

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., September 25, 2007.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard (arrived at 7:32 p.m.); Councilman C. G. Stanley, Jr.; Councilman Thomas M. Padgett; Councilman James A. Vest; and Vice Mayor 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 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 September 11, 2007, were approved as distributed.

City Manager Kolakowski reported on the following:

- The 26th annual Centerfest will be held on September 29 – over 200 vendors have signed up – there will be a wide variety of food vendors, antique car show, motorcycle show, etc.

Councilman Hubbard arrived at 7:32 p.m.

The City Manager continued his report:

- Upcoming events: Lobsterfest, October 6; oyster roast, October 13; catfish fry, October 21. A fresh seafood restaurant is scheduled to open on Bridge Street on November 1.

Mayor Tharp opened the public hearing for consideration of amending the Land Development Regulations regarding minimum yard requirements.

The notice of public hearing follows:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Planning Commission at 5:30 p.m. on Thursday, September 6, 2007 and by the City Council at 7:30 p.m. on Tuesday, September 25, 2007 at the City Municipal Building, Council Hall, 215 E. Main Street for the following purpose:

- To consider rezoning tax map 215-A-15, 215-A-22, 215-A-33, 215-A-34, 215-A-35, 215-A-36, 215-A-37, 215-A-38, 215-4-1, 215-4-2, 215-4-3, 215-4-4, from R-1A, Low Density Residential to B-1, Limited Business District in the vicinity of East Main Street. The request is being made by William Burnette, 1050 Hoback Road, Bedford, VA 24523.
- To consider amending Section 803, Minimum Yard Setback Requirements, and Section 901, Accessory Buildings and Structures, of the City of Bedford Land Development Regulations. The request is 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 or her view at this hearing.

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

Mr. O. P. Stancer, 1509 Oakwood Street, member of the Bedford Industrial Development Authority and certified planner in the State of Virginia commended the City for attempting to correct some problems in the City regarding setbacks. Mr. Stancer stated that he did not see a problem in the R-1 district and recommended that the R-1 be withdrawn from the recommendation on setbacks. Mr. Stancer indicated that he felt the proposed setback in R-1A looked a little steep. He stated that the City should be careful adjusting setbacks as there could be problems of dropping the value of the real estate and when buildings are too close there may be problems with fires.

Ms. Lonnie Bailey, City Planning Commission Chairperson, explained why she is in favor of changing the setbacks as they currently stand. Ms. Bailey stated that Bedford is a quaint, historic community and allowing the smaller setbacks is more in keeping with what is already here and this adds to the quaintness. Ms. Bailey stated that a developer would like to build two car garages and the setbacks currently do not allow that.

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

Mayor Tharp opened the public hearing regarding the rezoning request by William Burnette at 7:41 p.m.

Mr. David Whitehurst, 1701 Wycliffe Street, stated he was representing Mr. Burnette. Mr. Whitehurst stated the change in zoning would be logical and appropriate for those properties and in keeping with the adjoining land use. Mr. Whitehurst stated the change in zoning would be in the best interest of the City and of the property owners: 1. it would conform these properties with the current use; 2. the change would be in keeping with what is generally expected when you hear the words "Main Street" as people tend to think commerce instead of residences; 3. it would benefit the property owners, would

give them much greater options for using their properties, for marketing or selling their properties, and would also allow the owners to continue using their properties as residences if they choose to.

Mr. O. P. Stancer stated that he supported the rezoning request of Mr. William Burnette.

As there were no further comments, Mayor Tharp closed the public hearing at 7:46 p.m.

Councilman Hubbard moved that Council adopt the ordinance amending the City of Bedford Land Development Regulations, Sections 803 and 901.01. Councilman Stanley seconded the motion.

Vice Mayor Wandrei asked for the reason this amendment is being brought up for one developer.

Bart Warner, Assistant City Manager, explained the history of the issue, which dates back to 2001. Mr. Warner stated at that time Council took action to create a setback remedy for the King Street neighborhood at the request of the Board of Zoning Appeals. The Planning Commission has discussed this issue in some depth since that time, during the retreat in 2004 and at its regular meeting in October 2005. Mr. Warner said there was no pressing reason to pursue it at that time. The Assistant City Manager stated that Mr. Burnette's request brought the issue back to light, and it was in light of his request that the Planning Commission instructed the staff to examine the issue in a more comprehensive manner. Mr. Warner reported that Mr. Burnette's activity represents the first attempt within seven years to construct a single-family subdivision on the "by-right" provisions of the Land Development Regulations.

Vice Mayor Wandrei asked if the property values will decrease if the lots are being made smaller.

Mr. Warner clarified that the lots are not being made smaller, the minimum lot size requirement is still in place and the lot coverage requirement is still in place.

Vice Mayor Wandrei asked if the property values will decrease if the amount of open space in the neighborhoods is being decreased.

Mr. Warner stated that the amount of open space is not being decreased: every lot is limited to twenty-five percent lot coverage. Mr. Warner said that the only change being made is the area within a lot where a building could be placed.

Vice Mayor Wandrei made a motion that the R-1 Section of the proposed ordinance, Section 803.01(a)(1), be amended to reduce the rear setback to 50 feet. Councilman Vest seconded the motion. After a brief discussion, the motion was voted upon and carried unanimously.

The motion to adopt the ordinance was then voted upon and carried by a roll call vote, as follows:

Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Padgett	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	no
Mayor Tharp	aye

The ordinance follows as adopted:

Ordinance No. 07-15

AN ORDINANCE AMENDING 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 and reenacted as follows:

803. Minimum Yard Setback Requirements

803.01 Within the districts herein defined, the following minimum yard setback requirements from the lot or property line shall apply, unless a more restrictive setback is required for the dedication of an easement:

a. R-1

1. The minimum front, side and rear yard setbacks shall be as follows:

Front: 35 feet
 Sides: 10 feet
 Rear: 50 feet

Average setbacks exception: When the average of the front yard setback for existing primary structures on the same side of the street within 300 feet is less than 35 feet, the average shall be recognized as the minimum front yard setback. In determining the average setback, a vacant lot shall be considered to have a 35' front yard setback.

2. Rear and side yard setbacks abutting public street right-of-ways shall be equal to the required front yard setback for the district.

3. Balconies, stoops, stairs, open porches or decks, bay windows, and awnings are permitted to encroach into the front yard setback area no more than 6 feet; and the aforementioned as well as attached garages and carports, into the rear yard setback area no more than 14 feet.

b. R-1A, R-1E, R-2, and R-3

1. The minimum front, side and rear yard setbacks shall be as follows:

Front: 25 feet
Sides: 6 feet
Rear: 25 feet

Average setbacks exception: When the average of the front yard setbacks for existing primary structures on the same side of the street within 300 feet is less than 25 feet, the average shall be recognized as the minimum front yard setback. In determining the average setback, a vacant lot shall be considered to have a 25' front yard setback.

2. Rear and side yard setbacks abutting public street right-of-ways shall be equal to the required front yard setback for the district.
3. Balconies, stoops, stairs, open porches or decks, bay windows, and awnings are permitted to encroach into the front yard setback area no more than 6 feet; and the aforementioned as well as attached garages and carports, into the rear yard setback area no more than 14 feet.

c. B-1, B-2, CLI and CNW

The minimum front, side, and rear yard setbacks shall be as follows:

Front: 0 feet
Sides: 0 feet
Rear: 0 feet

Exception: When a lot abuts a residential district, the side and rear yard setback shall be equal to that of the residential district.

d. M-1 and WCD

The minimum front, side, and rear yard setbacks shall be as follows:

Front: 0 feet
Sides: 25 feet
Rear: 25 feet

e. PRD, PMPD, TNO, SCOD and other Mixed Use Zoning Districts

Minimum yard setbacks shall be determined via the conditional use process.

803.02 Additional yard setback requirements for all Districts:

- a. Uncovered parking lots and spaces, sidewalks and walkways, etc., shall have no minimum yard setback.
- b. Minimum yard setbacks for two-family dwellings, condominiums, townhouses, duplexes, and apartments shall not apply to common walls.

901. Accessory Buildings and Structures

901.01 Accessory Buildings and Structures. The location of accessory buildings in residential districts must meet the following conditions:

- a. Accessory buildings and structures shall not be located in the front yard.
- b. Side and rear setbacks shall not be closer to a lot or property line than the required minimum side yard distance for lots within the district.
- c. Building height shall not exceed 2 stories.

Section 2. This ordinance is effective upon enactment.

Mr. Warner reported that in the consideration of rezoning parcels from R-1A to B-1 in the vicinity of East Main Street, there is one contiguous parcel within the area of the proposed rezoning, which is tax parcel 215-A23, owned by Mr. James Sines. Mr. Burnette was unsuccessful in contacting Mr. Sines to include him in the rezoning request. Mr. Warner stated that the Planning Commission at its regular meeting indicated its desire to include that parcel with the comprehensive rezoning if it were approved. The Planning Commission will consider this at its regular meeting in October.

Councilman Vest moved that Council adopt the proposed ordinance to rezone the following tax parcels from Low Density Residential (R-1A) to Limited Business: 215-A-15, 215-A-22, 215-A-33, 215-A-34, 215-A-35, 215-A-36, 215-A-37, 215-A-38, 215-4-1, 215-4-2, 215-4-3, and 215-4-4. The motion was seconded by Councilman Stanley.

Vice Mayor Wandrei suggested that it would be better to defer the matter until Mr. Sines can be contacted so that the entire area can be rezoned.

On motion by Vice Mayor Wandrei, seconded by Councilman Padgett, voted upon and carried unanimously, Council tabled the motion.

The City Manager stated that a public hearing was held regarding the proposed conveyance of real estate formerly used by the Electric Department to Patti Siehien. Ms. Siehien has examined the property and is ready to proceed with the purchase.

City Attorney Berry stated that the ordinance posted referred to a plat to be prepared. Mr. Berry said that each member of Council has a copy of the plat and a copy of a revised ordinance that refers to the plat. The City Attorney stated the revision does not substantially change the ordinance as posted and asked Council to adopt the revised ordinance.

Councilman Padgett moved that the revised ordinance regarding sale of the old Electric Department property on Depot Street be adopted. The motion was seconded by Councilman Vest.

Vice Mayor Wandrei stated he would abstain from voting on the motion as Ms. Siehien has asked him to represent her in examination of the title.

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

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

The ordinance follows as adopted:

Ordinance No. 07-16

**AN ORDINANCE AUTHORIZING THE CONVEYANCE TO
PATTI SIEHIEN OF PROPERTY LOCATED ON DEPOT STREET
FORMERLY USED BY THE ELECTRIC DEPARTMENT PURSUANT TO A
CONTRACT DATED AUGUST 27, 2007**

WHEREAS, the City Manager, on behalf of the City of Bedford, executed a written Purchase Agreement between the City of Bedford and Patti Siehien dated August 27, 2007 for the sale of the property on Depot Street formerly used by the Electric Department for a total price of \$150,000, which Purchase Agreement was conditioned upon approval by the City Council of the City of Bedford by August 29, 2007: and

WHEREAS, the City Council, on August 28, 2007, held a public hearing upon the approval of said conveyance, after due notice of such hearing had been posted in the Bedford Bulletin on August 15, 2007, and the City Council on August 28, 2007 approved said Purchase Agreement; and

WHEREAS, the Purchase Agreement included a provision giving Patti Siehien a period of fourteen days after execution of the Agreement during which she could inspect the premises and could cancel the contract within such period if in her sole opinion the property was not suitable for her purposes; and

WHEREAS, Patti Siehien has advised the City that she is satisfied with the contract and desires to proceed to closing; and

WHEREAS, Virginia Code Section 15.2-2100 requires that the conveyance of City real estate proceed by passage of an ordinance by a three-fourths vote of all members present and voting at a Council meeting, and City Code Section 2-54 requires

that ordinances be posted at three or more places within the City for a period of one week prior to passage, unless an emergency is declared; and

WHEREAS, this proposed ordinance has been posted in accordance with the City Code;

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

Section 1. The City Council approves the sale of following the real estate to Patti Siehien pursuant to the provisions of the Purchase Agreement dated August 27, 2007 between the City of Bedford and Patti Siehien:

All that lot or parcel of land, lying, situate and being in the City of Bedford, Virginia, together with the buildings and improvements thereon and the appurtenances thereinto belonging, located on the north side of Depot Street and commonly referred to as 207 East Depot Street, Bedford, Virginia containing 0.411 acres as the same is shown on a plat of survey prepared by Berkley-Howell & Assoc., P.C., entitled "Reconfiguration of the City of Bedford Property on Depot Street," dated September 20, 2007, revised, September 25, 2007, on which plat the parcel is designated "revised T. N. #194-A-79," a copy of the plat being attached hereto.

The real estate herein conveyed consists of portions of properties conveyed in the following deeds:

- (a) Deed from Bedford Light Company to the Town of Bedford City, dated January 26, 1899 and recorded in Deed Book 77, at page 202; and
- (b) Deed from C. H. Rucker and Lilly P. Rucker to the Town of Bedford, dated January 28, 1948 and recorded in Deed Book 220, at page 241; and
- (c) Deed from Norfolk Southern Railway Company to The City of Bedford, Virginia, dated July 8, 2004 and recorded as Instrument No. 040016372.

Section 2. The Mayor and the City Clerk are hereby authorized to execute a deed in accordance with said Purchase Agreement in a form approved by the City Attorney conveying the real estate with General Warranty and English Covenants of Title, and the Mayor shall be authorized to deliver the deed to Patti Siehien upon payment of the consideration to the City.

Section 3. This Ordinance shall be in force and effect immediately.

Ms. Debbie A. Roberts, City Treasurer, stated that after she reported the personal property delinquencies last year, in accordance with the General Assembly, taxpayers

who had delinquent personal property from 2000 to 2005 lost their state tax relief as of September 1, 2006. Ms. Roberts stated that \$31,124.56 was added back to the Treasurer's books, which dropped the percentages.

Ms. Roberts stated that \$23,018 has been collected because of the DMV stops.

The City Treasurer presented the following report on uncollected taxes:

REAL ESTATE TAX STATUS AS OF AUGUST 14, 2007

TAX YEAR	ASSESSMENT	UNCOLLECTED	COLLECTED
2002-03	\$2,431,601.88	\$ 5,520.00	99.77%
2003-04	\$2,472,345.48	\$ 1,382.40	99.94%
2004-05	\$2,572,073.53	\$11,893.60	99.54%
2005-06	\$2,637,738.45	\$ 5,223.14	99.80%
2006-07	\$3,252,727.22	\$67,365.85	97.93%
Less Demolition/Bankruptcy - On College Street (Davis)	\$40,9117.36	\$26,448.49	99.19%

PERSONAL PROPERTY TAX STATUS AS OF AUGUST 14, 2007

2002	\$1,151,998.11	\$ 6,770.84	99.41%
2003	\$1,180,153.74	\$ 6,899.58	99.42%
2004	\$1,105,540.92	\$ 7,914.95	99.28%
2005	\$1,146,757.56	\$24,491.97	97.86%
Less Winn Dixie Bankruptcy	-\$11,412.30	\$13,079.67	98.86%
2006	\$1,210,618.77	\$ 8,683.97	99.28%

The City Attorney reviewed procedures in the Garland & Gail Davis bankruptcy. The City has the first lien on the property on College Street.

Mayor Tharp commended the City Treasurer for her hard work in collecting the taxes.

The City Manager stated that October has been designated as Public Power Month, in which communities across the United States celebrate their commitment to providing public power for their citizens and customers. October is also the month in which the City of Bedford Electric Department celebrates its 108th anniversary as the provider of public power to the community.

On motion by Councilman Stanley, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the resolution regarding Public Power Month. 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	aye

The resolution follows as adopted:

Resolution Declaring October As Public Power Month

WHEREAS, the citizens of Bedford have chosen to operate a community-owned, not-for-profit electric utility; and

WHEREAS, we are both consumers and owners of our public power system and have a direct say in utility operations and policies; and

WHEREAS, The City of Bedford Electric Department provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at the lowest possible rates; and

WHEREAS, The City of Bedford Electric Department is part of a community of 2,000 publicly owned electric utilities in the United States that through consumer-ownership ensure competition in the electric utility industry to the benefit of electricity consumers everywhere; and

WHEREAS, the City began operation of its municipal electric system in 1899 and has provided our citizens and other customers with reliable, low-cost power for 108 years;

NOW, THEREFORE, BE IT RESOLVED, that the month of October be declared as Public Power Month in order to honor the City of Bedford Electric Department, its consumers-owners, policy makers, and employees, who work together to provide the best possible electric service, and that our community join

hands with other public power communities across the nation and celebrate the benefits of public power to our local and national progress.

Mayor Tharp adjourned the meeting at 8:11 p.m.