

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., June 26, 2007.

Members present: Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard; Councilman C. G. Stanley, Jr.; Councilman Thomas M. Padgett; Councilman James A. Vest; and Vice Mayor Robert T. Wandrei.

Members absent: Mayor W. D. Tharp

Staff present: City Manager Charles P. Kolakowski and Clerk of the Council Teresa W. Hatcher.

Staff absent: City Attorney W. W. Berry, IV

Vice Mayor Wandrei opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Vice Mayor Wandrei declared that the minutes of a regular Council meeting held on June 12, 2007, were approved as distributed.

City Manager Kolakowski reported on the following:

- The road-paving project for the year was completed on schedule and within budget.
- The compost operation has begun and will be available for purchase beginning June 25. The compost, called Bedford Blend, has been thoroughly tested and approved by the State Department of Agriculture.

Councilman Vest stated that the City/County Relations Committee met on June 25 and reported to the County members of the Committee that engineering will be finished at the end of July and work on Draper Road will probably start in August. The City Manager reported that the engineering for the 460 West project will soon begin to extend water service to the end of the joint economic district (Wheatland Road).

Councilman Vest, Chairman of the Finance Committee, reported that the Committee met earlier in the evening with Sheriff Brown and his staff to review the cost of the Sheriff's Department and what that Department does for the City.

Vice Mayor Wandrei stated that the public hearing for Oakwood Villas had been postponed until July 10, 2007, at 7:30 p.m. in the City Council Chambers.

Vice Mayor Wandrei opened the public hearing regarding the Region 2000 Services Authority at 7:24 p.m.

The Public Hearing Notice follows:

Notice of Public Hearing

A public hearing will be held on June 26, 2007 at 7:30 PM in the City of Bedford Council Chambers to receive citizen comments regarding a Resolution before Bedford City Council to adopt Articles of Incorporation establishing the Region 2000 Services Authority by the City of Lynchburg, the City of Bedford, Campbell County, Amherst County and Nelson County for the purpose of operating a regional landfill system serving the five jurisdictions and to authorize the City Manager to enter into a Member Use Agreement among the five jurisdictions and the Authority for the operation of the landfills in Campbell, Amherst and Lynchburg on a regional basis by the Authority pursuant to Section 15.2-5100 *et. seq.* of the Code of Virginia. This hearing is held pursuant to Section 15.2-5104 of the Code of Virginia. A copy of the Resolution, the Articles of Incorporation and the Member Use Agreement may be obtained in the Office of the City Manager, Charles Kolakowski, City of Bedford, Virginia. The Articles of Incorporation and the Member Use Agreement include the preliminary estimates of capital costs in establishing the Authority, the preliminary estimates of rates for the disposal of solid waste delivered to landfills served by the Authority, and the initial Board members of the Authority.

The City Manager explained that the resolution establishes the Region 2000 Services Authority for the purpose of operating a regional landfill system serving the City of Lynchburg, the City of Bedford, and the counties of Campbell, Amherst, and Nelson.

As there were no further comments, the Vice Mayor Wandrei closed the public hearing at 7:25 p.m.

The public hearing notice follows:

Public Hearing Notice

Notice is hereby given of a public hearing to be held by the City Council at 7:30 p.m. on Tuesday, June 26, 2007 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- To consider an application for approval of a Planned Residential Development, rezoning from Single Family Residential District (R-1) to Planned Residential Development District (PRD) and the conditional use permit. The property is located at 1645 Oakwood St., Bedford, VA, tax map #137-A-4A, consisting of approximately 17 acres. The request is made by Oakwood Villas Townhomes, LLC, the contract purchaser of property currently owned by Thomas J. and June F. Cundiff.

THIS ITEM OF BUSINESS HAS BEEN POSTPONED UNTIL 7:30 P.M., TUESDAY, JULY 10, 2007 CITY COUNCIL MEETING. (ABOVE)

- The following requests are made by the City of Bedford:
 - 1) To consider an ordinance to amend the City of Bedford Land Development Regulations, Low Density Residential R-1A and R-1E Districts, Section 603.02 Conditional Uses, by deleting section 603.02 (c) Rental Cottage in an accessory building...and by deleting section 603.03 Expiration.
 - 2) To consider an ordinance to amend the City of Bedford Land Development Regulations, Section 803, Minimum Yard Requirements and 803.01 Front and Side Yard Setbacks for Dwellings. Section 803.02 will remain unchanged.
 - 3) To consider an ordinance to amend the City of Bedford Land Development Regulations, Section 901 Accessory Buildings and Structures, sub-section 901.01 (b) regarding accessory building setbacks.

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

Mr. Warner, Director of Planning & Community Development, stated that the amendment to the Land Development Regulations, Section 603 would delete Section 603.02 and 603.03, which currently allows rental cottages in an accessory building as a conditional use in the Low Density Residential (R-1A/R-1E) zoning district. Mr. Warner stated that the staff recommends keeping Section 603.03.

The Vice Mayor opened the public hearing regarding amending Section 603 of the Land Development Regulations at 7:26 p.m.

As there were no comments, the Vice Mayor closed the public hearing at 7:26 p.m.

Mr. Warner stated that the next public hearing relates to a proposed amendment of the Land Development Regulations, Section 803, which regulates minimum yard requirements within the City. Mr. Warner said that the amendment would revise the minimum front, side, and rear yard setback requirements for new construction in all zoning districts citywide.

The Vice Mayor opened the public hearing at 7:27 p.m.

Ms. Twila Ross, 1612 Oakwood Street, expressed her concerns regarding the proposed changes in setback requirements. Ms. Ross requested that the setback requirements stay the same in the R-1 District.

As there were no further comments, the Vice Mayor closed the public hearing at 7:41 p.m.

The City Manager stated that Council is requested to consider a resolution establishing the Region 2000 Services Authority for the purpose of operating a regional landfill system serving the City of Lynchburg, the City of Bedford, and the counties of Campbell, Amherst, and Nelson.

On motion by Councilman Stanley, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the resolution regarding the Region 2000 Services Authority Articles of Incorporation. Roll call vote follows:

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

The resolution follows as adopted:

**CONCURRENT RESOLUTIONS OF THE
BOARDS OF SUPERVISORS OF AMHERST COUNTY,
CAMPBELL COUNTY AND NELSON COUNTY
AND THE CITY COUNCILS OF BEDFORD
AND LYNCHBURG CREATING AND ADOPTING
ARTICLES OF INCORPORATION FOR
THE REGION 2000 SERVICES AUTHORITY
AND APPROVING THE REGION 2000
SERVICES AUTHORITY MEMBER USE AGREEMENT**

WHEREAS, the respective City Councils and Boards of Supervisors have published notices pursuant to the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Sections 15.2-5100 et. seq. of the Code of Virginia), as amended, (“the Act”) of their intent to create and adopt proposed Articles of Incorporation for a body politic and corporate to be known as the Region 2000 Services Authority and to approve the Region 2000 Services Authority Member Use Agreement; and

WHEREAS, public hearings have been conducted by each of the respective Boards of Supervisors and City Councils; and

WHEREAS, the Boards of Supervisors and City Councils find it be in the public interest that the Region 2000 Services Authority be established to exercise the powers and carry out the responsibilities set forth in the Act, for the benefit of the citizens of Amherst, Campbell and Nelson Counties and the Cities of Bedford and Lynchburg.

NOW THEREFORE, IT IS CONCURRENTLY RESOLVED BY THE BOARDS OF SUPERVISORS OF AMHERST, CAMPBELL AND NELSON COUNTIES AND THE CITIES OF BEDFORD AND LYNCHBURG, that the Region 2000 Services Authority (the “Authority”) is hereby created and established as a body politic and corporate in the Commonwealth of Virginia under the following:

ARTICLES OF INCORPORATION

Article 1. The Region 2000 Services Authority (the “Authority”) is hereby created and established as a body politic and corporate in the Commonwealth of Virginia. The principal office of the Authority shall be located with the Virginia’s Region 2000 Partnership Local Government Council at 828 Main Street, 12th Floor, Lynchburg, Virginia 24505 and shall consistently reside with the Local Government Council offices in the future.

Article 2. The names of the localities participating in the Authority are the Counties of Amherst, Campbell and Nelson, and the Cities of Bedford and Lynchburg.

Article 3. The Authority shall consist of a board of five members, with one member appointed by the local governing body of each jurisdiction. The terms of the initial members of the board shall expire June 30, 2010. Members shall then be appointed for four year terms. The names and addresses of the initial members of the Board are:

Amherst County

Rodney E. Taylor, County Administrator
P.O. Box 390, Amherst, VA 24521

Campbell County

R. David Laurrell, County Administrator
P.O. Box 100, Rustburg, VA 24588

Nelson County

Stephen A. Carter, County Administrator
P.O. Box 336, Lovingston, VA 22949

City of Lynchburg

L. Kimball Payne, III, City Manager
900 Church Street, Lynchburg, VA 24504

City of Bedford

Charles Kolakowski, City Manager
P.O. Box 807, Bedford, VA 24523

Article 4. Each local governing body also may select an alternate board member to have all of the voting and other rights of a board member if the board member is not present at a meeting of the Authority. The term for each alternate shall be the same as the term of the board member. The following persons are appointed to serve as the initial alternates to the board of the Authority:

Amherst County

Teresa M. Nuckols
P.O. Box 390, Amherst, VA 24521

Campbell County

Clifton M. Tweedy
P.O. Box 100, Rustburg, VA 24588

Nelson County

Susan E. McSwain
P.O. Box 336, Lovingston, VA 22949

City of Lynchburg

David A. Owen
900 Church Street, Lynchburg, VA 24504

City of Bedford

Clarke W. Gibson
P.O. Box 807, Bedford, VA 24523

Article 5. The Authority is created and established under the provisions of the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Section 15.2-5100 et. seq. of the Code of Virginia) (the “Act”). The authority shall have all powers and duties set forth in the Act, as the same may be from time to time amended. The initial project of the Authority shall be to own and operate as a regional entity the three landfills that currently are owned and operated by the City of Lynchburg, Amherst County and Campbell Count, and to accept municipal solid waste generated within each of the five participating jurisdictions (and from outside the five jurisdictions if approved by the Authority) in those landfills in accordance with a Member Use Agreement to be approved by

each of the local governing bodies. It is anticipated that the use of the three landfills will be phased, with the Campbell County landfill being temporarily closed while the other two landfills are being utilized to their operating capabilities. The initial capital cost to purchase the three landfills from each other localities, including the site to purchase the three landfills from each of the localities, including the site improvements, landfill capacity and land, buildings, equipment and rolling stock, and the closure and post-closure reserve funds, less the outstanding debt and the closure and post-closure liability for each locality, result in a payment to the City of Lynchburg of \$1,714,840, a payment from Campbell County of \$270,000, and a payment to Amherst County of \$363,849 for a net capital cost of \$2,348,689. The preliminary estimate of the cost per ton to the five localities for solid waste delivered to the landfills owned by the Authority is \$23.91 per ton. It is impractical at this time to determine a per ton charge for private haulers using the landfills. Both the capital cost figure and the cost per ton are preliminary figures and are subject to change.

Article 7. All members of the board shall serve without compensation, but may be reimbursed by the Authority for their actual expenses incurred in the course of their duties.

Article 8. Existing members of the Authority may withdraw from membership, and other localities may join the Authority, as provided in Section 15.2-5112 of the Code of Virginia, as amended. In the event other localities join the Authority, they will be asked to reimburse the localities who initially created the Authority for a fair share of the development costs of the Authority.

Article 9. All of the operations, management and fiscal services of the Authority shall be provided through contractual arrangements through the Virginia's Region 2000 Local Government Council. Subject to the approval of the Authority Board, it is the intent of the Member Jurisdictions that the Executive Director of Virginia's Region 2000 Local Government Council be appointed by the Authority to serve as the chief administrative or executive officer of the Authority pursuant to Section 15.2-5113(E) of the Code of Virginia.

BE IT FURTHER RESOLVED that the Region 2000 Services Agreement is hereby approved, and the Chairman or Mayor is authorized to enter into such Agreement.

The City Manager stated that Council was requested to consider an amendment to the Land Development Regulations, Section 603. The amendment would delete Sections 603.02 and 603.03, which currently allows rental cottages in an accessory building as a conditional use in the Low Density Residential (R-1A/R-1E) zoning district. Mr.

Kolakowski stated the Planning Commission met on June 19 and recommended that Council amend Section 603.

Mr. Warner stated the staff recommendation would be to exclude Section 603.03 from the amendment as advertised.

On motion by Councilman Hubbard, seconded by Councilwoman Flood, voted upon carried by a roll call vote, Council adopted the ordinance as amended (excluding Section 603.03). Roll call vote follows:

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

The ordinance follows as adopted:

Ordinance No. 07-10

**AN ORDINANCE AMENDING SECTION 603 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 deleting the following language from Section 603:

603.02 c. Rental cottage in an accessory building, provided that:

1. Separately metered water, sewer, and electric service is available;
2. The footprint of the accessory building shall not exceed the lesser of 576 square feet or 30% of a rear yard;
3. The accessory building shall be no closer than 10 feet from the principal structure on the lot; and
4. The minimum side and rear setbacks for the accessory building shall be 15 feet. [Amended 11/27/01]

Section 2. This ordinance is effective upon enactment.

The City Manager stated that Council is being asked to consider an amendment of the City of Bedford Land Development Regulations, Section 803. The amendment would revise the minimum front, side, and rear yard setback requirements for new construction citywide. City Manager Kolakowski reported the Planning Commission met on June 19 and recommended that Council amend Section 803 with an additional requirement for the front yard setback in residential zones for any yard adjacent to a public street. Based on Planning Commission action, staff withdrew the proposed change to Section 901, Accessory and Temporary Buildings and Structures.

Councilman Hubbard moved that the proposed ordinance amending Section 803 of the Land Development Regulations be adopted. Councilman Stanley seconded the motion.

Councilman Vest and Councilman Padgett indicated they would support the proposed ordinance if R-1 were removed from the ordinance.

Mr. Warner explained this item was brought before the Planning Commission and Council due to the request of Mr. Burnette and New Horizons Builders. Mr. Warner said he, staff, and the Planning Commission have discussed this item for some time.

Vice Mayor Wandrei stated that he was not in favor of increasing density within residential housing and he felt this was what would happen by reducing setback sizes and minimum yard sizes. Mr. Wandrei stated he concurred with Councilmen Vest and Padgett.

Vice Mayor Wandrei stated that he felt Council should table the matter until the next regular Council meeting to allow the Planning Commission to make changes in accordance with Councilman Vest's and Councilman Padgett's comments.

On motion by Councilman Vest, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council tabled the proposed ordinance amending Section 803 of the Land Development Regulations until the next regular Council meeting to allow the Planning Commission to make changes in accordance with Councilman Vest's and Councilman Padgett's comments. Roll call vote follows:

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

The City Manager stated The Matrixx Group has committed to purchasing land and building a manufacturing facility in the Bedford Center for Business. The Phase I Matrixx facility would be 50,000 square feet, including manufacturing space, office and lab areas, and representing a \$2.45 million investment in real estate and a \$7.4 million

investment in equipment within 36 months. Matrixx's hiring projections call for 40 employees within the first 36 months. Average wages will be \$35,360 per year plus benefits. Companies may qualify for \$300,000 unmatched rail access funds from the Commonwealth Transportation Board. A supporting resolution from the locality is required.

On motion by Councilman Stanley, seconded by Councilman Vest, voted upon and carried by a roll call vote, Council adopted the resolution supporting The Matrixx Group's application to the Commonwealth Transportation Board for Industrial Access Railroad Track funds. Roll call vote follows:

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

The resolution follows as adopted:

A RESOLUTION OF THE CITY OF BEDFORD

WHEREAS, The Matrixx Group has expressed its intent and desire to the City of Bedford to locate its industrial operations in the City of Bedford; and

WHEREAS, The Matrixx Group and its operation will require rail access; and

WHEREAS, the officials of the Matrixx Group, have reported to the City their intent to apply for Industrial Access Railroad Track Funds from The Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of \$300,000; and

WHEREAS, The Matrixx Group, has requested that the City of Bedford City Council provide a resolution supporting its application for said funds, which are administered by the Virginia Department of Rail and Public Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of The City of Bedford hereby endorses and supports the application of The Matrixx Group for \$300,000 in Industrial Access Railroad Track Funds; and

BE IT FURTHER RESOLVED, THAT The City Council of the City of Bedford hereby makes known its desire and intent to assist the Commonwealth Transportation Board in providing the maximum financial assistance to The Matrixx Group for the purpose of locating its industrial facility in the City of Bedford.

Vice Mayor Wandrei stated that The Matrixx Group is holding a groundbreaking ceremony on July 13 at 10:00 a.m.

City Manager Kolakowski stated that Council is requested to approve the establishment of the amended cafeteria plan for employees effective July 1, 2007, and grant the City Manager authorization to administer the plan. The following change has been made to the City's current plan: (1) the extension of 2.5 months to incur qualified reimbursable expenses.

On motion by Councilman Stanley, seconded by Councilman Vest, voted upon and carried by a roll call vote, Council adopted the resolution approving the amended cafeteria plan. Roll call vote follows:

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

The resolution follows as adopted:

Resolution

WHEREAS, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan; and

WHEREAS, that the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved; and

WHEREAS, that the undersigned further certifies that Exhibits A and B, respectively, are true copies of the City of Bedford Flexible Benefit Plan as amended and restated and the Summary Plan Description approved and adopted in the foregoing resolution; and

NOW, THEREFORE BE IT RESOLVED, that the form of amended Cafeteria Plan including a Dependent Care Assistance Program

and Health Care Reimbursement Plan effective July 1, 2007, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan;

BE IT FURTHER RESOLVED, that the undersigned Principal of the City of Bedford (Employer) hereby certifies that the following resolution was duly adopted by the Employer on June 26, 2007, and that such resolution has not been modified or rescinded as of the date hereof.

Vice Mayor Wandrei adjourned the meeting at 7:52 p.m.