

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 26, 2004.

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

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 October 12, 2004, were approved as distributed.

The City Manager stated that Mr. Bob White, Region 2000 Regional Commission, would update Council on activities within the region with regard to solid waste management in connection with agenda item "Adoption of Solid Waste Management Plan."

The City Manager reported on the following:

- Dates of interest: Employee Health Fair, October 28, 12:30-3:30 p.m.; Make a Difference Day, October 30, 9:00 a.m.; Bedford Blast Youth Fair, October 30 at 2:00 p.m. at the Bedford YMCA.
- City Council planning retreat – November 5 at the Welcome Center – 8:00 a.m.
- Bedford County's 250th Anniversary Gala – November 6, 8:00 – 11:00 p.m. at the Elks Home – tickets are available in the City Manager's Office.
- Central Virginia Community College Ribbon Cutting at the Bedford Center for Business – December 9 at 11:30 a.m.
- The Bedford Welcome Center received the 2004 America's Crown Community Award from the National League of Cities.

Councilman Stanley, Chairman of the Public Safety Committee, reported that the Committee met earlier in the evening regarding the National Incident Management System (NIMS). The Chief of Police gave the Committee an explanation of NIMS, which is a program mandated by the federal government. Mr. Stanley stated the Committee recommends that Council adopt this concept.

Councilman Hubbard, Chairman of the Finance Committee, reported that the Committee met earlier in the evening with Mr. Ted Cole of Davenport and Company to discuss a

potential bond refinancing opportunity for the City's 1994 Electric System Bond Issue. The Committee endorsed Mr. Davenport's recommendation to the Committee.

City Manager Meadows stated the Finance Committee recommends that Council accept the proposal that the underwriting team for refinancing the City's 1994 Series Electric System Revenue Refunding Bonds be Morgan Keegan as Senior Manager and Bank of America as Co-Manager.

Mr. Clarke Gibson, Public Works Director, and Mr. Bob White, Region 2000, reviewed the Regional Solid Waste Management Study. Mr. White stated the Region 2000 Regional Commission and its Executive Committee asked that a working group be formed to study the potential of taking a regional approach to solid waste management practices, the feasibility for a regional approach, and to develop the scope of work and a budget. The options reviewed by the group were: regional transfer of waste, regional waste-to-energy concept, joint operations of landfills.

Mr. White stated Council is requested to continue with the project and provide approximately \$4,000 in funding for the first phase.

Mayor Messier referred the matter to the Solid Waste Committee.

The City Manager stated the Solid Waste Management Plan is a document that the Department of Environmental Quality (DEQ) requires municipalities to update every five years. The plan describes the current and future solid waste management operations within the City limits. Mr. Meadows stated a public hearing was held on October 12, 2004, as required by the DEQ, and no public comments were received.

Mr. Gibson reviewed highlights of the Plan.

On motion by Vice Mayor Tharp, seconded by Councilman Padgett, voted upon and carried unanimously, Council adopted the 2004 Solid Waste Management Plan.

City Manager Meadows reported that the Public Safety Committee met earlier in the evening regarding the National Incident Management System (NIMS). Mr. Meadows stated the U.S. Department of Homeland Security has mandated that state and local governments adopt a concept of responding to emergency incidents called the National Incident Management System. The purpose of the concept is to standardize the training and response to emergencies on all levels of government. Mr. Meadows stated that by teaching and implementing this common set of procedures, the federal government feels that preparation, response and recovery to emergency incidents will be more effective, efficient and faster due to the ability to move trained personnel from all levels of government into disaster areas with minimum training and orientation.

On motion by Councilman Wandrei, seconded by Councilman Stanley, voted upon and carried unanimously, Council waived the reading of the proposed resolution regarding NIMS.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted the resolution recognizing the National Incident Management System. Roll call vote follows:

Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Padgett	aye
Councilman Stanley	aye
Vice Mayor Tharp	aye
Councilman Wandrei	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 emergencies, 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 understands the need to establish a consistent nationwide approach for Federal, State and local governments to work effectively and efficiently together;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bedford, Virginia, that the City of Bedford recognizes the National Incident Management System (NIMS) for the preparation, response and recovery from local natural or manmade emergencies, and

BE IT FURTHER RESOLVED THAT the Director of Emergency Management, or his designees, are tasked and authorized to maintain and revise as necessary the City's Emergency Operation Plan to include the principals and policies necessary to implement the National Incident Management System (NIMS).

City Manager Meadows stated that Council has heard several concerns recently about issues related to parking in the Centertown area. In response, Main Street Director Scott Smith and City Planning Director Bart Warner have formulated specific recommendations to address these concerns.

Mr. Smith reviewed results of a recent survey on parking in the downtown area and the following significant areas of concern:

1. an apparent lack of long-term employee parking in the Centertown area
2. a lack of signage directing motorists to available existing parking
3. the need to develop a meaningful escalating fine structure for repeat offenders of parking regulations
4. designation of parking spaces for tour buses

Mr. Warner reviewed suggestions for addressing the concerns:

1. leasing agreements for appropriate private properties
2. expanding existing parking
3. additional on-street parking
4. accelerate construction of the downtown parking deck in the 5-year CIP
5. increase directional signage for existing parking
6. review the fine structure
7. designate parking spaces for alternate transportation, such as buses

A brief discussion ensued regarding possible parking spaces for buses and signage in the Centertown area.

The Chief of Police stated the issue of consistency of enforcement of parking violations would be discussed at the Council retreat.

Vice Mayor Tharp moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(7) of the Code of Virginia of 1950, as amended, and Section 2.2-3711(a)(3) acquisition of real estate in consultation with legal counsel. The motion was seconded by Councilwoman Flood. The motion was voted upon and carried by the following roll call vote:

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

Council adjourned into closed session at 8:25 p.m. The following non-council members attended: City Manager Meadows, City Attorney Berry, and Public Works Director Gibson.

Council reconvened into open session at 9:10 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 Wandrei, seconded by Vice Mayor Tharp, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

The Clerk of Council read aloud the following proposed resolution:

**RESOLUTION AUTHORIZING THE ACQUISITION
BY AGREEMENT OR EMINENT DOMAIN OF
APPROXIMATELY FORTY-FIVE ACRES OF LAND
OWNED BY MICHAEL SCHROCK WHICH IS
NECESSARY FOR THE OPERATION
AND MAINTENANCE OF THE CITY'S LANDFILL
LOCATED ON STATE ROUTE 718 IN BEDFORD COUNTY
AND FOR THE PREVENTION OF POLLUTION OF WATER.**

WHEREAS, it has been determined that leachate containing contaminants has migrated from the City's closed landfill located on State Route 718 in Bedford County into the groundwater on property owned by Michael Schrock ("Schrock") adjacent to the landfill; and

WHEREAS, the contaminated groundwater on Schrock's property has also made its way to the surface of Schrock's property in certain places and is present in certain water courses on Schrock's property; and

WHEREAS, the plume of the contamination on Schrock's property is migrating in the direction of John's Creek; and

WHEREAS, it is the obligation of the City in connection with the operation and maintenance of the landfill to monitor the flow of leachate from its landfill, remediate the contamination of the groundwater, and to prevent the pollution of water; and

WHEREAS, it is the opinion of City Council, that a public necessity exists for the acquisition of approximately forty-five acres of Schrock's property, which contains the contaminated groundwater and plume, for the proper operation and maintenance of the City's landfill, the remediation of the contamination, and the prevention of the pollution of water;

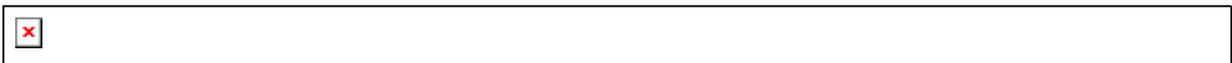
NOW, THEREFORE, BE IT RESOLVED by City Council:

1. That City Council authorizes the acquisition by purchase or eminent domain pursuant to Sections 15.2-1901, -1901.1, -1903, and -2109 of the Code of Virginia, of approximately forty-five acres of Schrock's property, as shown on the plan sheet entitled "Schrock Property Impacted Groundwater" prepared by Joyce Engineering, Inc., dated June 25, 2004, on file in the City Manager's office.

2. That the City Manager or his designee is hereby authorized to make or cause to be made on behalf of the City of Bedford, to the extent that funds are available, a reasonable offer to Schrock for the purchase of the necessary property, which will not be lower than the appraised value of such property. In the event that the City Manager or his designee is unable to purchase the necessary property from Schrock, after a *bona fide* effort to do so, then the City Attorney is hereby authorized to retain the law firm of Troutman Sanders LLP to initiate proceedings to acquire said property by eminent domain.

On motion by Vice Mayor Tharp, seconded by Councilman Wandrei, voted upon and carried by a roll call vote, Council adopted the resolution regarding acquisition of land owned by Michael Schrock. Roll call vote follows:

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



Mayor Messier adjourned the meeting at 9:15 p.m.