

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., April 24, 2007

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard; and Councilman James A. Vest.

Members absent: Councilman C. G. Stanley, Jr.; Councilman Thomas M. Padgett; and Vice Mayor 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 Tharp opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Tharp declared that the minutes of a regular Council meeting held on April 10, 2007, were approved as distributed.

City Manager Kolakowski presented to Council the proposed 2007-08 Fiscal Year Budget. The City Manager briefly reviewed the various funds in the proposed budget. The Council work session on the budget will be held on May 5, 2007, and the public hearing on the budget will be held on May 22, 2007.

Mayor Tharp asked the City Manager to send members of Council a reminder to submit questions regarding the proposed budget in advance of the work session so that the staff may have answers prepared.

Councilwoman Flood, Streets Committee Chair, reported that the Committee met earlier in the evening regarding parking and traffic requests and issues.

Mayor Tharp opened the public hearing regarding consideration of a conditional use permit for Phase II of the Governor's Hill Development at 7:42 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, April 5, 2007 and by the City Council at 7:30 p.m. on Tuesday, April 24, 2007 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- Consideration of a conditional use for Governor's Hill, Section II, Tax Map

#231-3-51 to construct 25 two-story and 26 one-level homes. The request is being made by the owner, Parsell & Zeigler Development Corporation, 112 Kirk Avenue, SW, Roanoke, VA 24011.

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

Anyone who is in favor of or opposed to the request 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

Cindy Watson, President of the Home Owner's Association of Governor's Hill, 1265 Emerald Crest Drive, stated she had previously sent to Council a list of concerns which included: traffic issues, (speeding); the mandatory trees lining the street (no maintenance on the trees by the City – traffic hazard); not being required to partner with Phase II; tree break between home and town homes to differentiate between the two developments.

Danny DeWitt, General Manager, Parsell & Zeigler Development Corporation, reviewed the concept of the project and stated he felt this development was needed in the City.

As there were no further comments, the Mayor closed the public hearing at 7:47 p.m.

The Mayor opened the public hearing as follows at 7:48 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 Tuesday, April 10, 2007 and by the City Council at 7:30 p.m. on Tuesday, April 24, 2007 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- To consider rezoning Tax Map #195-6-1 through #195-6-22 and Tax Map #195-6-37 through 195-6-57 from R-2, Medium Density Residential District to PRD, Planned Residential Development District.
- To consider a conditional use for Tax Map #195-6-17 through #195-6-22 to allow Maple Tree Townhouses LLC to be marketed and sold as single family units.

These requests are being made by the City of Bedford.

Information regarding these requests 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

As there were no comments, the Mayor closed the public hearing regarding the rezoning request for Greenwood and Judd Streets at 7:48 p.m.

The next public hearing was the consideration of a conditional use permit for Maple Tree Townhouses.

Mr. Tommy Reynolds, partner in Maple Tree Townhouses, stated he was available to answer questions.

The public hearing ended at 7:49 p.m.

Bart Warner, Director of Planning & Community Development, stated it was requested that Council consider a conditional use request submitted by Parsell & Zeigler Development Corporation for the construction of 25 two-story and 26 one-level homes on the parcel of land identified as Tax Map #321-3-51, commonly known as Phase II of the Governor's Hill development. Mr. Warner stated that the Planning Commission met on April 5 and recommended approval of the conditional use permit.

Councilman Vest moved that Council approve the ordinance granting a conditional use permit for Governor's Hill, Section II per the recommendation of the Planning Commission. Councilman Hubbard seconded the motion.

Councilman Vest thanked the Home Owner's Association for bringing the problems to Council's attention and reported that the Chief of Police is studying the whole area.

Councilman Hubbard asked if the trees are a requirement under the Land Development Regulations.

Mr. Warner indicated that the trees are required, are in the public right-of-way, and as such are the City's responsibility to maintain.

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

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

Councilman Vest	aye
Vice Mayor Wandrei	absent
Mayor Tharp	aye

The ordinance follows as adopted:

Ordinance No. 07-2

**AN ORDINANCE APPROVING
A CONDITIONAL USE PERMIT
FOR GOVERNOR'S HILL, SECTION II**

WHEREAS, the Planning Commission of the City of Bedford, on April 5, 2007, held a public hearing upon the application of Parsell & Zeigler Development Corporation for a conditional use permit and has forwarded its recommendation to the City Council: and

WHEREAS, the City Council has held a public hearing upon the application after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code Section 15.2-2204;

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

Section 1. The City Council finds that the proposed development of the property is consistent with the intent of the City of Bedford Land Development Regulations and the Comprehensive Plan and is in the public interest, and the City Council approves the application of Parsell & Zeigler Development Corporation for the construction of 25 two story and 26 one level homes on the parcel of land identified as Tax Map No. 231-3-51 in accordance with the document entitled "Development Plans for Governor's Hill Section II..." prepared by Parsell Engineering & Surveying, dated March 7, 2007, made a part hereof by reference, subject to (a) the Preliminary Plans Staff Review & Comments dated March 28, 2007; (b) the Governor's Hill Section II: Subdivision Summary and attached 5 photographs "homes similar to homes proposed for Governor's Hill"; and the agreements by the developer at the Planning Commission that siding would extend within 8" of the grade on the sides of buildings as well as on the front and back, that two bedroom homes shall have a single or double driveway and that three bedroom homes will have a double wide driveway, and that in accordance with the requirements of Section 606.02 of the Land Development Regulations, all deeds to purchasers of property in the planned residential development shall include a provision for a homeowner's association which will permanently maintain any commonly held open space or other commonly held lands or facilities not dedicated to the City, including landscaping.

Section 2. The City Council directs the Zoning Administrator, pursuant to Section 1002.03 (g) and (h) of the Land Development Regulations to require the developer to furnish a performance bond in an amount deemed sufficient by the Zoning Administrator for and conditioned upon the fulfilling of all conditions and requirements, including the creation of a homeowner's association, and the Zoning Administrator is directed to issue a conditional use zoning permit in accordance with the provisions of this Ordinance.

Section 3. This Ordinance shall be in force and effect from and after its passage.

Mr. Warner stated that the rezoning request pertains to tax parcels 195-6-11 through 195-6-22 from R-2, Medium Density Residential, to PRD, Planning Residential Development. The properties are located along the southwest quadrant of the intersection of Greenwood and Judd Streets. Mr. Warner stated the specific request relates to the townhouses that have recently been renovated. In order for the townhouses to be marketed and sold as single family units, this rezoning is necessary to allow compliance with the City's subdivision regulations. Mr. Warner stated the Planning Commission met on April 10 and recommended approval of the request to rezone the parcels.

On motion by Councilman Vest, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the ordinance rezoning tax parcels 195-6-11 through 195-6-22 from R-2, Medium Density Residential, to PRD, Planning Residential Development. Roll call vote follows:

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

The ordinance follows as adopted:

Ordinance No. 07-3

AN ORDINANCE CHANGING THE ZONING MAPS FOR THE CITY OF BEDFORD BY REZONING FROM R-2 TO PRD TAX PARCELS 195-6-11 THROUGH 195-6-22 LOCATED IN THE VICINITY OF GREENWOOD AND JUDD STREETS

WHEREAS, the Planning Commission of the City of Bedford held a public hearing and on April 10, 2007 and recommended to the City Council of Bedford that it approve a rezoning of parcels hereinafter described; and

WHEREAS, the City Council has held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204;

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

Section 1. The Zoning Map of the City of Bedford is amended by rezoning from Medium Density Residential (R-2) to Planned Residential Development (PRD) the following described land:

- a. Tax Parcel Numbers 195-6-11 through 195-6-22 in the vicinity of Greenwood and Judd streets.

Section 2. This ordinance is effective upon enactment.

Mr. Warner stated it is requested that Council consider a conditional use request to allow Maple Tree Townhouses to be marketed and sold as single family units on the parcels of land identified as Tax Map #195-6-17 through 195-6-22. The townhouses are located at the corner of Greenwood and Judd Streets.

On motion by Councilwoman Flood, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, Council adopted the ordinance granting a conditional use request to allow Maple Tree Townhouses to be marketed and sold as single family units per the recommendation of the Planning Commission. Roll call voted follows:

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

The ordinance follows as adopted:

Ordinance No. 07-4

**AN ORDINANCE APPROVING A
CONDITIONAL USE PERMIT
FOR MAPLE TREE TOWNHOUSES LLC**

WHEREAS, the Planning Commission of the City of Bedford, on April 10, 2007 held a public hearing upon the application of Maple Tree Townhouses, LLC for a conditional use permit and has forwarded its recommendation to the City Council; and

WHEREAS, the City Council has held a public hearing upon the application after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code Section 15.2-2004;

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

Section 1. The City Council finds that the proposed development of the property as single family townhouses as shown on the subdivision plat entitled "Plat Showing Division of Property Owned By: MAPLE TREE TOWNHOUSES LLC ..." prepared by Donnie W. Slusher, dated March 12, 2007, is consistent with the intent of the City of Bedford Land Development Regulations and the Comprehensive Plan and is in the public interest.

Section 2. The City Council approves the application of Maple Tree Townhouses LLC for conditional use as single family townhouses of the parcels of land identified as Tax Map No. 195-6-17 through 195-6-22 subject to the requirements of Section 606.02 that all deeds issued to purchasers of property in the planned residential development shall include a provision for a home owner's association which will permanently maintain any commonly held open space or other commonly held lands or facilities not dedicated to the City, including landscaping required by the Land Development Regulations, and the City Council directs the Zoning Administrator to issue a conditional use zoning permit in accordance with Section 1002.03h of the Land Development Regulations.

Section 3. This Ordinance shall be in force and effect from and after its passage.

The City Manager stated that the Virginia General Assembly has mandated the development of source water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process, and based upon these regulations, the City is required to complete a water supply plan that fulfills these regulations by November 2, 2010. The Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities to offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans.

City Manager Kolakowski stated the City has recently participated in regional water supply planning with Region 2000 and neighboring jurisdictions and service authorities. The region, through the Virginia's Region 2000 Local Government Council, desires to secure DEQ grant funds to help offset a portion of the cost of the plan's development and the Region 2000 Council has offered to coordinate the grant process. The City intends to

provide up to \$672 in matching funds for the project for work performed to meet the requirements of the regional water supply planning effort.

On motion by Councilman Vest, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the resolution authorizing the City to participate in the Region 2000 regional grant application for Water Supply Planning Funds from the Virginia Department of Environmental Quality. Roll call vote follows:

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

The resolution follows as adopted:

**A Resolution authorizing the participation
in a regional grant application for
Water Supply Planning Funds from
the Virginia Department of Environmental Quality**

WHEREAS, the Virginia General Assembly has mandated the development of source water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process, and

WHEREAS, based upon these regulations, the City of Bedford is required to complete a water supply plan that fulfills these regulations by November 2, 2010, and

WHEREAS, all local or regional water supply program must include a variety of elements including:

- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100
- A description of water management actions in accordance with the requirements of 9 VAC 25-800-110 and 9 VAC 780-120, and

WHEREAS, the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans, and

WHEREAS, the City of Bedford has recently participated in regional water supply planning with Region 2000 and neighboring jurisdictions and service authorities, and

WHEREAS, the region, through the Virginia's Region 2000 Local Government Council, desires to secure DEQ grant funds to help offset a portion of the cost of the plan's development and the Virginia's Region 2000 Local Government Council has offered to coordinate the grant process.

NOW THEREFORE BE IT RESOLVED that the Virginia's Region 2000 Local Government Council is authorized to develop an application for source water planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan, and

BE IT FURTHER RESOLVED that the Virginia's Region 2000 Local Government Council Executive Director is authorized to sign the DEQ grant contract and other appropriate documents related to the regional source water planning grant, and

BE IT FINALLY RESOLVED that the City of Bedford intends to provide up to \$672 in matching funds for the project for work performed to meet the requirements of the regional water supply planning effort.

The City Manager stated the proposed resolution would authorize the City to participate in the Roanoke Valley-Alleghany Regional Commission regional grant application for Water Supply Planning Funds from the Virginia Department of Environmental Quality.

On motion by Councilwoman Flood, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, Council adopted the resolution authorizing the City to participate in the Roanoke Valley-Alleghany Regional Commission regional grant application for Water Supply Planning Funds from the Virginia Department of Environmental Quality. Roll call vote follows:

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

The resolution follows as adopted:

RESOLUTION

A Resolution Regarding Regional Water Supply Planning and Application for a FY08 Water Supply Planning Grant

WHEREAS, the Virginia General Assembly has mandated the development of local and regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and

WHEREAS, based upon these regulations, the [City of Bedford](#) is required to complete a water supply plan that fulfills the regulations by deadlines based on population, specifically:

November 2, 2008 for local governments with populations in excess of 35,000

November 2, 2009 for local governments with populations between 15,001 and 35,000

November 2, 2010 for local governments with populations 15,000 or less

WHEREAS, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established.

WHEREAS, the following elements must be included in all local or regional water supply programs:

A description of existing water sources in accordance with 9 VAC 25-780-70;

A description of existing water use in accordance with the requirements of 9 VAC 25-780-80;

A description of existing water resource conditions in accordance with the requirements of 9 VAC 25-780-90;

An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100

A description of water management actions in accordance with the requirements of 9 VAC 25-780-110 and 9 VAC 780=120;

A statement of need in accordance with the requirements of 9 VAC 25-780-130;

An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9 VAC 25-780-130;

A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;

A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;

A resolution approving the plan from each local government that is party to the plan; and

A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

WHEREAS, it is reasonable and prudent to for the following local governments to coordinate and collaborate in the development of a regional water supply plan: the counties of Bedford, Botetourt, Franklin, and Roanoke, the cities of Bedford, Roanoke, and Salem, and the towns of Boones Mill, Buchanan, Fincastle, Rocky Mount, Troutville, and Vinton; and

WHEREAS, the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans; and

WHEREAS, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating; and

WHEREAS, for purposes of this DEQ water supply grant fund program, the [City of Bedford](#) will participate within a water supply region consisting of the localities of the counties of Bedford, Botetourt, Franklin, and Roanoke, the cities of Bedford, Roanoke, and Salem, and the towns of Boones Mill, Buchanan, Fincastle, Rocky Mount, Troutville, and Vinton; and

WHEREAS, the Roanoke Valley-Alleghany Regional Commission has previously managed the development of successful regional water supply plans and other regional plans and is a logical entity to organize and manage a regional water supply planning process; and

WHEREAS, Roanoke Valley-Alleghany Regional Commission has previously written, received, and managed DEQ water supply grants and is the logical entity to apply for, on behalf of the communities participating in the regional water supply plan; and

WHEREAS, Roanoke Valley-Alleghany Regional Commission desires to manage and develop a regional water supply plan for the

region, and participating localities in the region agree with this approach, and

WHEREAS, the region, through the Roanoke Valley-Alleghany Regional Commission wishes to apply for and secure DEQ grant funds to help offset the cost of the plan development.

NOW, THEREFORE BE IT RESOLVED that the [City of Bedford](#) agrees to participate with the counties of Bedford, Botetourt, Franklin, and Roanoke, the cities of Roanoke and Salem, and the towns of Boones Mill, Buchanan, Fincastle, Rocky Mount, Troutville, and Vinton in the development of a regional water supply plan and authorizes the Roanoke Valley-Alleghany Regional Commission to manage and develop said regional water supply plan that will comply with mandated regulations; and

BE IT FURTHER RESOLVED that the Roanoke Valley-Alleghany Regional Commission is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and

BE IT FURTHER RESOLVED that Wayne Strickland, Executive Director, Roanoke Valley-Alleghany Regional Commission, is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan, and

BE IT FURTHER RESOLVED that the [City of Bedford](#) intends to provide up to **\$1,500** in matching funds (in-kind) for the project for work performed within the organization to meet the requirements of the regional water supply planning effort, and

BE IT FURTHER RESOLVED that the [City of Bedford](#) will participate financially for the costs of the regional water supply plan that is not covered by the DEQ grant in an amount not to exceed **\$1,736**.

BE IT FINALLY RESOLVED that the State Water Control Board and the Department of Environmental Quality should consider this resolution from each of the participating localities their Letters of Intent to participate in a regional water supply plan with a completion due date of November 2, 2011, in accordance with 9 VAC 25-780-50.B.4.

The City Manager stated that May 13-19, 2007, has been designated as Business Appreciation Week in Virginia, in recognition of the many benefits to Virginia communities derived from their industries.

The Clerk of Council read aloud the following resolution:

Resolution
Business Appreciation Week 2007

WHEREAS, the City of Bedford is proud to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of the City of Bedford; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefits; and

WHEREAS, these businesses also make significant contributions in our communities to promote educational opportunities for our children and promote a variety of activities which increase the quality of life of the area; and

WHEREAS, the City recognizes and appreciates these businesses;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Bedford hereby recognizes our existing businesses, and by virtue of this resolution gives notice to our citizens that the businesses of the City of Bedford are exemplifying this year's theme of "Virginia – The Foundation of American Business."

BE IT FURTHER RESOLVED that the week of May 13 - 19, 2007, be designated as Business Appreciation Week in the City of Bedford.

On motion by Councilman Vest, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, Council adopted the resolution in support of Business Appreciation Week. Roll call vote follows:

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

Mayor Tharp adjourned the meeting at 8:00 p.m. until May 2, 2007, at 8:30 a.m. at the Bedford Welcome Center.