

Minutes 01-27-2004

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 27, 2004.

Members present: Mayor E. Thomas Messier; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard; Councilman C. G. Stanley, Jr.; Vice Mayor 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, IV; and Clerk of the Council Teresa W. Hatcher.

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

Mayor Messier declared that the minutes of a regular Council meeting held on January 13, 2004, were approved as distributed.

City Manager Meadows reported on the following:

- Recognized City employees for their work in snow removal
- Many positive comments have been received regarding the 2004 City of Bedford calendar
- Reviewed a schedule for working on the 2004-05 budget. A budget retreat is scheduled for Friday, May 7.
- Legislative Day is scheduled for February 12 in Richmond.
- Information related to Council meetings is now being placed in notebooks for members of Council.

Councilman Stanley, Chairman of the Safety Committee stated that the Committee held a meeting earlier in the evening and discussed the results of the parking survey conducted by Bedford Main Street, Inc.

Councilman Hubbard, Chairman of the Finance Committee, stated the Committee met earlier in the evening and discussed the following: 1) update on cable television franchise renewal; 2) potential debt refinancing; 3) FY 2004-05 City School budget.

Public Hearing Notice follows:

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, January 27, 2004 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- Consideration of a proposed amendment to the City of Bedford Land Development Regulations creating a Traditional Neighborhood Overlay District (TNO)
- Consideration of a proposed amendment to the City of Bedford Zoning Map for applying the Traditional Neighborhood Overlay District (TNO) to the properties identified by the following Tax Parcels:

193-A-17, 193-A-18A, 193-A-18A, 193-A-19, 193-A-30, 193-A-31, 193-A-32, 193-A-33, 193-A-34, 193-A-35, 193-A-37, 193-A-38, 193-A-39, 193-A-40, 193-A-41, 213-1-1, 213-11-D, 213-1-2, 213-12-1, 213-12-2, 213-17-1, 213-17-2, 213-19-1, 213-19-10, 213-19-11, 213-19-12, 213-19-13A, 213-19-13B, 213-19-1A, 213-19-2, 213-19-9, 213-2-A, 213-2-B, 213-5-1, 213-5-10, 213-5-2, 213-5-3, 213-5-4, 213-5-5, 213-5-6, 213-5-7, 213-5-8, 213-5-9, 213-6-10, 213-6-5, 213-6-5A, 213-6-6, 213-6-7, 213-6-8, 213-6-9, 213-A-1, 213-A-123, 213-A-2, 213-A-3, 213-A-4, 213-A-5, 213-A-6, 213-A-7, 213-A-8, 213-A-83, 213-A-84, 213-A-85, 213-A-86, 213-A-88, 213-A-89, 213-A-8A, 213-A-9, 213-A-90, 232-3-1, 232-3-2, 232-A-1, 232-A-2, 232-A-3 (portion east of the western boundary line of Parcel 233-A-6), 233-2-1, 233-2-2, 233-2-3, 233-2-4, 233-A-1, 233-A-10, 233-A-12, 233-A-13, 233-A-14, 233-A-16, 233-A-17, 233-A-19, 233-A-2, 233-A-21, 233-A-22, 233-A-24, 233-A-3, 233-A-3B, 233-A-3C, 233-A-4, 233-A-5, 233-A-6, 233-A-7, and 233-A-8.

- Consideration of proposed corrections, additions, deletions and/or amendments to the City of Bedford Comprehensive Plan

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

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

By the Authority of the City Council

Mr. Bart Warner, Director of Planning & Community Development, gave a brief overview of the ordinance amending the Land Development Regulations to allow for the creation of a Traditional Neighborhood Overlay District (TNO).

On motion by Councilman Stanley, seconded by Vice Mayor Tharp, voted upon and carried, Council dispensed with the reading of the proposed ordinance amending the Land Development Regulations to allow for the creation of a Traditional Neighborhood Overlay District (TNO).

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

The following individuals spoke regarding the proposed amendment to the City of Bedford Land Development Regulations creating a Traditional Neighborhood Overlay District (TNO):

- Carolyn Horst, Jeter Street, spoke in opposition to the Traditional Neighborhood Overlay District (TNO) being applied to her property.
- Benny Dean spoke in opposition
- Robert F. Clark, 511 Jeter Street, spoke in opposition

As there were no further comments, the Mayor closed the Public Hearing at 7:51 p.m.

Public Hearing Notice follows:

NOTICE OF PUBLIC HEARING

NOTICE OF INTENTION TO VACATE OR ABANDON PARTS OF STREET (KNOWN AS BOXWOOD TERRACE LYING WEST OF FREEDOM LANE)

Please take notice that at the meeting of the City Council of the City of Bedford, Virginia, to be held at the Council Chambers in the Municipal Building at 215 East Main Street, Bedford, Virginia on January 27, 2004 at 7:30 p.m., Turner Hopkins and Brenda C. Hopkins (owners of abutting property) and RTII, Incorporated (contract purchasers) will apply pursuant to *Virginia Code* § 15.2-2006 for abandonment and discontinuance of those portions of the street known as Boxwood Terrace (old Route 297) which lies west of the intersection with Lowry Street and which lies between the property of the applicants and the limited access line of US Route 460, the abandoned right-of-way to be conveyed to the applicants in exchange for right-of-way on Lowry Street.

The application fully describing the portion of the street to be abandoned and vacated is on file in the Office of the Director of Planning and Community Development of the City of Bedford.

Any of those persons who are in favor of or opposed to the application will have an opportunity to express their views at this hearing.

Teresa Hatcher
Clerk of the Council
City of Bedford

On motion by Councilman Wandrei, seconded by Councilman Hubbard, voted upon and carried, Council dispensed with the reading of the proposed ordinance vacating a portion of the right-of-way of Boxwood Terrace.

Mr. Bart Warner, Director of Planning & Community Development, gave a brief overview of the proposed ordinance and reviewed minor clarifications to the proposed ordinance.

Mayor Messier opened the public hearing regarding the vacation of a portion of the right-of-way of Boxwood Terrace at 7:55 p.m.

Mr. Bill Berkley, Berkley, Howell & Associates, stated he appreciated the hard work of the staff in this matter.

As there were no further comments, the Mayor closed the public hearing at 7:56 p.m.

Mayor Messier opened the public hearing regarding consideration of proposed corrections, additions, deletions and/or amendments to the City of Bedford Comprehensive Plan at 7:57 p.m.

As there were no comments, Mayor Messier closed the public hearing at 7:58 p.m.

The Consent Agenda consisted of the following item: Reappointment of Mr. Macon C. Putney to serve a four-year term on the Joint City/County Industrial Development Authority, said term to expire February 1, 2008.

On motion by Councilman Wandrei, seconded by Vice Mayor Tharp, voted upon and carried by a roll call vote, Council adopted the Consent Agenda and reappointed Mr. Macon C. Putney to serve a four-year term on the Joint City/County Industrial Development Authority, said term to expire February 1, 2008. Roll call vote follows:

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

City Manager Meadows stated it is the recommendation of the Planning Commission and staff that Council approve the proposed amendment to the City of Bedford Land Development Regulations creating a Traditional Neighborhood Overlay District (TNO).

Councilman Hubbard moved that Council approve the proposed amendment to the City of Bedford Land Development Regulations creating a Traditional Neighborhood Overlay District (TNO). Vice Mayor Tharp seconded the motion.

Discussion ensued.

Councilman Hubbard made an amended motion that the proposed amendment to the City of Bedford Land Development Regulations creating a Traditional Neighborhood Overlay District (TNO) be referred back to the Planning Commission for further study and review. The motion was seconded by Councilman Stanley, voted upon and carried by the following roll call vote:

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

Vice Mayor Tharp moved that Council adopt the proposed ordinance vacating a portion of the right-of-way for Boxwood Terrace. Councilwoman Flood seconded the motion.

Discussion ensued.

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

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

The Ordinance follows as adopted:

ORDINANCE NO. 04-1

**AN ORDINANCE VACATING A
PORTION OF OLD ROUTE 297,
CONDITIONED UPON COMMENCEMENT
OF A PROPOSED DEVELOPMENT IN CONNECTION
WITH THE REQUESTED VACATION**

WHEREAS, Turner Hopkins and Brenda C. Hopkins are owners and RTII, Incorporated is contract purchaser of a certain tract of land located in the City of Bedford, bounded on the west by Independence Blvd; on the north by Freedom Lane, on the east by Lowry Street, and on the south by portions of Old Route 297; and

WHEREAS, the said owners and contract purchaser have applied pursuant to Virginia Code § 15.2-2232 to have the City Council close the portions of the old right-of-way located between their property and the present U.S. Route 460 limited access highway; and

WHEREAS, notice of the said application and of the intention of the City Council to vacate or abandon the public right-of-way has been published for two weeks in the Bedford Bulletin pursuant to the provisions of § 16.2-2006; and

WHEREAS, the Planning Commission pursuant to the provisions of § 15.2-2232 has reviewed the proposed vacation and has made its recommendations to the City Council; and

WHEREAS, the City Council has determined that a portion of the Old Route 297 right-of-way should be retained as a public street, specifically being that portion lying twenty five (25) feet on either side of the existing pavement of Boxwood Terrace, but the City Council finds that the vacation of the remainder of that section of Old Route 297 and the conveyance to the applicants in connection with the development of a proposed business is substantially in accordance with the comprehensive plan and will not result in any inconvenience to the public or to any affected land owner, subject to the reservation of easements for all public and private utilities as described hereinafter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL, of the City of Bedford, Virginia, as follows:

Section 1. The following public right-of-way and street are hereby discontinued, abandoned, and vacated:

All those portions of the Old Route 297 right-of-way, bounded on the south by the limited access line of the U.S. Route 460 business exit ramp, on the west by the right-of-way of Independence Blvd., on the north by the property of Turner Hopkins and Brenda C. Hopkins, and on the east by the right-of-way Lowry Street and an extension of that right-of-way to the limited access line of the U.S. Route 460 business exit ramp, LESS AND EXCEPT that area

lying twenty five (25) feet on either side of the center line of Boxwood Terrace as it extends westerly from the intersection of Lowry Street.

Section 2. The applicants shall bear all costs to be determined by the City of relocating or modifying any utility lines that are required due to the proposed development, including public or private electric transmission lines and communication lines and water and sewer lines if the proposed development requires such relocation in the judgment of the City Engineer. A new plat of survey showing the location of all public and private utility easements to be reserved, shall be prepared at the cost of the applicants.

Section 3. The vacation is subject to the execution of a deed of exchange under which the City will quit claim its interest in the vacated portions of Old Route 297 to the applicants and the applicants will quit claim to the City their rights in a 0.056 acre tract adjacent to Lowry Street to be shown on the new plat of survey. The deed shall contain a provision that title to the vacated area of the old right-of-way shall revert to the City if construction of the development does not commence within six (6) months of passage of this ordinance. The new plat showing the utility easements shall be part of the deed of exchange.

Section 4. The vacation shall be subject to the applicants entering into a developmental agreement establishing the responsibilities of the developer in respect to public improvements in the proposed development.

Section 5. The vacation of the right-of-way shall be conditioned upon commencement of construction within six months of passage of this ordinance. Commencement of construction shall include issuance of a building permit for the initial structure and posting by the applicants of a bond with surety approved by the City in an amount and conditioned upon construction of all public improvements and relocation of all utilities associated with the proposed development.

Section 6. This ordinance shall be effective upon the reimbursement to the City of all fees and publication costs and commencement of construction as set forth hereinabove, and the City Attorney shall cause a copy of the ordinance to be recorded in the Clerk's Office of the Circuit Court of Bedford County upon certification by the Director of Planning and Economic Development of the City of Bedford that a developmental agreement has been executed in accordance with Section 4 hereinabove and that a deed of exchange has been executed in accordance with Section 3.

Mayor Messier adjourned the meeting at 8:12 p.m.