

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., May 24, 2005.

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

Members absent: Vice Mayor W. D. Tharp

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 an adjourned Council meeting held on May 2, 2005, and the minutes of a regular Council meeting held on May 10, 2005, were approved as distributed.

The City Manager reported on the following items:

- City offices will be closed on May 30 for the Memorial Day Holiday and a ceremony will be held at the National D-Day Memorial at 11:00 a.m.
- The Bedford Welcome Center has recorded its 15,000th visitor.
- “Hollywood in the Hills,” an outdoor movie event, was held at Bedford Elementary School on May 21 and over 200 people attended.
- The Special Olympics of Virginia awarded Sgt. Charles L. Nelms its Unsung Hero Award earlier in the day as part of the opening ceremony for this year’s Special Olympics Law Enforcement Torch Run.
- The Municipal Electric Providers Association of Virginia (MEPAV) Conference will held in Virginia Beach on May 25-27 and the City Manager and the Electric Utility Director will attend.
- The City Manager will attend a VML Legislative Committee meeting in Richmond on June 9.
- The Director of Planning & Community Development will attend a meeting on May 25 with Virginia Department of Transportation officials to discuss the expanded revenue sharing program.

Mayor Messier extended congratulations from City Council to Sgt. Nelms for the honor he received from Special Olympics.

Mayor Messier opened the public hearing regarding the FY 2005-06 proposed budget at 7:35 p.m.

The Public Hearing Notice follows:

**NOTICE
SYNOPSIS OF BUDGET FOR
FISCAL YEAR JULY 1, 2005 TO JUNE 30, 2006
CITY OF BEDFORD, VIRGINIA**

Notice is hereby given that a public hearing will be held by the City Council May 24, 2005 at 7:30 p.m. in the Council Hall of the City Municipal Building in relation to the budget for the City of Bedford for fiscal year 2005-06, at which time any citizen of the City shall have the right to attend and state his or her views. Detailed copies of the budget are available for inspection during normal office hours in the office of the City Manager and the Office of the Clerk of Council.

Mr. Bobby Rucker, Avenel Avenue, spoke regarding the former City Manager and the City's debt.

Ms. Mary Jo Boone, Bedford Area YMCA Executive Director/CEO, spoke regarding support from the City for the Cradle to College Center. Ms. Boone indicated the Center would include a pre-school childcare center, a teen recreation center, a teen fitness center and anything else to meet the needs of the community with regard to childcare. Ms. Boone stated this would be a service to the community that the YMCA would take the responsibility for. Ms. Boone stated that any funds received would be placed into escrow for this project and would be returned to the City if the project were not completed.

As there were no further comments, the Mayor closed the public hearing at 7:45 p.m.

Mayor Messier opened the public hearing regarding appointments to the School Board at 7:45 p.m.

The Public Hearing Notice follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that, pursuant to Section 22.1-29.1 of the Code of Virginia of 1950, as amended, the City Council of the City of Bedford will hold a public hearing at 7:30 p.m. on May 24, 2005, in the Council Hall of the Municipal Building, for the purpose of receiving the views of citizens on the appointment of members to the City School Board.

Any citizens who wish to be considered for appointment to the City School Board should notify the office of the City Manager, P. O. Box 807, Bedford, VA 24523, phone 587-6001, no later than May 19, 2005.

The City Manager stated that Mr. William Ross, Ms. Mickey VanDerwerker, and Ms. Phyllis Parker are the candidates for appointment to the School Board.

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

On motion by Councilman Wandrei, seconded by Councilman Padgett, voted upon and carried, Council reappointed Pat Hunziker and Amber Hunziker to the Keep Bedford Beautiful Commission (KBBC) for terms expiring June 30, 2008, and appointed Robert Miller, Belle Harrell and Barbara Falcone to the KBBC for terms expiring June 30, 2008.

On motion by Councilwoman Flood, seconded by Councilman Padgett, voted upon and carried, Council reappointed Michael Johnson to the Recreation Advisory Committee for a term to expire June 30, 2008, and appointed Mark Petersen to serve on the Recreation Advisory Committee for a term to expire June 30, 2008.

On motion by Councilman Stanley, seconded by Councilman Wandrei, voted upon and carried, Council appointed Penny Carter to the Regional Library Board for a term expiring June 30, 2009.

On motion by Councilman Padgett, seconded by Councilman Stanley, voted upon and carried, Council appointed Jonathan Buttram to serve a five-year term on the Local Building Code Board of Appeals, said term to expire June 11, 2010.

Fire Chief Todd Stone spoke regarding the need for replacement of the ladder truck. Mr. Stone explained the dedication of the volunteer fire department members. Mr. Stone reviewed the plan for replacing the ladder truck and answered questions from Council members about the need for a new ladder truck, funding, and specifications and standards for a new truck.

Mayor Messier stated that Council is appreciative of the City's excellent Fire Department.

The City Manager stated that in recognition of the 50th Anniversary of Dixie Youth Baseball, Council was requested to adopt a resolution proclaiming June 5, 2005, through June 11, 2005, as Dixie Youth Baseball week in the City of Bedford.

It was the consensus of Council to waive the reading of the proposed resolution regarding Dixie Youth Baseball Week.

On motion by Councilman Wandrei, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the resolution regarding Dixie Youth Baseball Week. Roll call vote follows:

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

The resolution follows as adopted:

Resolution

WHEREAS, the founders of Dixie Youth Baseball believed that local communities should determine the best operation of youth baseball programs within their athletic organizations; and

WHEREAS, the founders of Dixie Youth Baseball believed that the leagues within the local communities should be given the opportunity to suggest rules and policies changes for participation within their programs; and

WHEREAS, the founders of Dixie Youth Baseball believed the local communities should participate in the election of the leaders of for this program on the local and national level; and

WHEREAS, the founders of Dixie Youth Baseball believed a good program should develop goals and objective which would enhance the development of character, fair play and a love of God & Country for those who participate; and

WHEREAS, the founders of Dixie Youth Baseball believed this program should offer all participants the opportunity of continuing education opportunities through contributions which would develop a successful scholarship program that would be available to any person who had been a participant in their years of eligibility; and

WHEREAS, the founders of Dixie Youth Baseball developed the rules and guidelines to begin operation of Dixie Youth Baseball in Nineteen Hundred Fifty Five; and

WHEREAS, Dixie Youth Baseball now provides recreational opportunities for over 300,000 youngsters in eleven states; and

WHEREAS, Dixie Youth Baseball continues to provide a program based on the goals & objectives as set forth in Nineteen Hundred Fifty Five through many wonderful volunteers in these eleven states; and

WHEREAS, Dixie Youth Baseball will celebrate its fifty anniversary this year;

NOW, THEREFORE, BE IT RESOLVED by the Bedford City Council in a meeting duly assembled that the Council congratulates Dixie Youth Baseball on its fifty anniversary; and

BE IT FURTHER RESOLVED, that the week of June 5 – 11, 2005 is declared to be Dixie Youth Baseball week in the City of Bedford; and

BE IT FURTHER RESOLVED, that the Mayor & City Council of Bedford express its appreciation to those individuals who serve as administrators, coaches & workers in the Dixie Youth Baseball Program in this community and wish their organization continued success in service to the youth of this community.

The City Manager stated that the City and County jointly own the Masonic Building, which is used for the City/County Museum, and also provide funding each year for the Museum's operations. Mr. Meadows stated a five-year lease has been proposed and reviewed some of the provisions in the lease:

- The landlords (City and County) would make exterior and structural repairs, including electrical, plumbing, and elevator repairs. Routine maintenance and janitorial services would be the responsibility of the museum. The landlords would be responsible for maintenance of the parking area.
- Any substantial changes or renovations made would require consent from the City and County.
- The City and County would maintain fire insurance on the building.
- The lease also contains a provision for one appointee of the Board of Supervisors and one appointee of the City Council to serve as ex-officio members of the Museum Board with full voting rights in all matters other than the extension of the lease. Mr. Meadows stated that the intent of the provision is to give the two bodies some oversight and voice in routine maintenance matters, which could avoid capital expenditures that the jurisdictions, as landlords, might incur if the Museum Board did not address routine maintenance issues.

City Manager Meadows stated the Bedford County Board of Supervisors has considered the lease agreement. The Board approved the agreement on May 23 with one change, which was removal of Section 13, the section regarding representation on the Museum Board.

Councilman Wandrei expressed his concern with taking out the section of the lease regarding representation. Councilman Wandrei stated that the present by-laws of the Museum provide for equal representation between the County and City, and despite these by-laws, there are only four out of eleven members on the Board that are City representatives. Councilman Wandrei stated he felt if the landlords are asked to take on

the additional expense of maintenance, then the City and County should at least have some say as to the operation.

The City Manager stated his recommendation was for Council to approve the lease as presented and then work out the details between the City and County.

On motion by Councilman Stanley, seconded by Councilman Wandrei, voted upon and carried, Council approved the Bedford City/County Museum Lease as presented.

City Manager Meadows stated it is necessary for Council to adopt an ordinance that readopts and reenacts Section 13-2 of the City Code, incorporating by reference current provisions of the Code of Virginia dealing with traffic laws and motor vehicle operation. Mr. Meadows indicated that failure to adopt the ordinance would mean that offenders would have to be charged under the State Law rather than the City law and any fines collected would then be payable to the State rather than to the City. The City Manager stated the ordinance had been posted in three locations in the City, in accordance with Section 2-30 of the City Code.

Mayor Messier dispensed with the reading of the proposed ordinance.

On motion by Councilman Wandrei, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the proposed ordinance regarding traffic laws and motor vehicle operation. Roll call vote follows:

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

The ordinance follows as adopted:

ORDINANCE NO. 05-8

**AN ORDINANCE TO READOPT AND REENACT SECTION 13.2
OF THE CITY CODE INCORPORATING BY
REFERENCE CURRENT PROVISIONS
OF THE CODE OF VIRGINIA DEALING WITH
TRAFFIC LAWS AND MOTOR VEHICLE OPERATION**

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

Section 1. Sec. 13-2 of the City Code is hereby readopted and re-enacted as follows:

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 in Article 9 (Sec. 16.1-278 et seq) of Chapter 11 of Title 16.1, and in Article 2 (Sec. 18.2-266 et seq) of Chapter 7 of Title 18.2, of the Code of Virginia, except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the City, are hereby adopted and incorporated herein by reference and made applicable within the City. References to "Highways of the State" contained in such provisions and requirements hereby adopted, shall be deemed to refer to streets, highways and other public ways within the City. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this Chapter as fully as those set forth at length herein, and it shall be unlawful for any person, within the City, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 9 of Chapter 11 of Title 16.1 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, which are adopted by this Section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under such titles of the Code of Virginia.

Section 2. This Ordinance shall become effective on July 1, 2005, upon publication one time, immediately following its passage, in some newspaper published in the City or upon posting at three or more public places in the City for one week, as required by Section 19 of the City Charter.

City Manager Meadows stated the City is eligible to receive a Virginia Department of Emergency Management Domestic (VDEM) Preparedness Grant. The grant consists of federal "flow through" money to be used by localities for domestic preparedness. The amount of the grant is \$20,486.00. Mr. Meadows reported that in order to receive this grant, Council must pass a resolution designating an agent to act on behalf of the City. The City Manager stated Council was requested to adopt the resolution designating F. Craig Meadows as the City's agent, appropriate the funds in the amount of \$20,486.00 upon receipt to General Fund revenue account 100244.0424, and authorize the appropriation of the funds to General Fund expenditure account 103122.3871.

On motion by Councilman Wandrei, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the resolution regarding the VDEM Domestic Preparedness Grant. Roll call vote follows:

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

The resolution follows as adopted:

RESOLUTION

BE IT RESOLVED BY CITY COUNCIL OF CITY OF BEDFORD, VIRGINIA, THAT F. Craig Meadows, City Manager, is hereby authorized to execute for and in behalf of City of Bedford, a public entity established under the laws of the State of Virginia, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Program(s), administered by the Commonwealth of Virginia.

That City of Bedford a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal financial assistance any and all information pertaining to these Grants as may be requested.

Council proceeded to hold a work session on the proposed FY 2005-06 City budget.

The City Manager reviewed items in the proposed budget and explained how changes in certain budget items could result in savings.

It was the consensus of Council to include a two percent cost of living increase and a two percent merit increase for City employees in the FY 2005-06 budget.

It was the consensus of Council to reduce Council's Travel & Training account to \$500.00 and to reduce all Travel & Training accounts by ten percent.

Mayor Messier explained that he was not in favor of the employee safety awards; that he had a problem with rewarding employees for doing a safe job.

The City Manager and Director of Human Resources explained the positive effect the awards have had on the safety records. The City Manager stated he could give a report each year as part of the budget process as to what the loss time days were for the past year.

Councilman Wandrei stated that he would like to see the funds in the proposed budget for security at the Wastewater and Water Treatment Plants removed at this time.

Discussion ensued regarding the funds in the proposed budget for the security at the Wastewater and Water Treatment Plants.

Public Works Director Gibson and City Manager Meadows reviewed the security measures that would be taken at the plants.

It was the consensus of Council to remove the funds from the proposed budget for security at the Wastewater and Water Treatment Plants and appropriate funds as needed.

Councilwoman Flood asked Council to give further consideration to the YMCA Cradle to College Center as it could have a very positive effect on the City.

It was the consensus of Council to include \$5,000 in the proposed budget for the YMCA Cradle to College Center.

Councilwoman Flood asked Council to reconsider supporting the Fire Department's Five-Year Plan.

Councilman Wandrei suggested this matter should be deferred and reviewed in light of the new Public Safety Building.

The City Manager stated that since the property for the Public Safety Building has been purchased, the specifications and costs for the project should be revisited.

It was the consensus of Council to proceed with the bid process for the ladder truck for the Fire Department with the understanding that no bid could be awarded until reviewed and approved by City Council.

It was the consensus of Council to reduce the proposed real estate rate increase by four cents.

The City Manager indicated that approval of the proposed FY 2005-06 budget will be included on the agenda of the June 14, 2005, meeting.

Councilman Padgett moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel regarding potential contract negotiations. Councilman Hubbard seconded the motion. The motion was voted upon and carried by the following roll call vote:

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

Council adjourned into closed session at 9:04 p.m. The following non-council members attended: City Manager Meadows, City Attorney Berry, Public Works Director Gibson, Director of Planning & Community Development Warner, and Network Administrator Ervin.

Council reconvened into open session at 10:20 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 Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

Mayor Messier adjourned the meeting at 10:21 p.m.