7:47 p.m.

The Consent Agenda consisted of the following item:

Reappointment of Mr. Billy Hackworth and Mr. Clarence Stanley to each serve a five-year term on the Local Building Code Board of Appeals, said terms to expire June 11, 2006, and appointment of Mr. Jerry Brown to serve a five-year term to expire June 11, 2006.

On motion by Councilman Tharp, seconded by Vice Mayor Messier, voted upon and carried, the Consent Agenda was adopted.

Councilman Brookshier arrived at 7:45 p.m.

Discussion ensued regarding the request by Oscar Padgett to allow additional single-family home designs for Governor's Hill.

It was determined that Mr. Padgett should furnish additional information on this matter.

Councilman Wandrei moved that Council table this matter for further information until the next Council meeting. The motion was seconded by Vice Mayor Messier, voted upon and carried.

Mayor Shelton asked that Mr. Padgett take the opportunity to satisfy some of the concerns of the residents of the neighborhood.

The City Manager stated the City has received a copy of the Central Virginia Community Services FY 2002 Performance Contract. The staff has reviewed this performance contract and agrees that it supports the mission of CVCS in providing mental health, retardation, substance abuse, and prevention services within the City.

On motion by Vice Mayor Messier, seconded by Councilman Wandrei, voted upon and carried, Council approved the Central Virginia Community Services FY 2002 Performance Contract.

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

Councilman Brookshier	aye
Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Padgett	absent
Councilman Tharp	aye
Councilman Wandrei	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 first regular Council meeting in October is scheduled for October 9, 2001, that date being when several council members are out of the Country;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council meeting scheduled for October 9, 2001, be and the same hereby is canceled; and

**BE IT FURTHER RESOLVED** that the next regular Council meeting will be October 23, 2001.

The City Manager stated that the City's written position on Equal Opportunity needs to be updated on a regular basis. Mr. Meadows indicated this signed written statement is posted on the City's Legal Posting Board in the Municipal Building.

On motion by Councilman Tharp, seconded by Councilwoman Flood, voted upon and carried, Council adopted the City's Equal Opportunity Employer Statement.

The Equal Opportunity Employer Statement follows as adopted:

### **City of Bedford Equal Opportunity Employer Statement**

The City of Bedford is an Equal Opportunity Employer, and hereby affirms that it is the policy of the City to maintain and promote equal opportunity and diversity for all employees, applicants for employment and contractors in accordance with the relevant federal and State Laws.

The City will not discriminate on the basis of race, religion, color, national origin, sex, age, disability, marital status, veteran status, sexual orientation, ancestry, or citizenship status.

In support of a diverse workforce, decisions as to hiring, promotion and other aspects of the employment relationship will be based solely upon job related qualifications.

The City will not tolerate any kind of harassment of employees or retaliation against an employee who brings a complaint forward. Allegations of harassment will be taken seriously, promptly investigated, and appropriate action taken depending on the severity of the situation.

City Manager Meadows stated the Roanoke Valley Regional Leadership Summit (Summit) was instituted in January, 2001, for the purpose of identifying issues and areas of mutual concern to the localities in and around the Roanoke Valley. The participants include the City of Roanoke, Roanoke County, the City of Salem, the Town of Vinton, Botetourt County, Franklin County, and Bedford County. A number of issues have already been identified, including economic development, tourism promotion, education, transportation, and lobbying efforts.

The City Manager stated that Lucille H. Boggess, Chair, Bedford County Board of Supervisors, on behalf of the Mayors and Chairs of the communities already participating in this effort, has extended an invitation to the City to join the group. Mr. Meadows stated the structure of the Subcommittee is that of one elected official, one Administrator or administrative staff member, and one citizen from each participating locality.

Mayor Shelton stated that he would be willing to represent the City as member of the Subcommittee along with the City Manager. If members of Council have a recommendation for a citizen participant, they are to notify the Mayor.

Members of Council concurred with participating in the Roanoke Valley Regional Leadership Summit.

The City Manager stated a Certificate of Excellence in Financial Reporting has been awarded to the City by the Government Finance Officers' Association for the City's Comprehensive Annual Financial Report and is the highest form of recognition in the area of government accounting and financial reporting. Mr. Meadows indicated that receiving this award represents a significant accomplishment by a government in its management.

Mayor Shelton and Councilman Tharp presented the Award of Achievement to Rosie Jordan, Director of Finance.

Ms. Jordan thanked the City Manager and Council for their support.

The Mayor congratulated the City Manager, the staff, Ms. Jordan, the Finance Office, and the Department Heads for the team effort involved in obtaining this award.

On motion by Vice Mayor Messier, seconded by Councilwoman Flood, 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)(3), real estate matters. Roll call vote follows:

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

Council adjourned into closed session at 8:15 p.m. Non-Council members attending: City Manager Meadows, City Attorney Berry, and Clerk of the Council Hatcher.

Council reconvened into open session at 8:28 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 Vice Mayor Messier, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Councilman Padgett	absent
Councilman Tharp	aye
Councilman Wandrei	aye

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

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

Resolution – Procurement of Property

On motion by Councilman Wandrei, seconded by Councilman Tharp, voted upon and carried by a roll call vote, the following resolution regarding procurement of property was adopted. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION**

**WHEREAS**, the City Council on behalf of the City of Bedford and the Board of Supervisors on behalf of Bedford County on November 14, 2000, entered into a cooperative agreement for the creation and administration of a jointly sponsored tourism program for the two localities; and

**WHEREAS**, the agreement provided that a critical component of the joint tourism program for the City of Bedford and Bedford County was the siting, construction, ownership and operation of a state certified visitors center to be located in the City of Bedford or in one of the revenue sharing areas designated in the Join Economic Development and Growth Sharing Agreement dated February 9, 1998; and

**WHEREAS**, the City of Bedford and the County of Bedford desire to acquire real estate in the vicinity of the National D-Day Memorial for immediate use as a temporary Visitor's Center and for ultimate construction of a permanent Visitor's Center; and

**WHEREAS**, the National D-Day Foundation in order to protect the view from the Memorial site has purchased two lots fronting on Burks Hill Road near the entrance to the National D-Day Memorial at a total cost of \$252,000.00 and has offered to sell such lots to the City and County at that price.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS**

1. The City Council approves the purchase jointly by the City and County of two lots fronting on Burks Hill Road, namely Tax Parcel No. 233-A-13 and Tax Parcel No. 232-3-1, from the National D-Day Memorial Foundation for a total purchase price of \$252,000.00, and the City Council appropriates one-half of such sum totaling \$126,000.00, from the General Fund unappropriated contingency for such purpose plus one-half of the closing costs.

2. The City Manager is authorized and directed to pay on behalf of the City one-half of the purchase price, \$126,000.00, to the National D-Day Memorial Foundation upon receipt of a deed with general warranty and English covenants of title in a form approved by the City Attorney, title to be conveyed equally to the City of Bedford and to the County of Bedford, upon payment of one-half of the purchase price by each jurisdiction, and the City Attorney and the Mayor are directed to enter into such deed, noting approval of the form of the deed by the City Attorney and acceptance of the conveyance on behalf of the City by the Mayor.

3. This resolution shall be in effect upon adoption of a resolution by the Bedford County Board of Supervisors approving payment of \$126,000.00 by Bedford County for its one-half interest.

Mayor Shelton adjourned the meeting at 8:31 p.m.