

Minutes 02-12-2002

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 12, 2002.

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

Members absent: Councilman Thomas M. Padgett and Councilman W. D. Tharp

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 January 8, 2002, called Council meeting and the January 8, 2002, regular Council meeting were approved as distributed.

The City Manager reported on the following items:

- Fran Hart is recovering very well from her recent medical procedure, and should be returning to the office in the next several weeks.
- The City Council planning retreat has been set for October 25 and 26 at Mountain Lake.
- Contact has been made Bucky Taylor, City Manager in Franklin, about Bedford officials visiting Franklin in June to reestablish our sister City relationship.
- The 460 East water and sewer extension project will be advertised for bid in the next two weeks, and bids will be opened at the end of March. Construction is slated for completion by the end of the year.

Mayor Shelton expressed condolences on behalf of City Council to the family of the late Clayton Turner, former Mayor.

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, February 7, 2002 and by the City Council at 7:30 p.m. on Tuesday, February 12, 2002, at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- To consider an amendment of the City of Bedford Land Development Regulations, Section 609.03 Conditional Uses, to include paragraph:
 - d. Child Care Center, Family Day Care Homes and Group Homes provided that undue concentration of these facilities at the block or neighborhood is avoided.

Oscar E. Padgett, owner of the Heritage Corporation, 403 Otey Street, Bedford, VA 24523 is making the request.

- To consider a conditional use request to allow the construction of a Group Home in a B-2, General Business District, Tax Map #191-A-1. Oscar E. Padgett, owner of the Heritage Corporation, 403 Otey Street, Bedford, VA 24523 is making the request.
- To consider rezoning from Low Density Residential (R-1A) to Limited Business District (B-1), Tax Map #194 A 142, 502 Longwood Avenue, Bedford, VA 24523.

Mr. Matt Palmer, 4801 Stoney Creek Parkway, Chester, VA 23831, 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 these requests 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 stated that the request by Mr. Matt Palmer had been withdrawn prior to the Planning Commission meeting.

Mayor Shelton opened the Public Hearing at 7:40 p.m.

Ms. Charlene McFall, 722 Blue Ridge Avenue, spoke in favor of the construction of a group home.

Mr. Oscar Padgett explained his plans for a group home and requested that Council approve the amendment to the Land Development Regulations.

As there were no further comments, Mayor Shelton closed the public hearing at 7:42 p.m.

The Consent Agenda consisted of the following item:

Reappointment of Mr. Joe M. Davidson, Jr., to serve a four-year term on the Joint City/County Industrial Development Authority, said term to expire February 1, 2006, and appointment of Mr. Gordon Eubank to a one-year term on the Authority, said term to expire February 1, 2003.

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

Mr. Bob Sutton, Virginia Department of Transportation spoke regarding the current economic situation and the future for VDOT's construction program. Mr. Sutton stated that Governor Mark Warner has instructed VDOT to develop a plan to reshape the Virginia Transportation Development Plan, formerly known as the Six-Year Plan. Mr. Sutton explained that the impact of this reshaping will likely result in some serious cutbacks in VDOT's program in Bedford, both to the primary and secondary system.

Mayor Shelton expressed thanks to the Virginia Department of Transportation for erecting the new National D-Day Memorial signs.

Mr. Marcus A. Major, Transportation Engineer, VDOT, explained that the 2020 Transportation Plan was started several years ago, long before any funding problems occurred. This plan is the first step to identify needs and deficiencies in the future without funding being involved.

On motion by Vice Mayor Messier, seconded by Councilwoman Flood, voted upon and carried, Council endorsed the approval of the 2020 Transportation Plan for the City of Bedford, which was prepared by the Virginia Department of Transportation.

Mr. Bart Warner, Director of Planning & Community Development, reported that the review of the Comprehensive Plan is well underway. Mr. Warner explained the review process and stated the final draft should be completed in May, no later than June.

Mayor Shelton reported the Planning Commission recommends that City Council amend Section 609.03, Conditional Uses, of the City of Bedford Land Development Regulations to include the following revised paragraph: *d. Licensed Group Homes for children provided that undue concentration of these facilities at the block or neighborhood level is avoided.*

Councilwoman Flood moved that Council accept the recommendation of the Planning Commission to amend Section 609.03, Conditional Uses, of the City of Bedford Land Development Regulations. Councilman Wandrei seconded the motion.

Vice Mayor Messier indicated that he felt the wording of the revision leaves too much for interpretation of "undue concentration."

A brief discussion ensued.

Vice Mayor Messier moved that Section 609.03, Conditional Uses, of the Land Development Regulations be amended by striking "*provided that undue concentration of these facilities at the block or neighborhood level is avoided.*" Councilman Brookshier seconded the motion.

Vice Mayor Messier's motion was voted upon and carried, four members voting aye, one member voting nay (Wandrei) and two members absent (Padgett, Tharp).

The amended motion to accept the recommendation of the Planning Commission to amend Section 609.03, Conditional Uses, of the City of Bedford Land Development Regulations to include "*d. Licensed Group Homes*" was voted upon and carried.

The next item on the agenda was consideration of the conditional use request by Oscar E. Padgett to allow the construction of a Group Home in a B-2, General Business District, Tax Map #191-A-1.

Mr. Warner reported that the Planning Commission recommends City Council deny the conditional use request by Mr. Padgett. Mr. Warner explained the Planning Commission's recommendation was based on a recommendation he made to the Commission. Mr. Warner stated his recommendation was based on information he received late in the process that may or may not be pertinent.

Mr. Warner recommended that the conditional use request be granted, based on information he has received that was not presented to the Planning Commission.

Mayor Shelton stated that the matter of the conditional use request by Oscar E. Padgett to allow the construction of a Group Home in a B-2, General Business District died for lack of a motion and the request was denied.

City Manager Meadows stated that Section 58.1-3275 of the Code of Virginia requires that a City tax assessor be appointed to conduct the reassessment of real property.

On motion by Councilman Wandrei, seconded by Vice Mayor Messier, voted upon and carried by a roll call vote, Council adopted the resolution appointing Donald K. Thomas as City Professional Assessor. Roll call vote follows:

Councilman Brookshier aye

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

Mayor Shelton aye

The resolution follows as adopted:

RESOLUTION

WHEREAS, the Code of Virginia of 1950, as amended, requires cities such as Bedford to reassess property at intervals not to exceed four years; and

WHEREAS, 2002 is the fourth year since such reassessment; and

WHEREAS, the Code of Virginia of 1950, as amended, also requires that a City tax assessor be appointed to conduct such reassessment;

NOW THEREFORE, BE IT RESOLVED that Donald K. Thomas be appointed as City assessor, such appointment to expire on June 30, 2002, and that an attested copy of this Resolution authorizing Donald K. Thomas to serve in this capacity be forwarded to the Property Tax Section, Department of Taxation, of the Commonwealth of Virginia.

The City Manager stated that Virginia's Region 2000 Partnership is in the process of working on its new Strategic Plan to be submitted to the state for Regional Competitive funds. A resolution must be adopted by each jurisdiction stating the jurisdiction recognizes and agrees to participate in the Partnership, resolves that the Partnership carry out the provisions of the Regional Competitive Plan on behalf of the City, and specifies that this funding be distributed directly to the Partnership.

On motion by Councilman Wandrei, seconded by Councilman Brookshier, voted upon and carried by a roll call vote, Council adopted the resolution in support of Virginia's

Regional 2000 Partnership request for qualification for funding under the Virginia Regional Competitiveness Program. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION OF THE COUNCIL OF THE CITY OF BEDFORD,
VIRGINIA, IN SUPPORT OF VIRGINIA'S REGION 2000
PARTNERSHIP REQUEST FOR QUALIFICATION FOR
FUNDING UNDER THE VIRGINIA REGIONAL
COMPETITIVENESS PROGRAM**

WHEREAS, the City of Bedford has participated with the jurisdictions in our region, namely the Counties of Amherst, Appomattox, Bedford and Campbell, the City of Lynchburg, and the Town of Altavista, in the formation of Virginia's Region 2000 Partnership, a Virginia nonstock, nonprofit corporation (the "Partnership"), and recognizes, and has agreed to participate in efforts to increase the regional competitiveness of, the region consisting of the above mentioned Counties, Cities and Town, (the "Region"); and

WHEREAS, the Partnership will file a Request for Qualification (the "Request") for funding under the Regional Competitiveness Program (the "RCP") enacted by the General Assembly of Virginia in 1996, with this resolution supporting the furtherance of the Request under the RCP.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bedford, Virginia that:

1. The City of Bedford, Virginia, recognizes and is a participant in the Region and the Partnership;
2. The Partnership is authorized to carry out the provisions of the RCP on behalf of the City of Bedford, Virginia; and,
3. The City of Bedford, Virginia, approves the funding methodology of the Partnership, namely, that RCP funding for jurisdictions comprising the Region will be distributed by the Commonwealth of Virginia directly to the Partnership, for use as described in the Request by the Partnership in connection with the regional strategic economic development plan adopted by the Partnership for the benefit of the participating jurisdictions in the Region.

Mayor Shelton adjourned the meeting at 8:10 p.m.