

09-10-02 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., September 10, 2002.

Members present: Mayor G. Michael Shelton; Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; Councilman Thomas M. Padgett; Councilman C. G. Stanley, Jr.; and Councilman W. D. Tharp.

Members absent: Councilman Robert T. Wandrei.

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 asked those present to observe a moment of silence in memory of those individuals who lost their lives on September 11, 2001, and their families and friends.

The Mayor led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of the August 27, 2002, regular Council meeting were approved as distributed.

The City Manager reported on the following items:

- Asked that the following items be added to the agenda: Discussion of an ordinance pertaining to water use restrictions; Closed Session, pursuant to the Code of Virginia of 1950, as amended, Section 2.2-3711(a)(7), consultation with legal counsel regarding pending litigation
- Events scheduled in observation of the anniversary of September 11, 2001: Bedford Visitors Center, remembrance ceremony and dedication of a flag and lighted flag pole donated by Woodmen of the World – 9:00 a.m.; ceremony at noon sponsored by the American Legion at the Bedford County Court House; Life Saving Crew event in the evening; and a regional event being held in Lynchburg in the evening
- Upcoming events: Bedford Area Chamber of Commerce Business Expo and Health Fair – September 18 and 19 at the National Guard Armory; Jefferson's Assembly – September 13 at Poplar Forest
- As of September 9 the water level at the reservoir was 30 inches below the spillway and the water level continues to drop due to the lack of rain

On motion by Vice Mayor Messier, seconded by Councilman Padgett, voted upon and carried, the agenda was amended to include the following items:

Discussion of an ordinance pertaining to water use restrictions; Closed Session, pursuant to the Code of Virginia of 1950, as amended, Section 2.2-3711(a)(7), consultation with legal counsel regarding pending litigation

Bart Warner, Director of Planning & Community Development, explained the request by Thomas R. Reynolds, Jr., for Council to consider rezoning from Manufacturing (M-1) to Planned Residential Development District (PRD) Tax Map #195-A-32, Tax Map #195-A-33 and Tax Map #195-8-4 on Church Street. Mr. Warner reported that the Planning Commission, at its meeting on August 12, 2002, recommended that Council approve the rezoning request with the following proffers:

1. Off-street parking in conjunction with residential use shall be limited to rear or side yards.
2. For duplex housing, there shall be only one main entrance on the front of any structure.
3. Any residential development shall be constructed with a roof pitch of 5' x 12'.
4. Exterior wall materials to be used shall be limited to wood clapboard siding, vinyl siding, or brick.
5. A sidewalk shall be constructed along Church Street within the boundaries of the property that shall be 4' wide and 6" deep.
6. The minimum height of any building constructed shall be 12'.
7. One half of the right-of-way required by the Land Development Regulations for improvement of any public streets abutting the property shall be dedicated by the property owner.

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 Council at 7:30 p.m. on Tuesday, September 10, 2002, at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- To consider rezoning from Manufacturing (M-1) to Planned Residential Development District (PRD) Tax Map #195-A-32, Tax Map #195-A-33 and Tax Map #195-8-4 on Church Street. Thomas E. Reynolds, Jr., 101 Peakland Court, Bedford VA 24523, is making the request.

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 City Council
of the City of Bedford

Mayor Shelton opened the public hearing at 7:44 p.m.

Mr. Tommy Reynolds, 101 Peakland Court, Bedford, spoke in favor of his rezoning request.

As there were no further comments, the Mayor closed the public hearing at 7:46 p.m.

The Consent Agenda consisted of the following item:

Approve the closing of the following streets for the YMCA's Annual Peaks of Otter Christmas Classic Foot Race on December 7, 2002, from 8:30 a.m. to 11:00 a.m.:

Peaks Street, Whitfield Drive, Oakwood Street, Longwood Avenue, Hampton Ridge Avenue and Elm Street.

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

Mr. Warren F. Opitz, President, Bedford Habitat for Humanity, Inc., stated Bedford Habitat is requesting that the City waive the installation costs of sewer and water for houses built within the City limits by Habitat. Mr. Opitz also asked that Council refund the service charge paid by Habitat on the home at 606 Federal Street. Mr. Opitz invited Council to join in the overall purpose of Habitat for Humanity.

Mr. Case Pieterman, President, New Horizons, explained that New Horizons is similar to Habitat for Humanity and also asked Council to waive hookup fees or establish reduced fees for non-profit organizations.

Discussion ensued.

Councilman Tharp moved that Council keep the current process in effect, that being not waiving fees for the Habitat projects.

The motion died for lack of a second.

Vice Mayor Messier moved that water and sewer connection fees be waived for future houses being constructed by the Habitat for Humanity and New Horizon groups. The motion was seconded by Councilwoman Flood.

Further discussion on the matter ensued.

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

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

On motion by Councilman Messier, seconded by Councilman Padgett, voted upon and carried, Council waived the reading of the proposed ordinance amending and changing the zoning maps of the City.

On motion by Councilman Padgett, seconded by Vice Mayor Messier, voted upon and carried by a roll call vote, Council adopted the ordinance amending and changing the zoning maps of the City with the proffers as set forth by the Planning Commission. Roll call vote follows:

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

The Ordinance follows as adopted:

**AN ORDINANCE AMENDING AND CHANGING THE ZONING
MAPS OF THE CITY OF BEDFORD
AND ACCEPTING CERTAIN VOLUNTARY PROFFERS MADE
IN CONNECTION WITH THE
REZONING OF TAX MAP NO. 195-A-32, 195-A-33 and 195-A-4
NEAR THE
INTERSECTION OF JACKSON STREET AND CHURCH STREET
PURSUANT TO THE
APPLICATION OF T. E. REYNOLDS, JR., CONTRACT
PURCHASER WITH THE WRITTEN
CONSENT OF RBX INDUSTRIES, INC., OWNER**

WHEREAS, the Planning Commission of the City of Bedford has held an advertised public hearing and on August 12, 2002 recommended to the City Council that it approve a re-zoning of parcels hereinafter described subject to certain conditions voluntarily proffered by T. E. Reynolds, Jr., contract purchaser of the lots owned by RBX Industries, Inc.; and

WHEREAS, the City Council has held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by *Virginia Code* §15.2-2204; and

WHEREAS, the City Council has determined that the voluntary conditions proffered in writing by the applicant will protect the community and mitigate the impacts of the proposed zoning change and that with such conditions the proposed zoning change will promote the public convenience and general welfare and is in accord with good zoning practice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD:

1. The Zoning Map of the City of Bedford is amended by rezoning from

manufacturing district (M-1) to planned residential development (PRD) the following described land:

Tax Parcel No. 195-A-4, Tax Parcel No. 195-A-33, and that portion of Tax Map No. 195-A-32 which lies on the west side of a 14' gravel drive running from Jackson Street south to the boundary of Tax Parcel No. 195-A-34.

1. The property as rezoned shall be subject to the following conditions which were proffered by the applicant at the City Council meeting and which were accepted by the City Council:

a. Off-street parking in conjunction with residential use shall be limited to rear or side yards.

b. For duplex housing, there shall be only one main entrance on the front of any structure.

c. Any residential development shall be constructed with a roof pitch of 5' x 12'.

d. Exterior materials to be used shall be limited to wood clapboard siding, vinyl siding, or brick.

e. A sidewalk shall be constructed along Church Street within the boundaries of the property that shall be 4' wide and 6" deep.

f. The minimum height of any building constructed shall be 12'.

g. The owner agrees to dedicate one half of the right-of-way required by the Land Development Regulations for improvement of any public streets abutting the property.

3. Severance - The unenforceability, elimination, revision or amendment of any proffer, in whole or in part, shall not affect the validity or enforceability of other proffers or the unaffected part of any such proffer.

4. The Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the zoning map of the City of Bedford.

City Manager Meadows stated that in an effort to plan for the future of the Central Virginia area, the Region 2000 Regional Commission has held meetings with the Region's local governments to discuss regional strategic initiatives. Five initiatives have been identified – economic development, local government revenue restructuring/enhancement, water and sewer resources, health insurance and solid waste. Mr. Meadows indicated the Commission is requesting jurisdictions within Region 2000 to adopt a resolution signifying their approval of these strategic initiatives and related priorities.

On motion by Vice Mayor Messier, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the resolution regarding the Region 2000 Regional Commission Initiatives and Priorities. Roll call vote follows:

Councilman Padgett	aye
Councilman Stanley	aye
Councilman Tharp	aye
Councilman Wandrei	absent
Councilwoman Flood	aye
Councilman Padgett	aye
Mayor Shelton	aye

The resolution follows as adopted:

RESOLUTION

ADOPTION OF THE REGIONAL INITIATIVES AND THEIR PRIORITIES BY THE CITY OF

BEDFORD

WHEREAS, the Region 2000 Regional Commission, in an effort to plan for the future of the Central Virginia area, held a joint meeting of the Region's local governments in April 2002 to discuss regional strategic initiatives and;

WHEREAS, following those discussions five initiatives were identified that merited the Region's cooperative efforts: economic development, local government revenue restructuring/enhancement, water & sewer resources, health insurance, and solid waste, and;

WHEREAS, the development of these strategic initiatives gives clear direction as to the future focus of the Regional Commission and identifies the priorities of those initiatives, and;

WHEREAS, the regional cooperation demonstrated in the establishment and pursuit of these initiatives continues a long-standing tradition among the Central Virginia communities that is unequalled in the Commonwealth.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Bedford does hereby approve the strategic initiatives and their related priorities identified by the Region 2000 Regional Commission (as attached) and hereby signifies that approval by its adoption of this resolution.

(The strategic initiatives and related priorities follow:)

ECONOMIC DEVELOPMENT IN REGION 2000

STRENGTHS, PRIORITIES AND OPPORTUNITIES

July 25, 2002

STRENGTHS

Region 2000 localities are poised to enter a new era of increased cooperation and coordination in their collective economic development efforts. The partnership that has been developed and nurtured over the years between local government and the private sector has been portrayed as a model across the Commonwealth as to how regional cooperation should be implemented. Region 2000 has known for many years that in order for this region to be successful this relationship is a critical component. The region continually seeks out avenues to enhance this relationship.

There are a number of assets in the region that cause it to stand out among those of the Commonwealth. Some examples are cost of living, strong

sense of community, available business sites, and good public schools to name a few. However, as the nation's economy is seeing a decline in the traditional manufacturing base, it is also seeing a concurrent growth of information, technology and service-based industries. This trend is placing new demands on the skills of our labor force and causing the region as a whole to reevaluate as well as redefine its economic development vision for the future. This presents an opportunity to stop and take a candid look at how the region does business and what our priorities should be.

PRIORITIES

In the latter part of 2001, Virginia's Region 2000 embarked on a joint venture with the Region 2000 Workforce Development Board to develop a regional workforce audit. This project focus was threefold: 1) Development of a workforce profile; 2) An evaluation of the workforce quality; and 3) A comparative analysis of the workforce/region with other similar size regions. In tandem with this project, Virginia's Region 2000 initiated an update of its five-year strategic plan. Both of these projects were completed in the late spring/early summer of 2002. Both of these projects generated recommendations regarding immediate and long-term priorities the region should consider as it moved forward to address dwindling financial resources, the need for increased collaboration, and the continually declining/changing economy.

It is interesting to note that in a number of instances, the recommendations of these two independent reports seemed to overlap. Both of the reports gathered local data from four major sources: 1) the private sector; 2) the public sector; 3) the community at large; and 4) the educational community. A physical survey, as well as focus groups, were used to solicit input on issues such as: 1) general perceptions of Region 2000; 2) economic development priorities; and 3) regional capacity for innovation. The information generated by the efforts of these studies produced several common themes:

- An apparent lack of leadership from one guiding organization;
- Multiple agencies are competing for the same financial resources, both public and private;
- Multiple organizations are competing for the participation of private sector senior level management that only have a limited amount of time to dedicate;
- There is a need to provide a unified and compelling centralized vision as to how the region should develop;

The region's economic development strategy must be closely aligned with the region's workforce development strategy; therefore, collaboration with the Workforce Investment Board is a critical component to the economic

success of the region.

OPPORTUNITIES

Given these priorities, there are several immediate opportunities that present themselves. In the fall of 1999 the Mayors and Chairpersons of Region 2000 localities came together to craft a vision of bringing cooperation and collaboration to a higher level. Given careful consideration, these local elected officials reshaped the existing Central Virginia Planning District Commission into the new "Region 2000 Regional Commission." The goal of this new organization was to provide economic competitiveness as a result of increased coordination between localities, reduced redundancy in governmental actions, improved efficiency, enhanced services, and speedier implementation of needed regional projects. More importantly the legal authority to make this change already existed in the Code of Virginia via the Regional Cooperation Act.

In 2000, the first opportunity to begin movement toward the implementation of this vision came with the creation and staffing of the Workforce Investment Board (WIB). Although this organization functions under the auspices of the Regional Commission, it functions, for the most part, independently. It maintains a separate policy board and has an independent staff that reports to the WIB. The Regional Commission serves as their fiscal agent and jointly shares administrative, infrastructure, and operational support as needed. This makes the operation of the WIB and the Commission more cost effective.

PROPOSED MODEL

Given this backdrop and the recommendations of the Virginia's Region 2000 Strategic Plan (VR2000SP) and the Regional Workforce Audit Strategy (RWAS) there appears to be another window of opportunity to aggregate Virginia's Region 2000 and the Partnership in with the Commission. This would bring three organizations together that have a significant role in the promotion of economic development in the region. The model that has effectively worked in the case of the WIB would appear to be applicable in the case of Virginia's Region 2000 and the Partnership.

The larger and more positive impact of this move would be to continue to centralize and focus the region's efforts in marketing, development of the workforce, and the strategic planning for economic development. This union would create the opportunity for the private sector and the local government to combine forces that could possibly begin to deal with

companion issues that effect economic development. Consideration should be given to expanding the Commission membership to include representatives of the WIB and the Partnership.

There are numerous benefits to the further consideration of this suggestion. Although there is a need for additional dialog with the various partners concerning the details of this proposal, it does have merit and warrants further pursuit. More importantly, it begins to address the concerns that were raised in the VR2000SP and the RWAS. It also begins to provide clarity to the business community as to where to inquire when in need of assistance with all areas of economic development in Region 2000.

REGION 2000 REGIONAL COMMISSION

PRIORITY AREAS OF FOCUS ESTABLISHED APRIL 2002

PRIORITY 1

ECONOMIC DEVELOPMENT

The Regional Commission will serve as a conduit for the focus and enhancement of regional and local governmental activities that support Economic development through efforts such as site development and marketing assistance, regional infrastructure development/management, workforce development, transportation planning, and the development of efficient/effective solutions to reduce the cost and redundancy of services provided to the business community. The Regional Commission will also develop a strategy that will address the recommendations of the 2002 Workforce Audit and the Virginia's Region 2000 Strategic Plan as they relate to economic development.

PRIORITY 2

LOCAL GOVERNMENT REVENUE RESTRUCTURING/ENHANCEMENT

The Regional Commission will assume a leadership role at the state and local level in the development of viable options to address the continuing decline of available revenue to support local government services.

PRIORITY 3

WATER AND SEWER RESOURCES

The Regional Commission will convene a Water Resources task force that will develop an automated map and data base of the existing water/sewer resources and examine the options available to the regions localities for development, both business and residential, in the future.

PRIORITY 4

REGIONAL HEALTH INSURANCE

The Regional Commission will continue to facilitate the regional health insurance task force that is evaluating available options in controlling rising health care cost of the Commission's member localities.

PRIORITY 5

SOLID WASTE MANAGEMENT

The Regional Commission will convene a Solid Waste Task Force and facilitate a discussion concerning the viability and feasibility of a regional approach to solid waste management which would include alternatives, evaluation of existing regional models, recycling, existing local debt verses equity. The future disposition of construction debris will also be addressed as a part of this discussion.

City Manager Meadows reported that a group of citizens has volunteered to compile a Bedford County Heritage Book. This book will contain a general history of the City and County as well as specific histories of towns and communities, schools, organizations, churches, cemeteries, and families. The goal of this book is to preserve the area's heritage for present and future generations to enjoy. The City Manager stated the City is under no financial obligation for this project, and the group of citizens has requested only a formal endorsement. City Manager Meadows stated the resolution that Council was originally requested to consider named the publishing company and was written in a manner that appeared to be more of an endorsement of the publishing company as opposed to the project itself. Mr. Meadows rewrote the proposed resolution.

Councilman Padgett moved that the resolution regarding the Bedford City/County Heritage Book be adopted. Councilman Stanley seconded the motion.

Discussion ensued.

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

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

The resolution follows as adopted:

RESOLUTION

BEDFORD CITY/COUNTY HERITAGE BOOK

WHEREAS, Bedford has never published a heritage book of information on family histories and stories as submitted and contributed to by the population at large; and

WHEREAS, other Virginia cities and counties have successfully published Heritage Books within the last few years; and

WHEREAS, current and former residents of Bedford City are invited to participate in the writing and preparation of a heritage book at no risk; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Bedford supports the publication of the Bedford Heritage Book and determines this project will be advantageous to the residents and former residents of the City.

The next item on the agenda was consideration of a resolution canceling the first Council meeting in October and the second Council meeting in December.

City Manager Meadows reported that three Council members will be on a trip to France October 7 – October 17. The regular meeting is scheduled for October 8.

Councilman Tharp moved that the City Manager consult with the four remaining Council members prior to the Tuesday meeting (October 8, 2002) and if they are able to attend, then the meeting should go forward. If one of the Council members cannot be in attendance, which then precludes a quorum, then the meeting be cancelled.

The motion died for lack of a second.

Vice Mayor Messier moved that the proposed resolution be adopted. The motion was seconded by Councilman Padgett, voted upon and carried by the following roll call vote:

Councilman Tharp	nay
Councilman Wandrei	absent
Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Padgett	aye
Councilman Stanley	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 8, 2002, that date being when several council members are out of the Country; and

WHEREAS, the second regular Council meeting in December is scheduled for December 24, 2002, which is designated as an official City holiday;

NOW, THEREFORE, BE IT RESOLVED that the City Council meetings scheduled for October 8, 2002, and December 24, 2002, be and the same hereby are canceled.

The City Manager stated that the Governor has issued an Executive Order recently indicating that the State is under mandatory water restrictions and outlining certain prohibitions on certain water uses but did not give any penalties for violations. The City Attorney, in consultation with the Public Works Director, the Police Chief and the City Manager, has prepared a proposed ordinance that would address the current water supply emergency. The ordinance addresses the City's current water situation and also outlines the restrictions that would be placed on the City's water customers if adopted. Section III addresses violations, penalties and enforcement.

Mayor Shelton referred the proposed ordinance to the Water and Sewer Committee for review in relation to the previous ordinance, the Governor's Executive Order, and anything through the Secretary of Natural Resources Office and the Drought Coordinator that might affect this proposed ordinance. The Committee is to report back at the next Council meeting.

On motion by Councilwoman Flood, seconded by Councilman Padgett, 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 2.2-3711(a)(7), for consultation with legal counsel regarding pending litigation. Roll call vote follows:

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

Council adjourned into closed session at 8:45 p.m. Non-Council members attending: City Manager Meadows, City Attorney Berry, and Chief of Police Graham.

Council reconvened into open session at 9:16 p.m.

The Clerk of Council read aloud the following proposed resolution:

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.

Vice Mayor Messier moved that the resolution be adopted. Councilwoman Flood, seconded the motion, which was voted upon and carried by the following roll call vote:

Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Padgett	aye

Councilman Stanley	aye
Councilman Tharp	aye
Councilman Wandrei	absent
Mayor Shelton	aye

Councilman Tharp spoke about studying future options for water sources.

The City Manager explained what is being done at this time. Mr. Meadows stated that the City is interviewing five engineering firms on September 16 and 17 to assist the City in preparing a Water and Sewer Valuation Study and to determine the most logical option to pursue.

On motion by Councilman Tharp, seconded by Councilman Stanley, voted upon and carried, the meeting was adjourned at 9:30 p.m.