

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., June 14, 2005.

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 Deputy Clerk of the Council Debra Anderson.

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 May 24, 2005, were approved as distributed.

The City Manager spoke regarding the following items:

- The addition of a Closed Session at this meeting: Closed Session pursuant to Section 2.2-3711(a)(3) of the Code of Virginia of 1950, as amended, for potential acquisition of real estate

The Mayor stated, with the consent of Council, the Closed Session would be added as the last item on the agenda.

Nanci Drake, on behalf of the Board of Directors of the Bedford City/County Museum, introduced the new Museum Director/Curator Mr. Ferenc Varga.

Mr. Varga spoke and expressed his excitement about the potential for the Museum.

City Manager Meadows continued his report:

- Paving work will be going on this week and next week.
- CATV meeting – June 17 in Rocky Mount
- VLGMA Conference – Virginia Beach – June 21-24 – the City Manager will attend
- City Holiday – July 4

Councilman Wandrei asked about the status of enforcing the parking ordinance as he has noticed an individual parking in front of D. Reynolds all day for the last six days.

The Chief of Police stated that the Parking Enforcement position has been filled, but will not begin until the second week in July.

The City Manager stated the Police Department would continue to be as vigilant as possible in getting officers downtown checking on that situation.

Vice Mayor Tharp, Chairman of the Streets Committee, reported that the Committee met earlier in the evening and reviewed priorities in conjunction with applying for a grant from the State, established those priorities, which will be forwarded to the Virginia Department of Transportation.

The Consent Agenda consisted of the following item: request by Bedford Main Street, Inc., for Council to authorize blocking streets to facilitate possible crowd overflow from the Bedford Council for the Arts' Gallery Walk (7:00 p.m. to 11:00 p.m.) and Bedford Main Street's Membership Campaign Kickoff (6:00 p.m. to 7:00 p.m.) on Friday, June 17, 2005. The request is for closure of South Bridge Street from the intersection with Main Street to the southern terminus of Centertown Parking, leaving the lower ¾ of the 100 block of South Bridge Street open to traffic and parking.

Council voted in favor of approving the request to block streets.

Chief of Police Graham introduced new Police Officers.

Deputy Clerk of the Council Anderson administered the Oaths of Office to the following Police Officers: Timothy Brooke, Joseph Dooley, Randall Fletcher, Joshua Harris, Darin Hogan, Kristin Keese, Timothy Lawless, Mark Tinsley, Dan Worline, Kevin Young, and William Crumpacker.

The City Manager stated that Mr. William Ross, Ms. Phyllis Parker, and Ms. Mickey VanDerwerker have expressed their interest in serving on the City School Board. No other citizens have volunteered to serve.

On motion by Vice Mayor Tharp, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Council appointed Mr. William Ross, Ms. Phyllis Parker, and Ms. Mickey VanDerwerker to serve on the City School Board for terms expiring June 30, 2008. 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

City Manager Meadows stated that the term of Ms. Mickey VanDerwerker as the City representative on the County School Board expires on June 30, 2005. Ms. VanDerwerker has expressed an interest and a willingness to continue serving on this Board if appointed by the Council.

On motion by Councilman Padgett, seconded by Vice Mayor Tharp, voted upon and carried unanimously by a roll call vote, Council reappointed Ms. Mickey VanDerwerker to serve as the City representative on the County School Board, said term to expire June 30, 2009. Roll call vote follows:

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

The City Manager stated that Councilman Padgett's wife is Chief Financial Officer of the Bedford County School Board. It has been determined that there could be the possibility of a Conflict of Interest and as such Mr. Padgett should not vote on the City budget if it contains an appropriation for the schools. Mr. Meadows stated as in the past, the schools appropriation had been segregated and would be treated as a separate agenda item so that Councilman Padgett could vote on the remainder of the budget.

Mayor Messier dispensed with the reading of the proposed ordinance regarding funds for the public schools as it had been properly posted.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the ordinance establishing funds for the public schools for the 2005-06 fiscal year. Roll call vote follows:

Councilman Padgett	abstained
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. 05-9

BE IT ORDAINED that the City Council of the City of Bedford, Virginia, hereby directs that the funds as set out in the budget for Fiscal Year 2005-06 for Share of County Public Schools in the General Fund as shown in said budget are hereby appropriated, and that the City Manager is authorized to expend the funds in accordance with said budget and in accordance with prior appropriations.

City Manager Meadows stated that Section 58.1-3005 of the Code of Virginia of 1950, as amended, requires that Council shall, on a regular basis, make an appropriation of funds for expenditure by the City. Mr. Meadows said that an ordinance had been prepared directing that funds as set out in the budget for FY 2005-06 be appropriated and set aside to the appropriate funds, and authorizing the City Manager to expend the funds in accordance with said budget and in accordance with prior appropriations. The City Manager reported that the ordinance denoting the original appropriations had been posted in accordance with Section 2-30 of the City Code and the subsequent adjustments had been noted in the City's system and were ready for Council's approval.

On motion by Vice Mayor Tharp, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance appropriating funds as set out in the budget for fiscal year 2005-2006. 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

The ordinance follows as adopted:

ORDINANCE NO. 05-10

BE IT ORDAINED that the City Council of the City of Bedford, Virginia, hereby directs that the funds as set out in the budget for Fiscal Year 2005-2006 for the City of Bedford are appropriated and set aside to the General Fund (except for the appropriation for the Share of County Public Schools, which shall be considered separately), to the Solid Waste Fund, to the Water and Sewer Fund, to the Electric Fund, to the Capital Projects Fund, and to the E911 Fund as shown in said budget, and that the City Manager is authorized to expend the funds in the General Fund, Solid Waste Fund, Water and Sewer Fund, Electric Fund, Capital Projects Fund, and E911 Fund in accordance with said budget and in accordance with prior appropriations.

The City Manager stated that Section 58.1-3005 of the Code of Virginia of 1950, as amended, requires that Council annually levy a tax on all real estate located within the City. Mr. Meadows reported the proposed ordinance establishes a tax rate for fiscal year 2005-06 of \$0.83 per one hundred dollars of assessed valuation and the proposed ordinance had been posted in accordance with Section 2-30 of the City Code.

On motion by Vice Mayor Tharp, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance establishing the real estate tax rate for the Fiscal Year beginning July 1, 2005. Roll call vote follows:

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

The ordinance follows as adopted:

ORDINANCE No. 5-11

**AN ORDINANCE LEVYING TAX UPON REAL ESTATE
AND CERTAIN TANGIBLE PERSONAL PROPERTY
OF PUBLIC SERVICE CORPORATIONS
AND ESTABLISHING THE TAX RATE
THEREON FOR THE FISCAL YEAR
BEGINNING JULY 1, 2005**

BE IT ORDAINED by the City Council of the City of Bedford, Virginia, that there be, and is hereby levied for the Fiscal Year 2005-2006, a tax rate of \$0.83 per one hundred dollars of assessed valuation on all taxable real estate located in the City, the respective levy hereby ordered being also applicable to the real estate and tangible personal property of public service corporations within the limitations specified by Section 58.1-2606 of the Code of Virginia of 1950, as amended, based upon the assessment thereof fixed by the State Corporation Commission and duly certified.

The City Manager stated that Section 58.1-3005 of the Code of Virginia of 1950, as amended, requires that Council shall annually levy a tax on tangible personal property located within the City. Mr. Meadows indicated that the proposed ordinance had been properly posted in accordance with Section 2-30 of the City Code.

On motion by Councilman Padgett, seconded by Councilman Hubbard, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance establishing the personal property tax rate for the calendar year 2005. 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 ordinance follows as adopted:

ORDINANCE No. 05-12

**AN ORDINANCE LEVYING TAX UPON
TANGIBLE PERSONAL PROPERTY AND
ESTABLISHING THE TAX RATES THEREON
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2005**

BE IT ORDAINED by the City Council of the City of Bedford, Virginia, that there be, and is hereby levied, for the calendar year 2005, a tax rate of \$1.80 per one hundred dollars of one hundred per centum (100%) of assessed value on all taxable tangible personal property, including property separately classified in Section 58.1-3503 of the Code of Virginia of 1950, as amended, unless exempted from taxation or subject to a different rate under this ordinance. All tangible personal property employed in a trade or business other than that described in subdivisions 1 through 18 of Section 58.1-3503 is taxed at a levy of \$1.50 per one hundred dollars of one hundred per centum (100%) of the assessed valuation. Household goods and personal effects as classified in Section 58.1-3504 and horses, mules and other kindred animals, hogs, poultry, grains and other feeds used for the nurture of farm animals, grain and tobacco as such items are classified in Section 58.1-3505 are exempted in whole from tangible personal property taxation. The following items are taxed at a rate of \$1.30 per one hundred dollars of one hundred per centum (100%) of the assessed valuation: (a) cattle, sheep and goats, and farm machinery and farm implements as separately classified in Section 58.1-3505; and (b) machinery and tools as separately classified in Section 58.1-3507; and (c) motor carriers as separately classified in Section 58.1.3506.

City Manager Meadows reported that the Region 2000 Regional Commission voted unanimously on January 20, 2005, to recommend to the member jurisdictions to change the name of the Region 2000 Regional Commission to the Virginia's Regional 2000 Partnership – Regional Council. This change would constitute a “brand name” that can be used by the four regional agencies.

The City Manager introduced Mr. Gary Christie, Executive Director with the Regional 2000 Regional Commission. Mr. Christie gave Council an update on the Commission's activities.

On motion by Councilman Stanley, seconded by Councilman Padgett, voted upon and carried unanimously by a roll call vote, Council adopted a resolution approving the name change of the Regional 2000 Commission. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION TO SUPPORT THE AMENDMENT OF THE REGION
2000 REGIONAL COMMISSION (PLANNING DISTRICT COMMISSION
11) CHARTER, HAVING THE EFFECT OF CHANGING THAT
ORGANIZATION'S NAME TO VIRGINIA'S REGION 2000
PARTNERSHIP-REGIONAL COUNCIL**

WHEREAS, The Region 2000 Regional Commission desires to create a wider and more efficient network of regional governmental services, and

WHEREAS, the Region 2000 Regional Commission believes that working together with the Region 2000 Economic Development Partnership, the Region 2000 Workforce Investment Board and the Region 2000 Regional Technology Council will allow our organizations to work more effectively and efficiently and allow our organizations to take advantage of natural synergies and avoid duplications or conflicts in services, and furthermore,

WHEREAS, the Region 2000 Regional Commission believes that the people and local governments of the Greater Lynchburg region would be better served by more coordinated efforts of these agencies that use the Region 2000 brand and,

WHEREAS, the Region 2000 Regional Commission has voted unanimously on January 20, 2005 to recommend to member jurisdictions to change the name of the Commission to utilize a common "Brand Name" that can be used by the four regional agencies,

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Bedford offers this Resolution in support of amending the Charter of the Regional Commission as follows:

Article I, Section 1:

The name of this organization shall be the **Virginia’s Region 2000 Partnership - Regional Council**, hereinafter called the Local Government Council.

Chief of Police Graham gave a brief overview of a proposed ordinance that adds provisions requiring licensing and use of certain safety equipment when mopeds (“pocket rockets”) are used upon the City streets and highways.

On motion by Vice Mayor Tharp, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance regarding mopeds. 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 ordinance follows as adopted:

ORDINANCE NO. 05-13

**ORDINANCE AND RE-ENACTING SECTIONS 13-70 THROUGH 13-76 AND
ADDING PROVISIONS REQUIRING LICENSING AND USE OF CERTAIN
SAFETY EQUIPMENT WHEN MOPEDS ARE USED UPON THE CITY
STREETS AND HIGHWAYS**

Section 1. Section 13-70 through 13-76 are amended and re-enacted and the following new sections 13-77 through 13-90 are added as follows:

§13-70 Definitions.

(A) *Bicycle.* A device propelled solely by human power, having pedals, two or more wheels, and a seat height of more than twenty-five inches from the ground when adjusted to its maximum height (a recumbent device shall be deemed a bicycle regardless of seat height).

(B) *Electric power-assisted bicycle* means a bicycle equipped with an electric motor that reduces the pedal effort required of the rider, but does not eliminate the rider’s need to pedal. For purposes of this article, an electric power-assisted bicycle shall be a vehicle when operated on a street.

(C) *Moped* is defined as a conveyance that is either (a) a bicycle-like device with pedals and a helper motor which is rated at no more than two (2) brake horsepower and produces speeds up to a maximum of thirty (30) miles per hour; or (b) a motorcycle with an engine displacement of fifty (50) cubic centimeters or less and a maximum speed of less than thirty (30) miles per hour. For purposes of this article, a moped shall be a vehicle when operated on a street.

and (D) *Highway* is the entire width between the boundary lines of every way or place open to the use of the public for the purpose of vehicular traffic in the Commonwealth, including the streets and alleys and the entire width between the boundary lines of all private roads or private streets which have been specifically designated "Highways" by an Ordinance adopted by the City Council.

(E) *Roadway* is that portion of a highway improved, designed, or ordinarily used for vehicular traffic exclusive of the shoulder. A highway may include two or more roadways divided by a physical barrier or barriers or an unpaved area.

(F) *Sidewalk* is that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(G) *Crosswalk* is that part of a roadway at an intersection included within the connections of the lateral lines or the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or a portion of a roadway at any intersection or elsewhere distinctly indicated for Pedestrian crossing by lines or other markings on the surface.

§13-71 Prohibition of Roller Skates, Scooters, Skateboards and other devices on Streets.

(A) No person shall play on a highway or street, other than on the sidewalks thereof, within the City.

(B) No person shall use roller skates, skateboards, toys or other devices on wheels or runners (except bicycles, mopeds and motorcycles) on the highways and roadways of the City.

§13-72 Riding of Bicycles, Mopeds, *Electric power-assisted bicycle*, Scooters and Skates on Sidewalks.

(A) No person shall ride or use mopeds, electric power-assisted bicycles, roller skates, skateboards, or other toys or play devices (other than bicycles and scooters equipped with braking mechanisms to provide control) on sidewalks in the City.

(B) No person shall ride any bicycle, moped, electric power-assisted bicycle, or scooter on a sidewalk or a crosswalk, including those of churches, schools, recreational facilities, or any other business property open to the public, where such activity is prohibited.

(C) Such riding of bicycles or scooters on sidewalks or crosswalks is specifically prohibited in areas which are zoned B-1 or in other areas designated by the City Manager.

(D) Signs indicating the prohibition of roller skates shall be conspicuously posted at all entrances to the City, and signs prohibiting bicycles or scooters shall be conspicuously posted at the sidewalks entering the designated areas where such uses are prohibited.

(E) A person riding a bicycle or scooter on a sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

§13-73 Bicycle Equipment.

(A) Every bicycle, moped and electric power-assisted bicycle when in use between sunset and sunrise shall be equipped with a white light on the front which shall be visible in clear weather from a distance of at least 500 feet to the front and with a red reflector on the rear. Such reflector shall be of a type approved by the Superintendent of the Department of State Police and shall be visible in clear weather from 50 feet to 300 feet to the rear when directly in front of lawful high beams of head lights on a motor vehicle. A red light visible in clear weather for 500 feet to the rear may be used in lieu of or in addition to the rear reflector. Such lights and reflector shall be of types approved by the Superintendent. Bicycles or their riders may have a red blinking light in lieu of a reflector or steady burning red light on the rear of the vehicle.

(B) Every bicycle, moped and electric power-assisted bicycle when operated on a highway shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement or

with an advanced braking system capable of stopping the vehicle within an adequate distance.

§13-74 Bicycle Helmets.

(A) *Requirement:* Every person fourteen (14) years of age or younger shall wear a protective helmet when riding or being carried on a bicycle on any roadway, sidewalk, or public bicycle path within the City. For the purposes of this section, "protective helmet" shall refer to any helmet that meets the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation.

(B) *Penalty:* Violation of this section shall be punishable by a fine of \$25. However, such fine shall be suspended (i) for first time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by this Ordinance.

(C) *Parents' Responsibility:* The parent or guardian or any adult person having custody or supervision of any child and who is present when such child is operating a bicycle without a helmet in violation of this Section shall be held responsible to assure compliance and shall be subject to any penalties for non-compliance.

(D) *Procedures:*

(i) It shall be the duty of the Police Department to enforce this Section. The Chief of Police shall develop necessary forms, including written warnings, and shall maintain a registry of children who have received warning tickets as first offenders.

(ii) Each police officer is charged with the duty of stopping any child who may be in violation of this Section and ascertaining the child's name, age, residence address, and the name and address of his primary guardian or custodian. For the first offense, the officer shall issue a warning, advising the offender of the law and that any additional offense will result in issuance of a summons. The officer shall cause a copy of the written warning to be mailed or delivered to the guardian or custodian of the offender and the parent or guardian to appear before the appropriate Juvenile and Domestic Relations District Court authorities.

(iii) Pursuant to Section 46.2-906.1 of the Code of Virginia, as amended, violation of subsection (a) or (b) shall not constitute negligence, assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, nor shall

anything in this section change any existing law, rule, or procedure pertaining to any civil action.

§13-75 Requirement of Safety Equipment for Mopeds.

(A) Any person who operates a moped on a public street or highway shall wear a face shield, safety glasses, or goggles of a type approved by the superintendent of the Virginia State Police, or have the moped equipped with safety glass or a windshield at all times while operating such moped, and operators and passengers thereon, if any, shall wear a protective helmet of a type approved by the superintendent of the Virginia State Police.

(B) Any person who knowingly violates this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars (\$50.00).

(C) A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

§13-76 Special Operating Rules for Bicycles, Mopeds and Electric Power-assisted Bicycles

(A) Persons riding bicycles on a highway or sidewalks shall not ride two or more abreast except on paths or parts of highways set aside for the exclusive use of bicycles.

(B) No person riding on any bicycle, moped, electric power-assisted bicycle or wheeled toy shall catch, hold or attach to any moving vehicle of any kind while upon any street.

(C) No bicycle or electric power-assisted bicycle operated in the City shall be used to carry more persons at one time than the number of persons for which it is designed and equipped.

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(i) No person other than the operator thereof shall ride upon a moped unless such moped is designed to carry more than one (1) person, in which event a passenger may ride separate and permanent seat attached thereto; provided, however, that such moped is also equipped with a
for such passenger.

(D) No person shall ride a bicycle, moped or electric power-assisted bicycle upon any street or sidewalk without having at least one hand upon the handlebars and no person operating such vehicle shall carry any package, bundle or article which prevents the operator from keeping at least one hand on the handlebars.

(E) Every person riding a bicycle, moped or electric power-assisted bicycle out of a lane, alley or private driveway across a sidewalk or sidewalk area shall first bring such bicycle, electric power-assisted bicycle or moped to a stop before crossing such sidewalk or sidewalk

(F) No person shall ride a bicycle, moped or power-assisted bicycle recklessly or at a speed or in manner so as to endanger the life, limb or property of the rider or of any other person.

(G) No person shall operate any moped upon any street, highway or public vehicular area without being 16 years of age or older. Violation of this provision shall constitute a traffic infraction punishable by a fine of no more than \$50.00

(H) No person shall operate any moped upon any street, highway, or public vehicular area without carrying some form of identification that includes name, address and date of birth. Violation of this provision shall constitute a traffic infraction punishable by a fine of no more than \$50.00

(I) No moped shall be driven on any street, highway or public vehicular area faster than 30 miles per hour. Violation of this provision shall constitute a traffic infraction punishable by a fine of no more than \$50.00

(J) Every person riding a bicycle on a roadway shall be subject to all the statutory duties applicable to the driver of a motor vehicle including the compliance with all traffic signals, signs and lane markings, unless the context of the statute indicates otherwise.

§13-77 Hand Signals.

(A) Before turning or altering the course of operation of any bicycle or electric power-assisted bicycle, the operator thereof shall give signals by extension of the hand to indicate the direction in which it is intended to proceed.

(B) Operators of mopeds shall use the electronic signaling devices that the moped is equipped with before turning or altering course of operation. If operating a moped with malfunctioning signal devices, or no signaling devices, the operator shall use hand signals.

§13-78 Method of Riding

(A) Every person riding a bicycle, electric power-assisted bicycle or moped on any street shall keep as close as practicable to the right-hand side of the roadway, except under any of the following circumstances:

- (i) When overtaking and passing another vehicle proceeding in the same direction;
- (ii) When preparing for a left turn at an intersection or into a private road or driveway; and
- (iii) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge.

For purposes of this section, a “substandard width lane” is a lane too narrow for a bicycle, electric power-assisted bicycle or moped and another vehicle to pass safely side by side within the lane.

(B) Persons riding bicycles or electric power-assisted bicycles on a street shall not ride two (2) or more abreast except on paths or parts of streets set aside for the exclusive use of bicycles.

Mopeds shall not ride on paths or parts of streets set aside for the exclusive use of bicycles. Persons riding mopeds on a street shall not ride two (2) or more abreast.

§13-79 Registration Required for Mopeds.

(A) It shall be unlawful for any person who resides in the city to operate or use a moped upon any of the streets of the city, or for any parent or guardian to allow any person under the age of eighteen (18) years, who resides in the city, to operate or use a moped upon any of the streets of the city unless such moped has been properly registered as hereinafter provided.

(B) Any person acquiring a moped from a registered owner or buying a new moped or owning a moped on the effective day of this ordinance shall comply with the registration requirements before operating the moped upon the streets of the City.

(C) The registration of mopeds shall be upon written application therefore made to the Chief of Police on forms prescribed by him, and shall be made by the owner thereof, or, if owner is under eighteen (18) years of age, the same may be made for him by his or her parents or guardian.

(D) When a moped is registered, there shall be paid as a fee the sum of twelve dollars (\$12.00). When the registration is changed from one (1) person to another or from one moped to another, there shall be paid the sum of twelve dollars (\$12.00). When a number plate or tag is issued to replace one that has been mutilated, lost, stolen or misplaced, there shall be paid the sum of one dollar (\$1.00). Such sums shall be paid to the city treasurer, and shall be used for the purpose of defraying the costs and expenses incident to the registration of such mopeds and carrying out the provisions of this article.

(E) Upon proper application for registration of a moped, and the payment of the registration fee required by this article, the city treasurer shall issue to the applicant a registration card and a number plate or tag, in such form as shall be prescribed by the chief of police or his or her designee. The number plate or tag shall be provided by the city at no cost to the applicant.

§13-80 Display of tag.

The number plate or tag issued under the provisions of this article shall be kept securely fixed in a conspicuous place on the rear of the frame of the moped for which the same was issued.

§13-81 Change in frame number.

(A) It shall be unlawful for any person to remove, change, alter or mutilate any electric power-assisted bicycle or moped frame number; provided, however, that when any moped is registered hereunder and it appears that the frame number has become chief of police or his or her designee may place or cause to be placed a frame number thereon for registration purposes.

(B) Any person who shall remove, change, alter, or mutilate any electric power-assisted bicycle or moped frame number in violation of this section shall be deemed guilty of a class 3 misdemeanor.

§13-82 Records.

The chief of police or his or her designee shall keep a complete record of all mopeds registered pursuant to this article, showing the name and address of the owner thereof, the make, class and frame number of such moped, the number of the registration plate or tag issued therefore, and such other information as the chief of police or his or her designee may prescribe.

§13-83 Lost or mutilated number plates or tags.

When any number plate or tag is badly mutilated, lost, stolen or misplaced and cannot be found, upon satisfactory evidence of such fact being presented to the chief of police or his or her designee, the chief of police shall issue another number plate or tag, and shall change the registration of such moped accordingly.

§13-84 Transfer generally.

It shall be unlawful for any person to attach any number plate or tag issued under the provisions of this article to any moped other than the one for which the same was issued.

§13-85 Transfer of ownership.

When any moped registered under the provisions of this article shall be transferred to another, the same shall be reported to the chief of police or his or her designee, together with the name and address of the person to whom the moped was transferred and the registration thereof shall be changed accordingly.

§13-86 Impoundment of abandoned or unregistered electric power-assisted bicycles and mopeds.

(A) Any moped found without a number plate or tag issued pursuant to section 13-79 of this article and unattended shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the moped fails to produce such owner or user, any moped so abandoned shall be taken into custody and impounded by the chief of police or any officer of the police department.

(B) Any unattended electric power-assisted bicycle found under such times and circumstances that indicate it has been lost or stolen shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the moped fails to produce such owner or user, any moped so abandoned shall be taken into custody and impounded by the chief of police or any officer of the police department.

(C) No abandoned electric power-assisted bicycle or moped shall be released or removed from impoundment except upon satisfactory showing of ownership and, in the case of mopeds, display of a city registration certificate and proper display of a tag or number plate by the owner or an agent of the owner.

(D) If an abandoned electric power-assisted bicycle or moped is not reclaimed within thirty (30) days from the date of impounding, the

chief of police or the chief's agent shall provide for the public sale or donation to a charitable organization of such bicycle or moped.

(E) Any bicycle, electric power-assisted bicycle or moped found and delivered to the police department by a private person which thereafter remains unclaimed for thirty (30) days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle or moped shall be published at least once a week for two (2) successive weeks in a newspaper of general circulation in the city. In addition, if there is a license tag affixed to the bicycle, electric power-assisted bicycle or moped, the record owner shall be notified directly.

§13-87 Impoundment of unregistered mopeds.

(A) When any police officer or other officer charged with the duty of enforcing this article shall discover any unregistered moped in any public place in the possession or control of any person, the officer may take custody of such moped and impound the same. Any moped so impounded shall be released only upon a satisfactory showing of ownership, payment of five dollars (\$5.00) for storage charges, and proper registration and display of a tag or number plate by the owner or an agent of the owner.

(B) Any juvenile whose moped is impounded pursuant to this section shall be escorted forthwith to his or her place of residence or other appropriate place.

(C) An officer impounding a moped under this section shall inform the person from whom possession or control of the moped was removed of the provisions of this section. Upon the taking of the moped into the officer's possession, the officer shall mail or hand-deliver a notice containing the provisions of this section. In the case of a juvenile, such notice shall be mailed or hand-delivered to the juvenile's parent or guardian.

(D) If any moped impounded under this section is not reclaimed within thirty (30) days from the date of impounding, the chief of police or an agent of the chief of police shall cause the moped to be sold or donated in accordance with section 20-146(d) of this article.

§13-88 Law enforcement officers.

(A) Any law enforcement officer of the city, operating a bicycle, electric power-assisted bicycle or moped during the course of his or her duties, shall be exempt from the provisions of this division.

(B) Any bicycle, electric power-assisted bicycle or moped being operated by a law enforcement officer of the city, during the course of his or her duties, shall be deemed to be a law enforcement vehicle and shall have the same rights and privileges as any other law enforcement vehicle when the bicycle or moped is being operated in response to an emergency call, while engaged in rescue operations or in the immediate pursuit of an actual or suspected violator of the law.

§13-89 Sale, rental of electric power-assisted bicycles and mopeds-- Information required.

Information regarding the sale or rental of electric power-assisted bicycles and mopeds shall be available to the chief of police upon the chief's request from vendors and lessors of electric power-assisted bicycles and mopeds.

§13-90 Penalties.

(A) Any violation of the provisions of Section 13-72 involving bicycles, scooters and skates shall be punishable by a civil penalty of \$50.00, collectible in the same manner as prescribed for parking tickets, except that, if payment is not received by the city treasurer, then the appropriate law enforcement officer may cause to be issued a civil warrant in debt.

(B) Violations of the provisions of Section 13-70 through 13-89 in which no penalty has been defined within the specific section shall be deemed guilty of a traffic infraction which shall be punishable by a fine of not more than two hundred dollars (\$200.00).

Section 2. This ordinance shall take effect on July 1, 2005 and upon completion of publication one time in a newspaper published in the City or posted at three or more public places in the City for one week.

City Manager Meadows stated that City Council needs to approve the establishment of the amended cafeteria plan for employees effective July 1, 2005, and grant the City agents (i.e. the City Manager and/or Human Resources Director) the authorization to administer the plan. Mr. Meadows reported that the following changes had been made to the current plan: 1) the health care reimbursement limit has been changed to \$2500; and 2) the option of direct deposit of reimbursements into employee's bank account has been added.

Mayor Messier dispensed with the reading of the proposed resolution regarding dependent care and health care reimbursement plans.

On motion by Vice Mayor Tharp, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council adopted the resolution approving the amended cafeteria plan. 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 announced that the next item on the agenda was a closed session pursuant to Section 2.2-3711(a)(3), of the Code of Virginia of 1950, as amended, for potential acquisition of real estate. The Mayor asked that the City Manager, City Attorney, Director of Parks & Recreation, and the Director of Planning & Community Development attend the closed session.

City Manager Meadows stated that the following item needed to be added to the agenda as it was not included on the agenda that members of Council received: Resolution – Enterprise Zone.

The City Manager stated that Council needed to adopt the FY 2005-06 budget by motion as this item had inadvertently been overlooked earlier on the agenda.

Mayor Messier stated that those two items would be taken up after the closed session.

Council adjourned into closed session at 8:07 p.m. pursuant to Section 2.2-3711(a)(3) of the Code of Virginia of 1950, as amended, for potential acquisition of real estate. Non-council members attending were: City Manager Meadows, City Attorney Berry, Director of Parks & Recreation Nixon, and Director of Planning & Community Development Warner.

Council reconvened into open session at 8:45 p.m.

The Deputy Clerk of Council read aloud the following proposed 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 Vice Mayor Tharp, seconded by Councilman Wandrei, voted upon and carried by a roll call vote, Council adopted the resolution. 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

It was the consensus of Council to add the following item to the agenda: “Resolution – Enterprise Zone;” and then return to agenda item “Adoption of Budget for Fiscal Year 2005-06.”

Elizabeth Berry-Mosley explained that the Enterprise Zone is a state program designed to help communities attract industries and business and explained the areas of the City that would be included.

The City Manager stated the application is basically the same application submitted two years ago. Mr. Meadows stated that the Bedford County Board of Supervisors adopted a resolution supporting the City’s application for an Enterprise Zone.

Mayor Messier waived the reading of the resolution.

On motion by Vice Mayor Tharp, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Council adopted the proposed resolution authorizing the City Manager to submit an application for the enterprise zone designation. Roll call vote follows:

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

The resolution follows as adopted:

RESOLUTION

WHEREAS, the City of Bedford is aware of the Virginia Enterprise Zone Program; and

WHEREAS, the City of Bedford understands that such a designation will include State and local incentives for businesses in the designated zone; and

WHEREAS, the City of Bedford is interested in stimulating business and industrial growth and is committed to offering certain

incentives intended to stimulate private sector investment or revitalization in the proposed enterprise zone; and having reviewed and considered the eligibility;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Bedford endorses and supports such a program for the City of Bedford and is hereby authorizing the City Manager to submit all information needed to apply for the enterprise zone designation for the Bedford Enterprise Zone and to meet other program administrative and reporting requirements, including identifying and offering for sale all surplus public land located within the zone.

Councilman Tharp moved that Council adopt the budget for Fiscal Year 2005-06 as presented. The motion was seconded by Councilman Wandrei, voted upon and carried unanimously by the following roll call vote:

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 8:50 p.m.