

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., November 8, 2005.

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

Members absent: Councilman Thomas M. Padgett and Vice Mayor W. D. Tharp

Staff present: 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 October 25, 2005, were approved as distributed.

Interim City Manager Gross stated members of Council had copies of a letter sent out explaining that the Virginia Department of Environmental Quality (VDEQ) is planning to incorporate the groundwater corrective actions recently proposed by the City into a permit that covers the clean-up of the old City Landfill. The VDEQ will conduct a public hearing on December 6 at Bedford Elementary School at 7:30 p.m. and a public question and answer session will be held from 6:30 p.m. to 7:30 p.m.

Mr. Gross reported that City offices will be closed for Veterans Day on November 11.

Chief of Police Graham reviewed statistics regarding traffic crashes with deer. Since 2000 there have been 258 deer vs. automobile crashes within the City. In 2005 there have been 45 crashes involving deer.

Mayor Messier stated that Council had received a thank you note from the family of the late Trudy Thaxton, former Mayor and Councilwoman, for the flower arrangement; and a note from Lacey Putney for the sympathy bouquet that was sent for his wife, who passed away recently.

The Mayor reported that the City received a certificate of appreciation on goal levels from the American Red Cross, Bedford Chapter.

Councilman Hubbard, Chairman of the Finance Committee, stated the Committee met earlier in the evening to review the 2005 legislative changes to the Personal Property Tax Reform Act and also discussed options for the City's implementation of those changes.

Mr. Gross asked that agenda item "Ordinance – Authorizing Amendment and Reenactment of Joint Board to Maximize Social Services Reimbursement" be removed as President Bush has not funded that program and the committee has been disbanded.

Council concurred with the request to remove the agenda item.

Mr. Gross stated that due to the volatile nature of the cost of wholesale electric power, the Mayor has recommended that the Electric Advisory Committee be reestablished. The mission of the committee will be to advise the Director of the City of Bedford's Electric Department on matters relating to electric policy and procedures; energy conservation and awareness; and other consumer electric issues. Mr. Gross stated the committee will provide an ongoing forum for public input as well as providing information to the community on the department's projects, activities and plans. Mr. G. E. Murray, Mr. James Vest, Mr. Larry Brookshier, Mr. Philip Garbarini, Sr., and Mr. John Owen have volunteered to serve on this committee, and if appointed their terms would be as follows: Mr. Murray, Mr. Vest, and Mr. Brookshier, November 1, 2005 – November 1, 2008; Mr. Garbarini and Mr. Owen, November 1, 2005 – November 1, 2007.

On motion by Councilman Wandrei, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council approved the appointments to the Electric Advisory Committee for the terms as previously stated. Roll call vote follows:

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

aye

Mayor Messier	aye
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Mr. Gross stated the Mayor has recommended that a Cemeteries Advisory Committee be formed. The mission of this committee would be to advise the Director of Parks, Recreation and Cemeteries on matters related to cemeteries, including, but not limited to development, policies and procedures, maintenance and beautification. The committee would also provide an ongoing forum for public input as well as providing information to the community on the department's projects, activities and plans. The following individuals have volunteered to serve on this committee for terms to become effective November 1, 2005:

Bill Ross and Dave Ballard – terms to expire November 1, 2008
David Herrick and Reverend Vernon Delong – terms to expire November 1, 2007
Tim Murphy – term to expire November 1, 2006

Mayor Messier stated the terms would be staggered and the fifth member of the committee would be associated with each of the funeral homes on a rotational basis serving only a one-year term.

On motion by Councilman Stanley, seconded by Councilman Wandrei, voted upon and carried by a roll call vote, Council approved the appointments to the Cemeteries Advisory Committee. Roll call vote follows:

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

Mr. Gross stated that City Council, after a public hearing on March 22, 2005, enacted three ordinances dealing with election law changes. The first two ordinances enacted in March provided for relocation of one of the voting precincts to the Welcome Center and for creation of an absentee voting district. The Justice Department approved the two changes prior to September 8, 2005.

Mr. Gross reported that the third ordinance changing the election date also required approval by the United States Department of Justice, and under state law, that provision has to go into effect prior to January 1, 2006. On October 24, 2005, the Justice Department advised the City Attorney that the change in the general election date and the one time extension of the terms of office for council members for the City had been approved. The ordinance that was passed by the City contained the same provision as was included in the other ordinances stating that it would be effective upon approval by the Justice Department prior to September 8, 2005.

Mr. Gross stated the City Attorney requests that City Council confirm and re-adopt the ordinance changing the date of council elections from May to November. Mr. Gross reported that the ordinance had been posted in accordance with the City Code.

Mayor Messier waived 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 ordinance changing the date of council elections from May to November. Roll call vote follows:

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

The ordinance follows as adopted:

ORDNANCE NO. 05-22

**AN ORDINANCE TO REENACT ORDINANCE NO. 05-5 PREVIOUSLY
ENACTED ON MARCH 22, 2005 CONFIRMING THE CHANGE OF CITY
COUNCIL ELECTIONS FROM MAY OF EVEN NUMBERED YEARS TO THE
DATE OF THE NOVEMBER GENERAL ELECTION IN EVEN NUMBERED
YEARS BEGINNING IN 2006**

WHEREAS, the City Council, after a public hearing on March 22, 2005, enacted Ordinance No. 05-5, changing the date of City Council elections from May of even numbered years to the November General Election in even numbered years beginning in November 2006 and extending the terms of Councilmen, whose term expire on June 30, 2006, until their successors have been elected at the November 2006 election and extending the terms of the City Councilmen whose terms expire on June 30, 2008 until their successors have been elected at the November General Election in 2008; and

WHEREAS, the Ordinance provided that it would take effect only upon the date of approval by the United States Department of Justice and only if such approval was received at least sixty (60) days prior to the General Election on November 8, 2005; and

WHEREAS, the United States Department of Justice, on October 24, 2005 approved the change in the general election date and the extension of the terms of office for council members; and

WHEREAS, now that approval has been received from the Department of Justice, the City Council desires to reaffirm the changes enacted in said Ordinance No. 05-5 and to confirm that such ordinance shall take effect immediately.

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

Section 1. Chapter 1 of the City of Bedford is hereby amended by enacting a new Section 1-12 as follows:

Section 1-12. Election of City Council at November General Elections in even numbered years.

(a) Pursuant to Virginia Code Section 24.2-222.1 and the provisions of City Charter Section 8 and Virginia Code Section 24.2-222, (i) three members of the Council shall be elected at the November General Election in November 2006 for four-year terms commencing on January 1, 2007, and the election for such office shall be held at four-year intervals thereafter at the November General Election; and (ii) four members of the Council shall be elected at the November General Election in November 2008 for four-year terms commencing on January 1, 2009, and the election for such offices shall be held at four-year intervals thereafter.

(b) In accordance with the provisions of Virginia Code Section

24.2-222.1(c) members of the City Council whose terms expire on June 30, 2006 shall continue in office until their successors have been elected at the November 2006 General Election and have been qualified to serve, and members of the City Council whose terms expire on June 30, 2008 shall continue in office until their successors have been elected at the November 2006 General Election in 2008 and have been qualified to serve.

Section 2. This ordinance shall take effect immediately.

Mr. Gross stated that the owners of a tract of land located between West Main Street on the north, Jeter Street on the south, Vine Street on the east, and Pine Street on the west, which was the location of the Jeter Female Institute, subdivided the land in 1920 into residential lots and streets. The "Revised Map of Jeter Addition" included a space between West Main Street (Blue Ridge Avenue) and the numbered lots, which were labeled on the plat, "this space reserved as a walkway for adjacent lots." The City Attorney has reviewed the property records and concluded that the strip of land was reserved by the original developers and has never been dedicated or offered for dedication to the City. It is the opinion of the City Attorney that the City has no claim to the portion of the "walkway for adjacent lots" that adjoins the various numbered lots. The City Attorney recommends that Council, by ordinance, authorize a deed to the owners of Lot No. 8, who made the request, quit claiming any interest in the original walkway space. Mr. Gross stated the proposed ordinance had been posted in accordance with the City Code.

Mayor Messier waived the reading of the proposed ordinance.

On motion by Councilman Stanley, seconded by Councilman Wandrei, voted upon and carried by a roll call vote, Council adopted the ordinance authorizing a deed quit claiming space adjacent to the right-of-way to West Main Street which was reserved as a walkway on the revised plat of Jeter addition. Roll call vote follows:

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

The ordinance follows as adopted:

ORDINANCE NO. 05-23

**AN ORDINANCE AUTHORIZING A DEED QUIT CLAIMING SPACE
ADJACENT TO THE RIGHT-OF-WAY TO WEST MAIN STREET WHICH
WAS RESERVED AS A WALKWAY ON THE REVISED PLAT
OF JETER ADDITION**

WHEREAS, the property which was formerly the location of Jeter Female Institute, by deed dated March 18, 1920 and recorded in Deed Book 128, at page 362, was conveyed by L. J. McGhee to J. D. Wingfield, Louis L. Wingfield, and Hunter Miller; and

WHEREAS, the purchasers thereafter caused a subdivision plat to be recorded creating Vine Street and eight (8) numbered lots lying just south of West Main Street together with an area between the lots and West Main Street which was designated “as a walkway for adjacent lots”, which plat was recorded in Deed Book 133, at page 557 (“Revised Map of Jeter Addition” prepared by S. S. Lynn, dated March 1920); and

WHEREAS, subsequently Rosa Parker who had purchased Lot No. 8, entered into a deed of exchange with the Town of Bedford, (dated May 27, 1940 and recorded in Deed Book 191, at page 231,) pursuant to which (a) a portion of Vine Street was relocated as shown on a plat of survey recorded in Plat Book 1, at page 153, (b) the owner of Lot No. 8 conveyed to the Town of Bedford a strip of land running through the original Lot No. 8 upon which the relocated section of Vine Street was located and the portion of the walkway adjacent to such land, and (c) the Town of Bedford conveyed to Rosa Parker the original portion of Vine Street which was relocated; and

WHEREAS, the remaining portions of the strip of land described as “a walkway for adjacent lots” have never been so used and each of the lot owners of Lots 1 through 8 have taken possession and treated the portion of the walkway adjacent to their respective properties as their own; and

WHEREAS, the Commissioner of Revenue of the Town of Bedford and the Commissioner of Revenue of the City of Bedford for many years have treated these portions of the walkway as portions of the adjacent lots; and

WHEREAS, the strip of land was reserved by the original developers and has never been dedicated or offered for dedication to the City of Bedford and the City has never claimed any interest in such strip except for that portion which is a part of Vine Street as relocated adjacent to the relocated t; and

WHEREAS, J. Forest Kasey and Ellen E. Kasey, owners of portions of Lot No. 8 have obtained a survey of their property and of the portion of the walkway adjacent to their property and have requested the City to quit claim to them any interest it might have in the portions of the reserved walkway that adjoin their properties; and

WHEREAS, the City Attorney has advised the Council that it would be proper for the City to quit claim to J. Forest Kasey and Ellen E. Kasey any interest which the City might have in the portions of the “walkway for adjacent lots” which lie adjacent to their property and he has prepared a deed to effect such transfer;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD:

Section 1. The Mayor and the City Clerk are authorized to execute on behalf of the City of Bedford, a quit claim deed conveying to J. Forest Kasey and Ellen E. Kasey Lot No. 3 containing 0.056 acres as shown on a plat of survey entitled "Re-Subdivision of 0.325 Acres Property of J. Forest Kasey & Ellen E. Kasey dated August 18, 2005," it being the portion of the strip of land "reserved as walkway for adjacent lots" as shown on a plat of Jeter Addition recorded in Deed Book 133, at page 557, which adjoins the real estate conveyed to J. Forest Kasey and Ellen E. Kasey and which lies between it and West Main Street (Blue Ridge Avenue).

Section 2. This Ordinance shall take effect immediately.

Mr. Gross stated that as December 27, 2005, falls during the Christmas Holiday Season, Council was requested to adopt a resolution canceling the second Council meeting in December.

On motion by Councilman Wandrei, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the resolution canceling the second Council meeting in December. Roll call vote follows:

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

The ordinance follows as adopted:

RESOLUTION

WHEREAS, Section 11 of the Charter of the City of Bedford requires that Council shall "fix the time and place of its meeting," and

WHEREAS, the City Code requires in Section 2-3 that meetings shall be on "the second and fourth Tuesday of each month," and

WHEREAS, the second regular Council meeting in December is scheduled for December 27, 2005, which falls during the Christmas Holiday Season;

NOW, THEREFORE, BE IT RESOLVED that the City Council meeting scheduled for December 27, 2005, be and the same hereby are canceled.

Mayor Messier adjourned the meeting at 7:50 p.m.