

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., October 12, 2004.

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

Members absent: Councilman Jeffrey B. Hubbard and 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 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 September 28, 2004, were approved as distributed.

The City Manager reported on the following:

- Upcoming events: October 16 - KBBC Clean-Up – 8:00 a.m. – 12 noon; Avenel Fall Fling; NAACP Freedom Fund Banquet; October 21 – Region 2000 Regional Commission Fall Dinner Meeting in Altavista; October 25 – retirement luncheon for June Cundiff at Olde Liberty Station 12:00 noon – 2:00 p.m.; October 28 – City Health Fair (no flu shots will be given because of the shortage); November 5 – City Council Planning Retreat at the Welcome Center beginning at 8:00 a.m.
- Elizabeth Berry-Mosley attended the ceremony at Central Virginia Community College where the communities in Region 2000 were recognized for providing investment in the college's effort to establish a *World Class Workforce for Region 2000*.

Vice Mayor Tharp stated the annual "Ghost Walk" sponsored by the Bedford City/County Museum will be held on October 21.

Councilman Padgett, Chairman of the Property Committee, reported that the Committee met earlier in the evening regarding the following items:

- Acceptance of a deed of conveyance – Norfolk Southern Railway Company: the Committee recommends that Council pass the resolution approving and accepting the deed of conveyance from Norfolk Southern Railway Company conveying three parcels near Plunkett Street.
- Wharton Gardens vandalism – discussed methods of deterring this problem, such as the use of cameras and more enforcement and patrols.

- City/County Museum lease – discussed maintenance problems, routine maintenance, and having a representative from the City and the County to be on the Museum Board.

Councilman Stanley, Chairman of the Water & Sewer Committee, reported that the Water and Sewer Committee met earlier in the evening and discussed the following items:

- Public Works Director Gibson discussed the Consent Order from the DEQ, which directs the City to continue evaluating and improving the sewer lines. The staff will move forward with this.
- Current City water policy – the Committee agreed to stay with the current water policy.

Mayor Messier opened the public hearing regarding the Solid Waste Management Plan at 7:40 p.m.

The public hearing notice follows:

NOTICE OF PUBLIC HEARING

On Tuesday, the 12th day of October, 2004, the Council of the City of Bedford, Virginia, will conduct a public hearing to receive public comments on the City of Bedford Solid Waste Management Plan. The Solid Waste Management Plan can be viewed at the City of Bedford engineering office located in the City of Bedford Municipal Building, 215 East Main Street.

The public hearing will be conducted at 7:30 p.m. in City Council Chambers, Municipal Building, 215 East Main Street, Bedford, Virginia. Interested persons may appear at such time and place and present their views.

Teresa Hatcher
Clerk of the Council
City of Bedford, Virginia

City Manager Meadows stated that Council had been given a copy of the Solid Waste Management Plan that was developed by City staff. Mr. Meadows stated this is a routine document that is required to be submitted to the State.

The Mayor closed the public hearing at 7:41 p.m.

A notice of public hearing follows:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the Planning Commission at 5:30 p.m. on Thursday, October 7, 2004 and by the City Council at 7:30 p.m. on Tuesday, October 12, 2004 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- Consideration of amending Section 904.09 (Signs) of the City of Bedford Land Development Regulations.
- Consideration of rezoning with proffers the property identified as Tax Parcels 217-A-1 and 217-A-2 in the vicinity of Independence Boulevard owned by Turner and Brenda C. Hopkins from Manufacturing District (M-1) to General Business District (B-2).
- Consideration of vacation of a section of right-of-way for Boxwood Terrace from its intersection with Lowry Street westward.

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 Messier opened the public hearing regarding consideration of amending Section 904.09 (Signs) of the City of Bedford Land Development Regulations at 7:41 p.m.

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

The Mayor opened the public hearing regarding consideration of rezoning Tax Parcels 217-A-1 and 217-A-2 at 7:42 p.m.

As there were no comments, Mayor Messier closed the public hearing at 7:43 p.m.

Mayor Messier opened the public hearing regarding consideration of vacation of a section of right-of-way for Boxwood Terrace from its intersection with Lowry Street westward at 7:43 p.m.

The Mayor closed the public hearing at 7:44 p.m., as there were no comments.

City Manager Meadows stated that Council was being asked to consider an amendment of the City of Bedford Land Development Regulations, Section 904 (Signs). Mr. Bob Conner, a realtor who is attempting to attract a national restaurant chain to locate in the City, is making the request. The City Manager reported that the Planning Commission recommends City Council amend Section 904 as stated in its memorandum dated October 8, 2004.

Mr. Bart Warner, Director of Planning & Community Development, reviewed the proposed change with Council.

On motion by Vice Mayor Tharp, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the following ordinance amending Section 904.09 of the City of Bedford Land Development Regulations. Roll call vote follows:

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

The ordinance follows as adopted:

Ordinance No. 04-19

AN ORDINANCE AMENDING SECTION 904.09 OF THE CITY OF BEDFORD LAND DEVELOPMENT REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

Section 1. Miscellaneous provisions for freestanding signs contained in Table 904.09 of Section 904.09 of the Land Development Regulations of the City of Bedford, Virginia, is amended by replacing existing language with the following proposed language:

Section 904 Signs

Table 904.09 Sign Regulations for the B-1, B-2, CLI, and M-1 Zones.

Type	Maximum Number	<i>Maximum Size (sq. feet)</i>	Miscellaneous Provisions	<i>Maximum Height (ft.)</i>	Location/ Clearance
Freestanding (on conforming lots only)	For 1 use on 1 lot; 1 if building takes up less than 50% of total lot area	<i>120 for any permitted use which has a property line that is 80 feet or less from any limited access bypass highway with a posted speed limit of 55 mph; otherwise 60</i>	May include address, name, and/or logo of tenant or building. Cannot have both a freestanding and projecting sign on the same street frontage.	<i>30 for any permitted use which has a property line that is 80 feet or less from any limited access bypass highway; otherwise 20 or lowest point of roof</i>	Within area landscaped with ornamental plantings. Minimum 25' separation from another freestanding sign and setback at least 7' from the street r/w.

Section 2. This ordinance is effective upon enactment.

City Manager Meadows stated a public hearing was held earlier in the evening to consider a request to rezone tax parcel 217-A-2 from M-1, Manufacturing, to B-2, General Business. Mr. Bob Conner, representing property owners Turner and Brenda C. Hopkins, initiated the request. Mr. Meadows reported that the Planning Commission met on October 7, 2004, and recommended that Council deny the request.

Mr. Warner explained the Planning Commission is concerned about the larger question of development along Independence Boulevard. Mr. Warner stated that the Planning Commission has directed the staff to begin a comprehensive neighborhood planning process throughout the Independence Boulevard corridor as well as East Main Street.

Councilwoman Flood moved for the adoption. The motion was seconded by Councilman Padgett.

Discussion ensued regarding encouraging development in the Independence Boulevard area and simultaneously beginning the neighborhood planning process.

City Attorney Berry stated that the proposed ordinance includes a number of conditions attached to it.

Councilwoman Flood clarified her motion as follows: to approve the rezoning request (by Turner and Brenda C. Hopkins to rezone tax parcel 217-A-2 from M-1, Manufacturing, to B-2, General Business) with the conditions as stated in the proposed ordinance. Councilman Padgett, who seconded the motion, agreed with the clarification. The conditions follow:

- a. Tax Parcel No.217-A-2 on Independence Boulevard, subject to the following proffers:
 1. Candlestick lights not exceeding 12 feet in height will be used for lighting of walkways and any new streets, with the option of additional lighting for parking areas reserved subject to approval by the City of Bedford.
 2. Motor vehicle access points to Independence Boulevard shall be approved by the City of Bedford.
 3. The facades of buildings facing Independence or any new street that may be constructed shall be comprised of no more than 25 percent metal.
 4. Screening plants shall be installed at the rear of all properties not facing a street.
 5. Landscaping shall exceed the minimum requirements of the Land Development Regulations.
 6. All development shall comply with the Americans with Disabilities Act (ADA).
 7. All parking areas shall be paved in asphalt or concrete and shall be properly marked.
 8. All walkways shall be constructed of masonry or concrete.

The motion was then voted upon and carried.

City Manager Meadows stated that a request is being made to vacate a portion of the right-of-way for Boxwood Terrace by Mr. Bob Conner, a realtor who represents the developers of the American Way project located between Lowry Street and Independence Boulevard. The City Manager reported that as part of the original development agreement between the City and the developers, the City agreed to transfer the right-of-way from Boxwood Terrace west of Lowry Street with the exception of 8,250 square feet, which would comprise the public right-of-way extending from Boxwood into the American Way Development. In subsequent discussions with potential buyers of the property (including a national restaurant chain), the developers advised that they would prefer for this 8,250 square foot area to be vacated in order to provide greater flexibility for site plan design and use of the property. The City Manager reported that the Planning Commission met on October 7, 2004, and recommended vacation of this right-of-way.

Mr. Warner explained the request for vacation of the right-of-way. Mr. Warner indicated that Council had been given copies a revised proposed ordinance to vacate the right-of-way.

The Clerk of Council read aloud the proposed ordinance:

Ordinance No. 04-20

AN ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY FOR BOXWOOD TERRACE FROM ITS INTERSECTION WITH LOWRY STREET WESTWARD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

That after reviewing the application of RTII, Incorporated (owners) for vacation of Boxwood Terrace (old Route 297) from the point of the westward limit of its intersection with Lowry Street to its westward terminus, inclusive, pursuant to *Virginia Code* Sections 15.2-2006 and 15.2-2232 finds that the proposed vacation of the road and conveyance to the applicants in connection with 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 landowner and should be approved subject to the owners preparing a new plat of survey at their expense showing the portion of Boxwood Terrace that is being vacated and transferred and showing the total combined acreage of parcels within the American Way development.

City Council hereby authorizes the Mayor and Clerk of the Council to execute and deliver a quit claim deed conveying the portion of the abandoned street to the owners, subject to the condition that the portions of the street to be vacated hereunder and the portions vacated on January 17, 2004 shall revert to the City if construction of the proposed restaurant is not commenced by January 27, 2005 as set forth in the deed between the City and Turner Hopkins and Brenda Hopkins dated April 15, 2004 and recorded in the Bedford County Circuit Court Clerk's office as Instrument No. 040005768.

Effective this, the 12th day of October 2004.

Vice Mayor Tharp moved that the ordinance be adopted. Councilman Stanley seconded the motion, which was voted upon and carried by the following roll call vote:

Councilman Hubbard	absent
Councilman Padgett	aye
Councilman Stanley	aye
Vice Mayor Tharp	aye
Councilman Wandrei	absent

Councilwoman Flood	aye
Mayor Messier	aye

City Manager Meadows stated the Property Committee has discussed and recommended that Council pass a resolution approving and accepting a deed of conveyance from Norfolk Southern Railway Company conveying three parcels near Plunkett Street.

On motion by Councilman Padgett, seconded by Vice Mayor Tharp, voted upon and carried by a roll call vote, Council adopted the following resolution. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION APPROVING AND
ACCEPTING CONVEYANCE OF
REAL ESTATE NEAR
PLUNKETT STREET FROM
NORFOLK SOUTHERN RAILWAY COMPANY**

WHEREAS, the City of Bedford has negotiated with Norfolk Southern Railway Company and has obtained an agreement to purchase for a price of \$58,500 certain parcels located on the south side of the Norfolk Southern Railway Company tracks east off Bridge Street, which property contains a site to be used by the City for a new electrical sub-station and which also includes parts of Plunkett Street as presently paved; and

WHEREAS, the City has caused a survey to be prepared showing the meets and bounds of the proposed purchase consisting of Parcel A containing 1.103 acres, Parcel B containing 0.555 acres, and Parcel C containing 0.447 acres, all as shown on the plat of survey entitled "Subdivision of 3 Parcels Being Part of Norfolk & Southern Railway Property..." prepared by Berkley-Howell & Assoc., P.C. dated April 7, 2004; and

WHEREAS, Norfolk Southern Railway Company has delivered to the City of Bedford, Virginia, a proposed quit claim deed dated July 8, 2004, conveying the three parcels according to railway company

evaluation maps, but referring to the acreage of each lot as shown on the new City plat; and

WHEREAS, the City Council deems it in the best interest of the City to accept the proposed deed and to record a certificate to that effect in accordance with statutory provisions for acceptance of deeds of conveyance to municipal corporations.

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

1. The City Council hereby approves acceptance of the Quit Claim Deed from Norfolk Southern Railway Company dated July 8, 2004, conveying the 3 parcels in consideration of a total purchase price of \$58,500.
2. The Mayor, the City Clerk, and the City Attorney are hereby authorized and directed to execute for recordation an Approval and Acceptance of conveyance indicating such acceptance pursuant to Virginia Code Section 15.2-1803.
3. This Resolution shall take effect immediately.

City Manager Meadows stated that the City is required by the State of Virginia to update its Emergency Operations Plan every five years. During the past year the City's plan has been reviewed extensively and updated by the consulting firm of Howlett and Associates from Williamsburg, Virginia. Mr. Meadows reported that the City received a grant from the Virginia Department of Emergency Management to fund the update. The Plan has been reviewed and approved by the City's Emergency Management Staff. The plan will be reviewed and updated as needed over the next five years.

Chief of Police Graham stated that the City and the County both received grants to hire a consultant to review the current plan. The grants were pooled and the City and County hired Howlett and Associates and the two plans are very similar.

Discussion ensued regarding the posting of resolutions. It was determined that resolutions were not required to be posted.

The Clerk of Council explained that previously City Council had taken action that resolutions would not have to be read aloud, unless requested by a member of Council.

It was the consensus of Council to not read the resolution.

On motion by Councilman Stanley, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the resolution regarding the Emergency Operation Plan. Roll call vote follows:

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

The resolution follows as adopted:

**CITY COUNCIL OF BEDFORD, VIRGINIA
RESOLUTION**

WHEREAS the City Council of the City of Bedford, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS the City of Bedford has a responsibility to provide for the safety and well being of its citizens and visitors; and

WHEREAS the City of Bedford has established and appointed a Director and Coordinator of Emergency Management, who is responsible for the development and maintenance of an Emergency Operations Plan;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Bedford, Virginia that the Emergency Operations Plan as revised on September 1, 2004 is officially adopted, and

IT IS FURTHER RESOLVED that the Director of Emergency Management, or his designees, are tasked and authorized to maintain and revise as necessary this document over the next five (5) year period or until such time it be ordered to come before this Council.

The City Manager reported that October has been designated as Public Power Month, in which communities across the United States celebrate their commitment to providing public power for their citizens and customers. October is also the month in which the City of Bedford Electric Department celebrates its 105th anniversary as the provider of public power to the community.

It was the consensus of Council to dispense with the reading of the proposed resolution.

On motion by Councilman Padgett, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the resolution regarding Public Power Month. Roll call vote follows:

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

The resolution follows as adopted:

**Resolution Declaring October
As Public Power Month**

WHEREAS, the citizens of Bedford have chosen to operate a community-owned, not-for-profit electric utility; and

WHEREAS, we are both consumers and owners of our public power system and have a direct say in utility operations and policies; and

WHEREAS, The City of Bedford Electric Department provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at the lowest possible rates; and

WHEREAS, The City of Bedford Electric Department is part of a community of 2,000 publicly owned electric utilities in the United States that through consumer-ownership ensure competition in the electric utility industry to the benefit of electricity consumers everywhere; and

WHEREAS, the City began operation of its municipal electric system in 1899 and has provided our citizens and other customers with reliable, low-cost power for 105 years;

NOW, THEREFORE, BE IT RESOLVED, that the month of October be declared as Public Power Month in order to honor the City of Bedford Electric Department, its consumers-owners, policy makers, and employees, who work together to provide the best possible electric service, and that our community join hands with other public power communities across the nation and celebrate the benefits of public power to our local and national progress.

City Manager Meadows stated that since Halloween falls on a Sunday this year, Council was requested to open the floor for discussion on observing Halloween another day. The staff and the Chief of Police recommend observing Halloween on Sunday, October 31.

It was the consensus of Council to observe Halloween on Sunday, October 31.

The City Manager will notify the media.

Mayor Messier adjourned the meeting at 8:05 p.m.