

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 14, 2006.

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

Members absent: Councilman Robert T. Wandrei.

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 October 24, 2006, were approved as distributed.

City Manager Kolakowski spoke regarding the following:

- congratulated Council members Flood and Stanley who were reelected to office and the newly elected member of Council, James A. Vest; and congratulated Randi Herrick, City Registrar, for a job well done in handling the elections
- A ribbon cutting will be held on November 17 at noon for a new store, Vino Del Zorro, at 207 South Street.
- The Fire Department recently held fire prevention seminars for over one thousand children in the City and the emphasis was on “Christmas safety.”
- The preliminary engineering and field work has started for the rehabilitation of the Stoney Creek Dam.

Mayor Messier, on behalf of himself and Council, expressed appreciation to members of the Fire Department for everything they do.

It was the consensus of Council to add an agenda item concerning the adoption of a resolution supporting a VA Community –based Outpatient Clinic in the Lynchburg area.

Mayor Messier stated that Gwendolyn Craig, Personnel Assistant, has retired after 33 years of service to the City.

The Mayor stated that he has appointed Ronnie W. Miller, Manager and President of Bedford Funeral Home, to serve on the City Advisory Cemetery Board, beginning November 1, 2006, for a one-year term expiring October 31, 2007.

The City Manager stated the Consent Agenda consisted of the following item: Request by Bedford Main Street, Inc., to close the following streets for the Bedford Christmas Parade on December 2, 2006, (rain date December 9):

From 8:30 a.m. to 12:30 p.m., College Street, Ashland Avenue from curve of Recreation Field to Elks Home Driveway, Bedford Avenue Extension from 4th Street to curve of Recreation Field, and Mountain Avenue.

From approximately 11:00 a.m. to 12:30 p.m., Peaks Street, from College Street to North Bridge Street, North Bridge Street to East Main Street, East Main Street from North Bridge Street to South Street, South Street from East Main Street to Washington Street, Washington Street from South Street to Center Street, Center Street, West Main Street from Center to 4th Street, 4th Street to Macon Street, Macon Street to Summit Street, Summit Street and 4th Street.

On motion by Vice Mayor Tharp, seconded by Councilman Stanley, voted upon and carried 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	absent
Mayor Messier	aye

Mayor Messier announced that there will be a dedication on November 19 at 2:00 p.m. for the latest Habitat for Humanity home, at 512 East Cook Street.

The City Manager reported that City Council, at a meeting held on November 26, 2002, authorized the City to enter into a regional agreement between the governing bodies of the counties of Amherst, Appomattox and Campbell and the cities of Bedford and Lynchburg which provided for a joint regional board to maximize federal financial reimbursement of certain services provided by the local departments of social services. There have been various changes in regulations since 2002 and the original agreement has been revised under the title "Central Virginia Resource Management and Development Initiative Memorandum of Understanding" in order to simplify administrative procedures and to continue maximizing federal reimbursement funding through a regional board.

Mayor Messier waived the reading of the proposed ordinance regarding the Central Virginia Resource Management and Development Initiative Memorandum of Understanding.

On motion by Vice Mayor Tharp, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the proposed ordinance authorizing execution of the document entitled "Central Virginia Resource Management and Development Initiative Memorandum of Understanding." Roll call vote follows:

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

The ordinance follows as adopted:

ORDINANCE NO. 06-18

**AN ORDINANCE AUTHORIZING THE AMENDMENT
AND REENACTMENT OF THE AGREEMENT,
APPROVED ON NOVEMBER 26, 2002, CREATING A
REGIONAL BOARD TO MAXIMIZE FEDERAL
FINANCIAL REEMBURSEMENT FOR SERVICES
IN CONNECTION WITH VIRGINIA
THE DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, by an ordinance enacted on November 26, 2002, the City Council authorized participation in and approval of a regional agreement establishing a Revenue Maximization Board to provide for joint action between the counties of Amherst, Appomattox, and Campbell and the cities of Bedford and Lynchburg to maximize federal financial reimbursement for certain services offered in connection with the Virginia Department of Social Services; and

WHEREAS, the Bedford County Department of Social Services, which provides social services to the City of Bedford under a contractual agreement, and the Department's of Social Services in the other localities have recommended execution of a new Memorandum of Understanding changing the name of the Regional Revenue Maximization Board to "Central Virginia Resource Management and Development Initiative Board" and clarifying and amending certain administrative provisions of the prior agreement;

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

Section 1. The City Council of the City of Bedford in accordance with the provisions of Section 15.2-1300 of the Code of Virginia, 1950, as amended, does approve the execution of the "Central Virginia Resource Management and Development Initiative Memorandum of Understanding" between the counties of Amherst, Appomattox, and Campbell and the cities of Bedford and Lynchburg to provide for continued joint action to maximize federal financial reimbursement for human services related activities with the powers and duties set forth in the Memorandum and does hereby authorize the participation of the City of Bedford therein.

Section 2. The Mayor is hereby authorized to execute the Memorandum of Understanding in substantially the same form as presented to the City Council.

Section 3. This Ordinance shall take effect immediately.

The City Manager stated that the present City Code, which contains the general and permanent ordinances of the City, was adopted in 1984. Due to the passage of time and breaks in supplements being added when new ordinances were adopted, the existing Code book needed replacing in order to provide a reliable source of City law. The City contracted with Municipal Code Corporation of Tallahassee to re-codify the ordinances, and that company has delivered a new City Code containing all ordinances as of December 31, 2005. Mr. Kolakowski stated that the new City Code contains many legal documents not included in the prior code.

Mayor Messier waived the reading of the proposed ordinance adopting and enacting the new City Code.

On motion by Councilman Stanley, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, Council adopted the ordinance adopting and enacting the new City Code. Roll call vote follows:

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

The ordinance follows as adopted:

ORDINANCE NO. 06-19

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF BEDFORD, VIRGINIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. The Code entitled "Code of the City of Bedford, Virginia," published by Municipal Code Corporation, consisting of chapters 1 through 62, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before March 28, 2006, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished as follows:

Whenever in this Code, or in any ordinance or resolution of the city or rule or regulation or order promulgated by an officer, board, commission or agency thereof under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the violation of any such provision of this Code, ordinance, resolution, rule, regulation or order shall be punished as follows:

(1) Whenever a violation is declared to be a class 1 misdemeanor, such misdemeanor shall be punished by confinement in jail for not more than 12 months and a fine of not more than \$2,500.00, either or both.

(2) Whenever a violation is declared to be a class 2 misdemeanor, such misdemeanor shall be punished by a fine of not more than \$1,000.00 and confinement in jail for not more than six months, either or both.

(3) Whenever a violation is declared to be a class 3 misdemeanor, such misdemeanor shall be punished by a fine of not more than \$500.00.

(4) Whenever a violation is declared to be a class 4 misdemeanor, such misdemeanor shall be punished by a fine of not more than \$250.00.

Whenever a violation is declared to be a misdemeanor and the class of the misdemeanor is not specified, such violation shall be deemed a class 1 misdemeanor and shall be punished as a class 1 misdemeanor is punished under the provisions of subsection (1) of this section.

Whenever a violation is not specifically declared a misdemeanor, such violation shall be punished as a class 4 misdemeanor is punished under the provisions of subsection (4) of this section.

Whenever in this Code, or in any ordinance or resolution of the city rule or regulation or order promulgated by an officer, board or commission or agency thereof under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any at is made or declared to be unlawful or an offense or a misdemeanor, with or without stating the class of misdemeanor, and the penalty for the violation thereof is prescribed, the violation of any such provision of this Code, ordinance, resolution, rule, regulation, or order shall be punished as follows:

Whenever punishment for a violation is prescribed, such violation shall be punished according to the provisions prescribing the punishment.

Whenever punishment is prescribed by stating that a violation or offense is punishable, as provided in this section, the punishment shall be that provided for class 1 misdemeanors.

Notwithstanding any other provision of this Code to the contrary, no penalty for the violation of any provision of this Code, ordinance, resolution, rule, regulation or order shall exceed the penalty prescribed by general law in the Commonwealth of Virginia for a like offense.

Except where otherwise provided, each day any violation of this Code or any ordinance, resolution, rule, regulation or order continues shall constitute a separate offense.

The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the city council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after March 28, 2006, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. Pursuant to Section 19 of the City Charter, this ordinance shall be posted for one week beginning November 15, 2006, and shall become effective November 22, 2006.

The City Manager stated the City has received a grant from the Virginia Department of Fire Programs in the amount of \$430,000. The grant is to be used for architectural and engineering services and construction of a new burn building training facility at the Fire and Police training facility located on Orange Street. The construction of this building

will allow firefighters from the Bedford Fire Department and fire departments throughout Bedford County to practice line of duty tactics in a controlled environment. There are no matching funds required with this grant. This grant will be awarded in four draw down phases. City Manager Kolakowski stated this is another example of the day-to-day and month-to-month cooperation between City and County agencies.

On motion by Vice Mayor Tharp, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council appropriated \$400,000 for construction and up to \$30,000 for architectural and engineering services for construction of a new burn building training facility to Revenue Account 100033 424202 and Expenditure Account 100033210 582926 and authorized the City Manager to disperse the funds when the criteria has been met. Roll call vote follows:

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

Mayor Messier stated that the next item on the agenda was a proclamation honoring the Police Chaplin, Father Stephen McNally.

The Clerk of Council read aloud the following proclamation:

PROCLAMATION

WHEREAS, Father Stephen McNally graduated from St. Johns University in New York with a Degree in Criminal Justice; and

WHEREAS, Father McNally obtained his Bachelors degree in Sociology from Catholic University in New York and his Masters degree in Theology from Catholic University of America in Washington, D.C.; and

WHEREAS, Father McNally became Police Chaplain for the City of Bedford Police Department in October, 2001; and

WHEREAS, Father McNally has also been appointed as one of three Chaplains for the Bedford County Sheriff's Department, Fire Departments and EMS crews; and

WHEREAS, Father McNally is working diligently to earn his emergency medical technician certification; and

WHEREAS, Father McNally has been a tremendous support in times of tragedy and whenever someone is in need; and

WHEREAS, Father McNally responds to accidents, incidents, fires, injury calls, 24 hours a day, seven days a week, and assists the citizens of Bedford, the Bedford Fire Department, the Bedford Life Saving Crew, as well as, members of the Police Department;

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor of the City of Bedford states his deep respect and congratulates Father Stephen McNally on this the occasion of his fifth anniversary with the City of Bedford; and

BE IT FURTHER PROCLAIMED, that the Mayor of the City of Bedford calls on friends and residents to honor Father McNally for his continuing contributions to the quality of life in the City of Bedford.

Mayor Messier presented Father McNally with the proclamation.

A representative of the Police Department presented a certificate of appreciation to Father McNally for his five years of service.

Mayor Messier waived the reading of a proposed resolution canceling the second Council meeting in December.

On motion by Councilman Stanley, seconded by Councilman Padgett, 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	aye
Councilman Wandrei	absent
Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Padgett	aye
Councilman Stanley	aye
Mayor Messier	aye

The resolution 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 26, 2006, which falls during the Christmas Holiday Season;

NOW, THEREFORE, BE IT RESOLVED that the City Council meeting scheduled for December 26, 2006, be and the same hereby are canceled.

The City Manager reported the Department of Veterans Affairs (VA) has decided to establish and fund a new VA community-based outpatient clinic in the Lynchburg area that will serve the Cities of Bedford, Lynchburg, and Buena Vista, as well as the counties of Bedford, Amherst, Appomattox, Campbell and Rockbridge. The clinic will provide primary care, including preventive services, and general mental health services to area veterans. Mr. Kolakowski stated that one of the primary benefits of opening this outpatient clinic is to enhance access to health care services closer to where the majority of veterans reside.

The City Manager stated that Dick Turpin with the American Legion Post 54 has asked the City Council to consider a resolution to support the opening and operation of a VA clinic (CBOC) in the Lynchburg region. Mr. Turpin further requests, that as a matter of convenience for veterans throughout the region, the CBOC be located conveniently to US 29 and US 460.

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION

WHEREAS, The Department of Veterans Affairs (VA) has announced plans to open a new VA community-based outpatient clinic (CBOC) in the Lynchburg area during 2007; and

WHEREAS, the new VA community-based outpatient clinic will serve the Cities of Bedford, Lynchburg and Buena Vista, as well as the counties of Bedford, Amherst, Appomattox, Campbell and Rockbridge; and

WHEREAS, the clinic will provide primary care, including preventive services, and general mental health services to area veterans; and

WHEREAS, 696 residents of the City of Bedford and 7,059 residents of Bedford County currently receive care from the Salem VA Medical Center; and

WHEREAS, one of the primary benefits of opening this outpatient clinic is to enhance access to health care services closer to where the majority of veterans reside;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Bedford applauds the Veterans Administration for recognizing the need and encourages the Veterans Administration to open this community-based outpatient clinic as soon as is humanly possible; and

BE IT FURTHER RESOLVED, that the City Council of the City of Bedford implores the Veterans Administration to locate said facility as conveniently and easily accessible from Bedford near the two primary highways US 460 and US 29.

On motion by Vice Mayor Tharp, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the resolution as read. Roll call vote follows:

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

Mayor Messier 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 and staff concerning utility contracts. The motion was seconded by Councilman Hubbard, voted upon and carried unanimously by a roll call vote as follows:

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

Council adjourned into closed session at 7:55 p.m. The following non-council members attended: City Manager Kolakowski, City Attorney Berry, Assistant City Manager Warner, Public Works Director Gibson, and Council-member elect James A. Vest.

Council reconvened into open session at 8:10 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 Councilman Hubbard, 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	absent
Councilwoman Flood	aye
Councilman Hubbard	aye
Mayor Messier	aye

Mayor Messier adjourned the meeting at 8:11 p.m. until November 20, 2006, at 7:00 p.m. for a joint meeting between City Council and the Bedford County Board of Supervisors at the Bedford Welcome Center.