

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., July 26, 2005.

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

Members absent: Councilman Thomas M. Padgett

Staff present: City Manager F. Craig Meadows; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

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

Mayor Messier declared that the minutes of a regular Council meeting held on July 12, 2005, were approved as distributed.

City Manager Meadows reported on the following:

- Items given to Council: the final official statement published with regard to the 12.6 million dollar electric bond refunding which will result in savings to the City over the next twenty years of 2.4 million dollars; a parking ticket survey prepared by the Police Department; and a news release issued earlier in the day regarding odor and taste issues with the City's water due to algae growth in the reservoir.
- Hunter's Raid activities held during the past weekend – positive comments received
- Homecoming parade for the troops coming home from Afghanistan – July 28 at noon for Company A 116th Infantry, 29th Infantry Division of Bedford – from the D-Day Memorial through downtown to the National Guard Armory
- Pre-closing of the electric bond issue – Richmond – August 3
- ElectriCities Conference – Greensboro, NC – August 5 and 6 – the City Manager will attend
- the City has contracted for a tree-trimming crew to help with the workload – should start mid-August

Mayor Messier stated that the City Manager is the feature item on the *Ampersand* (the newsletter of Anderson & Associates).

City Manager Meadows reported that the Virginia Department of Highways and Transportation, in 1998, proposed the design and location of improvements to East Main Street involving the widening to four lanes between the 297 Minute Mart and the Route 460 bypass. Virginia Code Section 33.1-89 provides that the Commonwealth Transportation Commissioner is vested with power to acquire real estate deemed to be necessary for the construction of public highways in the Commonwealth and is

authorized, when requested by a municipality, to convey the title so acquired to the municipality upon completion of the project.

Mr. Meadows stated the Virginia Department of Transportation has completed construction of improvements and has tendered to the City a Quit Claim Deed dated March 8, 2005, conveying a portion of the right-of-way on which the highway project is constructed. The additional right of way consists of small parcels along the old right of way and a storm water drainage facility on the north side of the road across from Reynolds Park. The City Manager reported that the City Attorney has prepared a resolution authorizing the formal approval and acceptance of the conveyance.

On motion by Vice Mayor Tharp, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the resolution accepting conveyance of real estate by the Commonwealth of Virginia. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION APPROVING AND ACCEPTING
CONVEYANCE OF REAL ESTATE CONSTITUTING
PART OF RIGHT-OF-WAY STATE ROUTE 460
BEING CONVEYED BY COMMONWEALTH OF VIRGINIA**

WHEREAS, the Virginia Department of Highways and Transportation, in 1998, proposed the design and location of improvements to East Main Street involving the widening to four lanes between the 297 Minute Mart and the Route 460 bypass; and

WHEREAS, Virginia Code Section 33.1-89 provides that the Commonwealth Transportation Commissioner is vested with power to acquire real estate deemed to be necessary for the construction of public highways in the Commonwealth and is authorized, when requested by a municipality, to convey the title so acquired to the municipality upon completion of the project; and

WHEREAS, by resolution adopted on July 28, 1998, the Council for the City of Bedford approved the location and major design features of the proposed project and requested the Virginia Department of Highways

and Transportation to acquire all necessary rights-of-way for the project and to convey the rights-of-way to the City at the appropriate time; and

WHEREAS, The Virginia Department of Transportation (formerly Department of Highways and Transportation) has completed the improvements and has tendered to the City a Quit Claim Deed dated March 8, 2005 conveying a portion of the right-of-way on which the highway project is constructed; and

WHEREAS, The City Attorney has reviewed the tendered deed and has recommended that the Council, pursuant to Virginia Code Section 15.2-1803, accept the deed and record a certificate to that effect in accordance with the 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 the Commonwealth of Virginia, acting by and through its Commonwealth Transportation Commissioner, dated March 8, 2005 conveying portions of the right-of-way of Virginia Route 460.

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.

The City Manager stated the City enacted a resolution on June 13, 1989, establishing a moratorium on any new connections to its water and wastewater systems outside the corporate limits of the City. The rationale for the resolution was concern over capacity at the City's water and wastewater treatment plants. In the years since the moratorium was enacted, the City has determined that it does have sufficient capacity to allow for additional connections outside the corporate limits of the City, but the moratorium resolution has never been rescinded. Mr. Meadows stated that as the City is currently in discussion with the Bedford County Public Service Authority to provide water and sewer service to residents and businesses outside the corporate limits of the City, the resolution needs to be rescinded in order to allow these discussions to proceed.

The Clerk of Council read aloud the following proposed resolution:

**A RESOLUTION RESCINDING THE MORATORIUM ON
WATER AND SEWER CONNECTIONS OUTSIDE THE
CORPORATE LIMITS OF THE CITY**

WHEREAS, the City Council of the City of Bedford enacted a Resolution on June 13, 1989, establishing a moratorium on any new connections outside the corporate limits of the City to its water and sewer systems; and

WHEREAS, the reason stated for the moratorium was concern over capacity issues with the City's water and wastewater treatment plants; and

WHEREAS, the City has determined that it has sufficient capacity at both its water and wastewater treatment plants to allow for additional customers outside the corporate limits of the City; and

WHEREAS, the City desires to provide water and wastewater services to those who may be adjacent to existing City water and sewer lines in Bedford County;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Bedford that the Resolution establishing the water and sewer moratorium on June 13, 1989, is hereby rescinded; and

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the Bedford County Public Service Authority and to the County of Bedford, with the understanding that the City will allow for requests for water and sewer service for those who are adjacent to existing City water and sewer lines in Bedford County, effective as of July 27, 2005.

Councilman Tharp moved that the resolution be adopted. Councilman Wandrei seconded the motion.

Councilman Stanley asked if the City plans to extend existing lines. The City Manager stated there are no plans at the current time to extend any existing lines into the County and the only exception is the proposed Belltown water line that would be constructed for the six homes. Councilman Stanley stated he was primarily dealing with sewer lines at this time. The Mayor explained the moratorium resolution must be rescinded to allow extension of the water line to Belltown.

The City Manager stated it is his understanding in discussion on this issue that the City does not plan to expand its system; this allows for any existing lines that are in place in

the County if customers want to have connections to those lines. The only line discussed is the Belltown line for the six homes.

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

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

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, for consultation with legal counsel. Councilman Stanley seconded the motion. The motion was voted upon and carried by the following roll call vote:

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

Council adjourned into closed session at 7:40 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 8:49 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:

Vice Mayor Tharp	aye
Councilman Wandrei	aye

Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Padgett	absent
Councilman Stanley	aye
Mayor Messier	aye

The City Manager stated that the Belltown Road water line contract has been awarded to George E. Jones & Sons in the amount of \$182,000. The City has received approvals from the Virginia Department of Transportation, Virginia Department of Health, and Norfolk Southern Railroad. The Bedford County Planning Department has asked for a public hearing, which will be held on August 1. Mr. Meadows stated that the notice to proceed will be issued, hopefully with the next week, which will start the timetable for construction, and the water line should be completed with the next 90 – 110 days.

Mayor Messier adjourned the meeting at 8:50 p.m.