

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., August 23, 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; Interim City Manager Jack A. Gross; 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 August 9, 2005, and the minutes of a called meeting held on August 12, 2005, were approved as distributed.

The City Manager reported on the following items:

- Blue Ridge Power Association meeting – August 24 – will be attended by the Electric Utility Director, Interim City Manager, Assistant Electric Utility Director, and the City Manager
- City holiday – Labor Day, September 5
- City audit begins September 12
- Centerfest will be held September 23 and 24 – concert by the Tams
- Bedford County Board of Supervisors voted to approve the Bell Town Road water line – the City will issue the notice to proceed on August 25 – the line will be completed within 60 days
- A contract crew for tree trimming began work this week.
- An electrical contract crew is working in the Park Street area to improve reliability of the electric system in that area and to give increased flexibility to transfer load between substations.

Mayor Messier stated this was the City Manager's last Council meeting. The Mayor read aloud the following Proclamation:

WHEREAS, F. Craig Meadows has served with distinction as the City Manager of Bedford for over 7 years and has instilled and exemplified his creed of "Teamwork, Customer Service, Respect and Accountability" throughout City government; and

WHEREAS, under Craig Meadows' leadership the City of Bedford has enjoyed financial stability, prosperity, mutually beneficial relations with its neighbors and within Region 2000; and

WHEREAS, Craig Meadows has been the City's most visible proponent of economic development initiatives, existing industry support and the emerging importance of tourism in the economy; and

WHEREAS, Craig Meadows has contributed to the financial stability of the City through his vast knowledge and professional expertise, long-range planning and wise handling of public accounts; and

WHEREAS, Craig Meadows has consistently contributed to the rebirth and revitalization of Centertown Bedford as the heart of our community through his leadership on the Bedford Main Street Board of Directors; and

WHEREAS, Craig Meadows has made a major civic contribution to the community through his work with the United Way, Red Cross, Kiwanis and Bedford Area Chamber of Commerce; and

WHEREAS, F. Craig Meadows' impact on the City of Bedford will surely continue to grow beyond his tenure with the City through his thoughtful and wise selection and development of a professional staff at the City; and

WHEREAS, Craig Meadows will be sorely missed as a special employee, co-worker and friend by the City of Bedford;

NOW THEREFORE, BE IT PROCLAIMED, that the City of Bedford recognizes Craig Meadows for his tireless efforts on behalf of our community; and

BE IT FURTHER PROCLAIMED, that as the Mayor of the City of Bedford and on behalf of all the citizens we thank F. Craig Meadows for his efforts to in making Bedford the ideal place to live, work and play, and names him a honorary citizen of the City of Bedford.

The Mayor presented Mr. Meadows with a framed copy of the proclamation and a gift.

City Manager Meadows expressed his appreciation.

Mayor Messier asked the City Manager if the landfill issue could have been handled any faster.

The City Manager stated the City has moved as fast as it possibly could on the landfill/Bell Town issue. Mr. Meadows stated the City reported to the DEQ that there was a problem on-site at the landfill in 2002. When the City thought contamination was moving across the road with the test results, the City moved as quickly as it could with testing the residential wells of the neighbors. Mr. Meadows stated the City's statement from the beginning was that the City would ensure that the residents have safe water to drink. Mr. Meadows stated when the problem first came up, the City gave the residents

gift certificates for bottled water until the City could get filter systems on their houses; and the tap water has been tested to make sure the filters were functioning and that the water is safe to drink. The City Manager stated he feels confident that the City has done everything its needs to do to ensure the safety of the water for those residents.

Councilman Stanley stated some of the stories reported there was more than one well that contained chemicals that exceed the safe drinking water standards and asked the City Manager if there was more than one.

City Manager Meadows stated there is only one residential well that has one constituent above the EPA standard (the Zimmerman's well, which serves two families). This is the well that the City has put a very sophisticated carbon filtration system on.

Councilman Wandrei asked the City Manager if he felt the condition of the landfill presents a threat to any of the neighbors in the area.

Mr. Meadows answered no to Councilman Wandrei's question. Mr. Meadows stated the City has an issue with the ground water but the issue to public health would be the drinking water supply and that is not an issue.

Vice Mayor Tharp stated the issue has impacted the Schrock property and asked Mr. Meadows if the City is doing everything it can to treat Mr. Schrock fairly and to make his land useable.

The City Manager stated he thinks the City has done everything in its power to address that issue. Mr. Meadows indicated that Mr. Schrock's drinking water supply has been tested and there is no contamination in his water supply. Mr. Meadows stated on the part of the property that has been impacted and that will be addressed with the corrective action plan, monitored natural attenuation is an acceptable recognized cleanup solution especially when it is combined with aggressive source control. The City Manager reported that is what has been proposed in the new revised cap, a much more aggressive source control on the City property to keep it from migrating further into adjoining properties.

City Manager stated there are a couple of things that have been reported on recently that need to be cleared up as part of the situation: Mr. Schrock purchased that property in 2001 knowing it was beside an old landfill; concerns have been expressed that the situation is unhealthy, but even after learning of the presence of chemicals from the landfill in the ground water, cattle have been allowed to graze on the property; no livestock was on the property when he purchased it; the period of remediation of the ground water beneath Mr. Schrock's property has been reduced to eight to ten years in the proposed cap because of the City's addition of an aggressive capture of the ground water at the boundary line and pumping it back and treating it away from Mr. Schrock's property; the source control will greatly accentuate the natural attenuation process that is consistent with what DEQ has asked the City to do.

Mr. Meadows stated Mr. Schrock purchased his property in 2001 for the price of \$199,000; the City has had the property appraised and has tried to talk to Mr. Schrock

about a fair market appraisal, but his attorney has recently advised the City that Mr. Schrock would be willing to sell for somewhere between \$1,000,000 and \$2,000,000.

Councilman Stanley asked Mr. Meadows if he felt that the City is doing all that it can to be sure the residents who live around the landfill have safe drinking water.

City Manager Meadows stated that he believes the City is doing everything it can. Mr. Meadows indicated that the City has tested the water in that neighborhood twice and found the drinking water safe. The second test was done in response to residents who requested more testing when a public meeting was held last year. The City Manager stated that even after the retesting there was a negative editorial that said another month was wasted with the retesting of the same thirty-eight wells only to find the water in the wells were still within safe drinking water standards and the editorial indicated that was an unnecessary expenditure of \$11,000. Mr. Meadows stated he did not think the retesting was unnecessary at all, that the City made a commitment to those residents to ensure they had safe water to drink, that filters have been put on the well that had the problem, and the City is moving forward with a water line that the City just received final approval from Bedford County.

The City Manager stated he felt very confident that the City has always done the right thing all along and the cleanup methods that have been proposed in the corrective action plan will keep the contamination on the landfill property. Mr. Meadows stated once the homes bordering the landfill are connected to City water and the drinking water wells on those properties are closed, the contaminated water will not be drawn in that direction any more.

Mr. Meadows stated he appreciated Council's comments, as it has been a frustration of his to pick up a newspaper that says the City is "hemming and hawing" or that the City has taken a ridiculous amount of time, which shows him that folks have really not been keeping up with what was going on.

City Manager Meadows stated that Bedford City and Bedford County, in conjunction with the Bedford Joint Industrial Development Authority (BJIDA), constructed a shell building in the new Industrial Park (Bedford Center for Business) which was used as a temporary site for Court Services and the Department of Social Services while renovations were being made to the Courthouse and the Burke Scott Building on Main Street. The parties entered into a Temporary Courthouse Participation Agreement dated November 9, 1999, confirming the financial agreements between the parties. Mr. Meadows reviewed highlights of the 1999 Participation Agreement. When the Main Street renovations were completed, the real estate in the park, including the shell building tract was conveyed to the Joint Authority and possession of the shell building was delivered to the Joint Authority. The building remained vacant for a considerable amount of time while the City, the County, and the Joint Authority attempted to find a purchaser.

The City Manager reported that the Board of Supervisors and City Council subsequently decided that rather than having a vacant building in the Bedford Center for Business, it was in the interest of all parties to induce the Central Virginia Community College to open a campus in Bedford by offering a lease of a portion of the shell building for that

purpose and to lease the remainder of the building to an industrial prospect. The parties agreed that the cost of lease-hold improvements made by the landlord for the two tenants would be financed by the Joint Authority and not by the City or County. The parties agreed that the rental income paid to the Authority from the project would be used as follows: (a) to service the Authority's loan and to pay costs of the landlord under the lease; (b) a contingency fund of up to \$50,000 would be held by the Authority for structural repairs and maintenance that might be incurred by the Authority as landlord, and (c) any additional rent proceeds would be paid to the County to offset its original costs. The provisions concerning distribution of any proceeds of any sale of the property when the property is sold remain in effect. Mr. Meadows stated that the Authority has prepared a Supplemental Agreement concerning the BJIDA building, which confirms and memorializes these agreements.

City Manager Meadows stated Council is requested to approve the Supplemental Agreement in substantially the form submitted, subject to approval of its form by the City Attorney, and authorize the Mayor to execute such agreement.

Mayor Messier waived the reading of the Supplemental Agreement concerning the BJIDA Building.

Vice Mayor Tharp moved that Council adopt the Supplemental Agreement. The motion was seconded by Councilman Padgett, voted upon and carried unanimously.

City Manager Meadows stated that the Bedford Joint Industrial Development Authority has asked the City of Bedford and Bedford County to amend prior ordinances changing the name of the Joint Authority to the "Bedford Joint Economic Development Authority." Mr. Meadows reported that the General Assembly, in 2004, passed legislation that would allow this. The City Manager stated that an appropriate ordinance had been drafted by the City Attorney who acts as counsel for the Joint Industrial Development Authority, and the ordinance had been posted pursuant to the City Code.

Mayor Messier waived the reading of the proposed ordinance.

On motion by Vice Mayor Tharp, seconded by Councilman Hubbard, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance regarding the name change for the Bedford Joint Industrial Development Authority. 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. 05-17

**AN ORDINANCE CHANGING THE NAME OF THE
JOINT INDUSTRIAL DEVELOPMENT AUTHORITY
FOR THE COUNTY OF BEDFORD
AND THE CITY OF BEDFORD**

WHEREAS, acting pursuant to authorization in the Virginia Industrial Development and Revenue Bond Act, the Board of Supervisors of Bedford County on February 8, 1999 and the City Council of the City of Bedford on January 26, 1999 adopted ordinances in their respective jurisdictions concurrently creating a Joint Industrial Development Authority which, pursuant to Article I, Section 1.1 of the Ordinance was named “The Joint Industrial Development Authority of the City of Bedford and Bedford County”; and

WHEREAS, the General Assembly has amended the Virginia Industrial Development and Revenue Bond Act (Virginia Code Section 15.2-4903), to provide that the Authority jointly created by the City of Bedford and Bedford County “may be named the Bedford Joint Economic Development Authority, or such other name as the governing bodies of the City of Bedford and Bedford County shall choose in the concurrent resolutions creating such authority”; and

WHEREAS, the Board of Directors of the Joint Authority have requested the Board of Supervisors and the City Council, to amend the earlier ordinances in order to change the name of the Authority to Bedford Joint Economic Development Authority.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bedford, Virginia and by the Board of Supervisors of the County of Bedford, Virginia:

Section 1. The concurrent ordinances enacted by the City Council of the City of Bedford on January 26, 1999 and by the Board of Supervisors of the Bedford County on February 8, 1999 are hereby amended as follows:

(a) Section 1.1 is amended and re-enacted as follows:

Section 1.1 Name of Authority

The Authority shall be known as “Bedford Joint Economic Development Authority.”

(b) All other provisions of the original ordinances are re-enacted except that all references to the “Joint Industrial Development Authority of the City of Bedford and Bedford County” or to the “Bedford Joint Industrial Development Authority” are changed to “Bedford Joint Economic Development Authority.”

Section 2. This ordinance shall be come effective only upon adoption by both governing bodies, and such ordinance shall be in full force and effect upon and after the date of passage by the second governing body.

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. Councilwoman Flood seconded the motion. 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 7:50 p.m. The following non-council members attended: City Manager Meadows, City Attorney Berry, Interim City Manager Jack Gross, Director of Planning & Economic Development Warner, and Network Administrator Ervin.

Council reconvened into open session at 8:50 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 Stanley, seconded by Councilwoman Flood, 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

Mayor Messier adjourned the meeting at 8:51 p.m.