

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., March 28, 2006.

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 Charles P. Kolakowski; 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 March 14, 2006, were approved as distributed.

The Mayor welcomed the new City Manager Charles P. Kolakowski. Mayor Messier stated there would be a reception for Mr. Kolakowski on April 11 from 6:30 p.m. until 7:30 p.m., prior to the regular Council meeting.

City Manager Kolakowski thanked the Mayor for his very gracious welcome. The City Manager, on behalf of his family and himself, extended his appreciation to the Council for the opportunity to serve the City of Bedford and the residents.

The City Manager stated that he has been meeting with a number of the department heads on various issues.

Councilman Wandrei reported that the Bedford Main Street Gala has been postponed until May 19.

Councilman Hubbard, Chairman of the Finance Committee, reported that the Committee met earlier in the evening, and heard a presentation from the Commissioner of the Revenue and the Treasurer on the elimination of City decals and filing by exception for personal property taxes. The Committee asked for further information.

Mayor Messier opened the public hearing regarding consideration of amending Article XIV (Fees) of the City of Bedford Land Development Regulations at 7:36 p.m.

The public hearing notice follows:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the Planning Commission at 5:30 p.m. on Thursday, March 2, 2006 and by the City

Council at 7:30 p.m. on Tuesday, March 28, 2006 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- Consideration of amending Article XIV (Fees) of the City of Bedford Land Development Regulations.

Information regarding this request is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to the requests will have an opportunity to express his/her views at this hearing.

By the Authority of the Planning Commission
and the City Council of the City of Bedford

Bart Warner, Assistant to the City Manager, explained that the significant change included in the amendment to the Land Development Regulations is elimination of certain fees that have become obsolete and also to attempt to recover advertising costs for public hearing notices associated with administrative actions. Mr. Warner stated that adoption of the ordinance would put the City in line with neighboring localities.

As there were no further comments, the Mayor closed the public hearing at 7:37 p.m.

The Consent Agenda consisted of the following items:

- Reappointment of Mr. Billy Hackworth and Mr. Jerry Brown to serve five-year terms on the Local Building Code Board of Appeals, said terms to expire June 11, 2011.
- Reappointment of Ms. Charlene McFall and Mr. Raymond Arrington to serve three-year terms on the Recreation Advisory Committee, said terms to expire June 30, 2009, and appointment of Mr. Jerome Battle to the Committee, said term to expire June 30, 2009.

On motion by Vice Mayor Tharp, seconded by Councilman Padgett, voted upon and carried unanimously by a roll call vote, Council adopted the Consent Agenda. 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 following individuals gave presentations regarding FY 2006-07 budget requests for their organizations:

- Bedford American Red Cross, Victoria Johnson, Executive Director - \$17,500
- Bedford Area Chamber of Commerce, Lee Ann Carr, Executive Director - \$10,000
- Bedford Area YMCA, Mary Jo Boone, Executive Director - \$5,000
- Bedford City/County Museum, Eleanor English, Board of Directors - \$30,000
- Bedford Habitat for Humanity, Inc., Robert Cornell, President - \$6,000
- Bedford Lifesaving and First Aid Crew, Shannon Zimmerman, Captain - \$22,000
- Bedford Ride, Ira Doom, Transportation Administrator - \$15,000
- Blue Ridge Legal Services, Inc., John Whitfield, Executive Director - \$1,160

Mr. Warner stated a public hearing was held earlier in the evening to consider amending Article XIV of the City of Bedford Land Development Regulations. The amendment would restructure the fees associated with administrative actions brought before the Planning Commission and City Council. Mr. Warner stated that in addition to eliminating fees that are functionally obsolete, the amendment would also pass along the costs of advertising when required for public hearings as well as fees for recording documents with the Circuit Court Clerk. Mr. Warner reported it is the recommendation of the Planning Commission for Council to amend Article XIV of the Bedford Land Development Regulations.

Mayor Messier waived the reading of the proposed ordinance amending Article XIV of the Bedford Land Development Regulations.

On motion by Vice Mayor Tharp, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, Council adopted the proposed ordinance. 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 ordinance follows as adopted:

Ordinance No. 06-05

**AN ORDINANCE AMENDING ARTICLE XIV OF THE
CITY OF BEDFORD LAND DEVELOPMENT REGULATIONS**

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

Section 1. The Land Development Regulations of the City of Bedford, Virginia, are amended by replacing existing language with the following proposed language:

Article XIV

FEES

1401. General

a. A minimum fee of \$100 plus \$5.00 per lot in the proposed subdivision, shall be submitted to the Zoning Administrator at the time of submission of the Final Plat to cover the cost of administration of this Ordinance. [Amended December 11, 2001]

b. A sign permit fee of \$25.00 for residential signs and \$50.00 for commercial signs shall be submitted with the sign permit application. [Amended December 11, 2001]

c. Each request for a conditional use, zoning appeal, variance, zoning text amendment, or zoning map amendment, shall be accompanied by a fee of \$150.00.

d. Request for vacation of plats shall be accompanied by a fee of \$100.00.

e. Where state law or local ordinance requires publication of notices, the applicant is also responsible for reimbursement of all expenses related to such publication paid by the City. Prior to the date of the hearing for which the notice was published, the applicant shall reimburse the City for the actual costs of publication. In the event such reimbursement has not been paid, the public hearing will be continued until such reimbursement has been received. [Amended March 28, 2006]

f. In cases where plats or ordinances are required to be recorded in the Circuit Court Clerk's office, the applicant shall pay all such recording costs or reimburse any such costs that are paid by the City. [Amended March 28, 2006]

g. The following fee shall be charged for a zoning permit:

Residential permits

New Home	\$40
Addition/Expansion	\$40
Pools/Decks/Garages/Carports	\$40
Accessory Buildings	\$40
Grading/Demolition	\$25

Renovations (no expansion)	\$25
Commercial permits	
Projects up to 1,000 s.f.	\$75
Projects over 1,000 s.f.	\$100
<i>[Amended December 11, 2001]</i>	

h. A fee of \$25.00 shall be charged for a copy of these regulations.

Section 2. This ordinance should be effective upon enactment.

The City Manager stated Bedford Ready Mix Concrete, Co., Inc., has requested the vacation of certain alleys in the area bounded by Monroe Avenue on the north, Adams Street on the east, Railroad Avenue on the south, and Judd Street on the west. The alleys were created in the 1890 Plat of Greenwood. The alleys to be vacated are bordered entirely by property owned by Bedford Ready Mix, by Rubatex International LLC, and a lot purchased by the City in 2004. Under Virginia law, such alleys can be vacated by agreement of the abutting owners and by the municipality. The land on which the vacated alleys exist then reverts to the abutting owners. Mr. Kolakowski stated the City will retain certain rights-of-way for electric utility operations within the area.

Mayor Messier waived the reading of the proposed resolution approving execution of an agreement vacating certain alleys.

On motion on Councilman Wandrei, seconded by Councilman Padgett, voted upon and carried unanimously 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

The resolution follows as adopted:

**RESOLUTION APPROVING EXECUTION OF AN
AGREEMENT VACATING CERTAIN ALLEYS
IN BLOCK 8, PLAT OF GREENWOOD,
WHICH IS BOUNDED ON THE NORTH BY MONROE AVENUE,
ON THE EAST BY ADAMS STREET,
ON THE SOUTH BY RAILROAD AVENUE**

AND ON THE WEST BY JUDD STREET

WHEREAS, the land located in the City of Bedford and bounded on the north by Monroe Avenue, on the east by Adams Street, on the south by Railroad Avenue, and on the west by Judd Street was divided into fourteen lots that included two alleys running between the lots as shown on a plat of survey entitled "Plat of Greenwood," which was recorded in the Clerk's Office of the Circuit Court of Bedford County, Virginia in Deed Book 65, at page 141; and

WHEREAS, one alley (referred to herein as Alley "B") was shown running east and west through Block 8 from Adams Street on the east to Judd Street on the west, the alley being bordered on the north by Lots 1-8 and on the south by Lot 9, Lot 11, and the second alley was shown running from Railroad Avenue in a northerly direction between Lots 9 and 10 on the west and Lots 11, 12 and 13 to meet Alley B at its north end; and

WHEREAS, the City of Bedford, Bedford Ready Mix Concrete Co, Incorporated, and Rubatex International, LLC own all of the lots abutting the two alleys; and

WHEREAS, Bedford Ready Mix is renovating and expanding some of its facilities on its land and has requested the abandonment of all of Alley B and the northern portion of the second alley and has agreed to convey an additional easement to the City to facilitate the repair and maintenance of electric facilities that lie within the portion of the second easement being retained; and

WHEREAS, a new plat of survey has been prepared showing the effect of the closing of the alleys that has been requested, and the City Attorney has prepared an Agreement Vacating Alleys and Property Lines to carry into effect the requested vacation of alleys;

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

The Mayor and the City Clerk are hereby authorized and directed to execute for recordation the instrument of vacation closing and vacating the alleys to be recorded with the plat showing the resulting properties as more fully set forth in the said Agreement.

The City Manager stated the City has negotiated an agreement with Holcomb Rock Company and Coleman Falls Company for the purchase of electric energy output produced by hydroelectric facilities owned by the two companies on the James River. The terms of the purchase are very favorable to the City compared to the current cost of wholesale power. Under the agreement, the City would receive approximately 3.875

megawatts of energy at a cost of \$35.30 per megawatt hour. The contract period is for five years and would be extended for consecutive one-year terms.

On motion by Vice Mayor Tharp, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council authorized the City Manager or the Mayor, on behalf of the City, to enter into the agreement with Holcomb Rock Company and Coleman Falls Company.

Councilman Wandrei indicated that he would abstain from voting.

Vice Mayor Tharp asked if there would be any savings by purchasing this power. Electric Utility Director Ratzlaff stated there would be approximately \$300,000 in savings per year.

Roll call vote follows:

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

Mayor Messier adjourned the meeting at 8:35 p.m.