

Minutes 01-14-2003

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., January 14, 2003.

Members present: Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; Councilman Thomas M. Padgett; Councilman C. G. Stanley, Jr.; 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.

Vice Mayor Messier opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Vice Mayor Messier declared that the minutes of a regular Council meeting held on December 10, 2002, were approved as distributed.

The City Manager introduced the following new department heads: Randy Nixon, Director of Parks & Recreation; and Todd Stone, Fire Chief.

The City Manager reported on the following items:

- The City will be observing the Lee-Jackson-King holiday on January 20
- The City has agreed to extend its sister city relationship with the City of Franklin, Virginia for another year
- Members of Council were given 2003 City calendars which will be distributed to all City residents
- Members of Council were given a postcard representing the new website for the Visitors Center
- Deer Management Program – 34 deer have been eradicated as of this date – the program will be continued as discussed

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

#### Introduction and Swearing In of Police Officers

Vice Mayor Messier presented gifts to G. Michael Shelton, outgoing Mayor. Mr. Shelton was the longest serving Mayor in the history of the City. The Vice Mayor also presented gifts to Mrs. Shelton on behalf of City Council. The City of Police presented gifts to Mr. Shelton on behalf of the Police Department.

Vice Mayor Messier read aloud the following proposed resolution:

**RESOLUTION HONORING  
G. MICHAEL SHELTON  
FOR HIS CONTRIBUTIONS TO THE  
CITY OF BEDFORD**

**WHEREAS**, G. Michael Shelton has served the City of Bedford with distinction as a member of City Council since July 1, 1984; and

**WHEREAS**, since July 1, 1988, he has been selected by his fellow Council members to serve as Mayor of the City, becoming the longest-serving mayor in the history of the City; and

**WHEREAS**, under his leadership the City of Bedford has enjoyed mutually beneficial relations and prosperity with its neighbors within the region, and gained recognition beyond its borders as well as internationally; and

**WHEREAS**, Mayor Shelton led in the rebirth and revitalization of Centertown and the establishment of the City of Bedford as one of the first five Main Street Cities in the Commonwealth of Virginia; and

**WHEREAS**, Mayor Shelton has demonstrated to the Commonwealth of Virginia the benefits of regional cooperation through the historic Joint Revenue Sharing Agreement with Bedford County and through his leadership of the Region 2000 Regional Commission and in Region 2000; and

**WHEREAS**, Mayor Shelton worked diligently and persistently to bring international attention to Bedford through successful efforts to establish the National D-Day Memorial in the City, culminating with a visit by President Bush for the dedication ceremony in June 2001; and

**WHEREAS**, Mayor Shelton has expanded citizens' international awareness by establishing the Bedford International Alliance and international twinning relationships with eleven Omaha Beach villages in France, along with Woburn and Ivybridge England; and

**WHEREAS**, Mayor Shelton has enhanced opportunities for all citizens through continuing efforts in economic development, education and recreation, including expansion of the Bedford Central Library; construction of the Bedford Middle School Gymnasium and Bedford Elementary School; development of neighborhood parks as well as Liberty Lake Park; and providing high-speed fiber optic cabling system for all residences and businesses within the City; and

**WHEREAS**, Mayor Shelton has truly protected and served the families and youth of this community through the formation of Bedford's Promise, modeled on the America's Promise Program, as well as his involvement with What's Next Day and the establishment of the Bedford Community Resource Center; and

**WHEREAS**, the members of Bedford City Council, past and present, who have served with Mayor Shelton wish to state and reflect their deep respect and their pleasure at having had an opportunity to serve and work with Mayor Shelton;

**NOW THEREFORE, BE IT RESOLVED**, that the City Council adopts this Resolution in honor of G. Michael Shelton this 14<sup>th</sup> day of January 2003. Likewise, the Council calls upon all citizens of the City of Bedford to honor and thank Mayor Shelton and his family for their tremendous effort and personal sacrifice for the well being of the City of Bedford. May God bless his family in their future endeavors.

Councilman Tharp moved that the resolution be adopted. The motion was seconded by Councilman Stanley, voted upon and carried unanimously.

Former Mayor Shelton spoke of his years of service to the City and his pleasure at being able to serve.

The Consent Agenda consisted of the following item: Request by the NAACP to approve the temporary closing of East Main, South and Edmund Streets, as needed to facilitate the movement of pedestrian traffic during the march honoring the late Dr. Martin Luther King, Jr., on January 20, 2003.

On motion by Councilman Padgett, seconded by Councilwoman Flood, voted upon and carried unanimously, the Consent Agenda was adopted.

After being introduced by the Chief of Police, the following individuals were sworn in by the Clerk of Council:

Timothy E. Stanley, Jr., Police Officer; Tracy L. Pannell, Sergeant; James R. Bennett and Brian C. Snyder, Lieutenants

City Manager Meadows stated that during the 1950's, the Bedford Public Library, a department of the Town of Bedford at that time, was the recipient of four portraits of members of the Burwell Family. Those portraits were placed on permanent loan to the Avenel Guild in 1992. At a meeting on September 14, 1999, the Bedford Public Library Board recommended that ownership of the portraits be transferred to the Avenel Foundation. Mr. Meadows indicated that he received a letter dated December 2, 2002, from Peggy Bias, Director, Bedford Public Library, officially requesting transfer of the

paintings. Council is requested to assign and convey to the Avenel Foundation, all its right, title and interest in the four Burwell paintings, and authorize the Mayor and Clerk to execute and deliver a formal instrument of assignment.

The Clerk of Council read aloud the following proposed resolution:

## **RESOLUTION**

**WHEREAS**, during the 1950s, the Bedford Public Library, a department of the Town of Bedford, was the recipient of four portraits of members of the Burwell family which were placed on permanent loan to the Avenel Guild in 1992; and

**WHEREAS**, at a meeting on September 14, 1999 the Bedford Public Library Board recommended that ownership of the portraits be transferred to the Avenel Foundation; and

**WHEREAS**, in a letter to the City Manager dated December 2, 2002, Peggy Bias, Director, Bedford Public Library, officially requested transfer of the paintings;

**NOW WHEREFORE BE IT RESOLVED**, that for and consideration of the agreement by Avenel Foundation to restore said portraits and to exhibit them at the Avenel House, the City of Bedford does hereby **ASSIGN AND CONVEY** to the Avenel Foundation, its successors and assigns, all its right, title and interest in the four paintings, and the Mayor and City Clerk are directed to execute and deliver a formal assignment of the paintings.

Councilman Padgett moved that the resolution be approved. Councilwoman Flood seconded the motion.

Councilman Wandrei stated that he would abstain from voting on this matter, as he is President of the Avenel Board.

After discussion, the motion was then voted upon and carried unanimously by the following roll call vote:

Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Padgett	aye
Councilman Stanley	aye
Councilman Tharp	aye

Councilman Wandrei abstained  
On motion by Councilman Tharp, seconded by Councilwoman Flood, voted upon and carried unanimously, Council waived the reading of the document "Assignment of Paintings." The document follows:

**ASSIGNMENT OF PAINTINGS**

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This Assignment of paintings is made and entered into this \_\_\_ of January 2003 by and between the City of Bedford, Virginia, a Municipal Corporation, party of the first part; and Avenel Foundation, party of the second part.

WHEREAS, since the 1950s the Bedford Public Library, which was owned and operated by the town of Bedford (now the City of Bedford), has had in its possession four portraits of members of the Burwell family, which are more specifically described in a letter from Elizabeth N. Gladwell, professional appraisal service, to Ms. Nancy Donahue dated October 5, 1992, a copy of which is attached hereto; and

WHEREAS, the portraits have been on permanent loan and have been displayed at Avenel since that time; and

WHEREAS, the Avenel Foundation, a non-profit corporation, which operates the Avenel home in Bedford, has requested the City to convey title to the four Burwell portraits to the Foundation so that the Foundation can restore the portraits and continue to exhibit them at the Avenel House.

NOW, WHEREFORE, THIS ASSIGNMENT WITNESSETH: That for and consideration of the agreement by Avenel Foundation to restore said portraits and to exhibit them at the Avenel House, the City of Bedford does hereby ASSIGN AND CONVEY to the Avenel Foundation, its successors and assigns, all its right, title and interest in the four paintings described in the letter to Nancy Donahue dated October 5, 1992.

IN WITNESS WHEREOF, the City of Bedford has caused this instrument to be executed in it's name by it's Mayor and it's seal attached, and attested by it's City Clerk pursuant to a resolution adopted at a regular meeting of the City Council held on January 14, 2003.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

CITY OF BEDFORD

SEAL  
ATTEST:

\_\_\_\_\_  
Mayor

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City Clerk

Mr. Jeff Larson, Advanced Logic Industries, Inc., presented an update to Council regarding the software replacement project. Mr. Larson indicated that the project could possibly be implemented in the first quarter of the new fiscal year. Mr. Larson expressed thanks to the representatives from each City department.

The City Manager stated that Bedford Volunteer Fire Company, Inc., is requesting the replacement of sixteen sets of turnout gear. The reason for the request is that current turnout gear contains PVC foam liners. Research has indicated that these liners degrade with age resulting in decreased fire and heat protection. In addition, research has also indicated a link between cancer and PVC foam liners. Mr. Meadows reported that the average life expectancy of PVC turnout gear is six to seven years. The sets currently used by the Fire Company are now ten years old and the members feel that continued wearing of this gear is a health risk.

Councilman Stanley reported that the Public Safety Committee met regarding this request and recommends that \$6,000 be designated from the current budget to replace this gear.

The City Manager stated that it is felt that the \$6,000 could be located somewhere throughout the General Fund to address this need immediately without having to appropriate any additional funds from the contingency.

Chief Stone spoke regarding replacing the turnout gear.

On motion by Councilman Tharp, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adjourned into closed session for the following purposes: (a) pursuant to the Code of Virginia of 1950, as amended, Section 2.2-3711(a)(7) to discuss a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business's or industry's interest in locating or expanding its facilities in the community; and pursuant to the Code of Virginia of 1950, as amended, Section 2.2-3711(a)(1) to discuss and consider candidates for appointment to City Council. Roll call vote follows:

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

Council adjourned into closed session at 8:21 p.m. after a 10-minute break. Non-council members attending: City Manager Meadows, City Attorney Berry, Elizabeth Berry-Moseley.

Council reconvened into open session at 8:55 p.m.

The Clerk of Council read aloud the following 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 unanimously by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

On motion by Councilman Tharp, seconded by Councilman Stanley, voted upon and carried unanimously, the following item was added to the agenda: Appointment of a Council person to fill the unexpired term of G. Michael Shelton.

On motion by Councilman Tharp, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Mr. Jeffrey B. Hubbard was appointed to Bedford City Council to fill the unexpired term of G. Michael Shelton. Roll call vote follows:

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

Vice Mayor Messier adjourned the meeting at 8:57 p.m.