

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., October 9, 2007.

Members present: Mayor W. D. Tharp; 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: 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 25, 2007, were approved as distributed.

City Manager Kolakowski reported on the following:

- Due to the serious drought throughout the state Council will consider an ordinance declaring that a water supply emergency exists.
- Construction continues on the Matrixx plant – construction is on schedule – the initial construction for the electric lines to supply the plant are being installed currently – the plant should be up and running early next year

Mickey VanDerwerker, City School Board, presented a report to Council on the schools: the Board of Supervisors met with the County School Board and one of the topics of concern was the Middle School situation – several of the board members are adamant about the need for movement on this issue because they would like to use Bedford Science and Technology Center for more vocational programs. Ms. VanDerwerker reviewed other information in her report, such as: the Early College program at CVCC; SAT, PSAT, and AP scores and participation.

Vice Mayor Wandrei, Chairman of the Water & Sewer Committee, stated the Committee met earlier in the evening to discuss the water situation. The Committee recommended enacting mandatory water conservation measures. The Vice Mayor asked that this item be added to the agenda.

The Mayor stated the item would be added to the agenda as the last item under “New Business.”

The Consent Agenda consisted of the following items:

- A request by the Bedford Area YMCA to hold its Annual Peaks of Otter Christmas Classic Foot Race on Saturday, December 1, 2007, and to block the following streets from 8:00 a.m. to 11:00 a.m.: Peaks Street, Whitfield Drive, Oakwood Street, Longwood Avenue, Hampton Ridge Avenue and Elm Street.
- Reappointment of Ms. Edna Hayden and Mr. Jimmy Holdren to serve on the Redevelopment and Housing Authority, said terms to expire October 13, 2011.

On motion by Vice Mayor Wandrei, seconded by Councilman Padgett, voted upon and carried unanimously by a roll call vote, Council adopted the Consent Agenda. Roll call vote follows:

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

Mr. Sergei Troubetzkoy, Director of Tourism, presented a report City Council on the activities of the Welcome Center. Mr. Troubetzkoy reviewed highlights of the report: visitation is down slightly over the previous years, continuing a trend that is shared by many communities throughout the state; Bedford has received media attention in recent months in the following publications: *The New York Times*; *The Washington Post*; *The Richmond Times-Dispatch*, *Preservation Magazine*, and *The National Geographic Adventure magazine*; a major overhaul of the Bedford Tourism website is being done.

The City Manager stated the City of Bedford has received a Department of Motor Vehicle Highway Safety Grant for \$12,000. The grant must be used for overtime expenses related to selective traffic enforcement and is usually expended in conjunction with regional safety campaigns. There is an in-kind match of 20%. As in the past, vehicle, supervisor and equipment expenses can be applied toward the in-kind match. City Manager Kolakowski stated that City Council is requested to appropriate the funds (\$12,000) to the Revenue Account 100033.433140, and (\$12,000) to the Expenditure Account 10033110.557207.

On motion by Councilman Stanley, seconded by Vice Mayor Wandrei, voted upon and carried unanimously by a roll call vote, Council appropriated the funds (\$12,000) to the Revenue Account 100033.433140, and (\$12,000) to the Expenditure Account 10033110.557207. 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	aye

City Manager Kolakowski reported that the City of Bedford has received a Department of Motor Vehicle Highway Safety Grant for \$12,500. The grant will be used for equipment purchases for the Regional Crash Team and training for the Team Members. There is an in-kind match of 20%. As in the past, vehicle, supervisor and equipment expenses from the member jurisdictions can be applied toward the in-kind match. The City Manager stated the City Council is requested to appropriate the funds (\$12,500) to the Revenue Account 100033.525050, and (\$12,500) to the Expenditure Account 10033110.557233.

On motion by Councilman Padgett, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, City Council appropriated the funds (\$12,500) to the Revenue Account 100033.525050, and (\$12,500) to the Expenditure Account 10033110.557233. 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 City Manager asked that agenda item “Resolution – Central Virginia Community Services” regarding a method of financing for the purchase of a building by CVCS in Lynchburg be tabled until next meeting in order to get further information.

Councilman Vest moved that the agenda item be tabled. The motion was seconded by Councilman Padgett, voted upon and carried by the following roll call vote:

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

City Manager Kolakowski reported that the Matrixx Group is 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 \$2.45 million investment in real estate and \$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. The additional \$40,000 from the Transportation Board would be matched by the company. A supporting resolution from the locality is required. The City Manager stated that Council is requested to adopt the resolution supporting The Matrixx Group’s application to the Commonwealth Transportation Board for Industrial Access Railroad Track funds.

On motion by Councilman Vest, seconded by Councilman Stanley, 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 Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye

Councilman Hubbard	aye
Councilman Padgett	aye
Councilman Stanley	aye
Mayor Tharp	aye

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 \$340,000; 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 \$340,000 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.

The City Manager stated that City Council, on September 25, 2007, enacted an Ordinance authorizing the Mayor and City Clerk to execute and deliver a deed to Patti Siehien pursuant to the contract for the purchase of the old Electric Department office building on Depot Street. Ms. Siehien is requesting that her daughter, Jessica S. Gillum be placed on the deed in addition to herself. Mr. Kolakowski stated this will provide additional security for the City and will also provide financial advantages, which will allow them to make additional investments in the building. The City Manager stated that Council is requested to enact the Resolution authorizing conveyance of the Electric Department property to Patti Siehien and Jessica S. Gillum. On motion by Councilman Hubbard, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the resolution authorizing conveyance of the Electric Department property to Patti Siehien and Jessica S. Gillum. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION APPROVING ASSIGNMENT OF
AN INTEREST IN PURCHASE AGREEMENT
FOR ELECTRIC DEPARTMENT BUILDING
AND WAIVING DUE ON SALE CLAUSE
AND APPROVING CONVEYANCE TO
PATTI SIEHIEN AND JESSICA S. GILLUM**

WHEREAS, the City Council on August 28, 2007 following a public hearing approved the execution of a Purchase Agreement between the City of Bedford and Patti Siehien for sale of the property on Depot Street formerly used by the Electric Department for a total price of \$150,000; and

WHEREAS, by an Ordinance enacted on September 25, 2007, the City Council authorized the Mayor and City Clerk to execute a deed in accordance with the Purchase Agreement conveying the real estate to Patti Siehien; and

WHEREAS, Patti Siehien has requested the City to allow her to convey a one-half interest in the Purchase Agreement to her daughter, Jessica S. Gillum, and that the property be conveyed to Pattie Siehien and Jessica S. Gillum jointly and equally; and

WHEREAS, the Purchase Agreement with Pattie Siehien, dated August 27, 2007, prohibited assignment of any interest in the property without the permission of the City of Bedford and contained a provision for financing of the purchase which included the City's right to declare all sums secured by the proposed deed of trust to be immediately due and payable if the interest in the property were transferred; and

WHEREAS, the City Council approves the assignment of the one-half interest by Pattie Siehien to her daughter, provided both parties agree to the provisions set forth in the Purchase Agreement;

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

1. The City Council approves the assignment of a one-half interest in the real estate Purchase Agreement dated August 29, 2007 between the City of Bedford and Patti Siehien and waives the due on sale provision provided both Patti Siehien and Jessica S. Gillum enter into the deed of conveyance agreeing to the provisions of the said Purchase Agreement dated August 29, 2007.

2. The Mayor and the City Clerk are hereby authorized to execute the deed, authorized by Ordinance enacted on September 25, 2007, but the deed shall convey property to Patti Siehien and Jessica S. Gillum jointly and equally rather than only to Patti Siehien, provided both parties enter into the deed agreeing to the conditions of sale that were set forth in the Purchase Agreement with Patti Siehien.

The City Manager reported that on June 26, 2007, City Council adopted a resolution, which was concurrently adopted by Amherst, Campbell and Nelson counties and by the City of Lynchburg approving the Articles of Incorporation of the Region 2000 Service Authority. The Authority was created under the Virginia Water and Waste Authorities Act in order to form a regional entity to operate landfills for the participating jurisdictions. Amherst County has decided not to become a member of the Authority; therefore, the other members of the potential Authority have been advised to re-adopt the resolution deleting any mention of Amherst County from the resolution. The City Manager stated that proceeding with the Regional Landfill Plan without Amherst County will not cost the City additional money, but in fact may result in some savings.

City Manager Kolakowski stated that City Council is requested, by motion, to re-adopt the resolution previously adopted by the Council on June 26, 2007, approving the Articles of Incorporation and Member Use Agreement for the Region 2000 Service Authority, but removing all references in both documents to Amherst County as a member of the Authority.”

On motion by Councilman Vest, seconded by Vice Mayor Wandrei, voted upon and carried unanimously by a roll call vote, Council re-adopted the resolution previously adopted by the Council on June 26, 2007, approving the Articles of Incorporation and Member Use Agreement for the Region 2000 Service Authority, and removing all references in both documents to Amherst County as a member of the Authority. 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	aye

The resolution follows as re-adopted:

**CONCURRENT RESOLUTIONS OF THE
BOARDS OF SUPERVISORS OF 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 Campbell and Nelson Counties and the Cities of Bedford and Lynchburg.

NOW THEREFORE, IT IS CONCURRENTLY RESOLVED BY THE BOARDS OF SUPERVISORS OF 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 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:

Campbell County
R. David Laurell, 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:

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, and Campbell County, 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. The preliminary estimate of the cost per ton to the five localities for solid waste delivered to the landfills owned by the Authority if \$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 it is requested that Council approve the purchase of a used Komatsu loader for use at the City landfill. Subject to Council approving this purchase, City staff has found funding for this purchase in several accounts. City staff is requesting to make the following transfers to fund the purchase of this loader:

• General Admin Compensation (10044110 511000)	\$20,802
• General Admin Compensation (18974410 511000)	<u>13,198</u>
Total Transfer	\$34,000

The City Manager stated that Council is requested to approve the transfer of \$34,000 from the various accounts listed above to the Purchase of Loader account (17964240 581511).

On motion by Councilman Padgett, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council approved the transfer of \$34,000 to the Purchase of Loader account (17964240 581511) from the following accounts: General Admin Compensation (10044110 511000) \$20,802, and General Admin Compensation (18974410 511000) \$13,198. 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	aye

The City Manager reported that the City of Bedford Landfill wishes to purchase a used Komatsu Loader for use at the landfill. The current loader is no longer usable and the estimated repair cost will exceed the cost of the purchase of a used loader. The used loader has been inspected and is in very good condition. The purchase price of the used loader is \$34,000. This represents a purchase price of \$39,000 less a trade in value of the used loader of \$5,000. The purchase price of this loader new would be approximately \$190,000. City Manager Kolakowski stated that an ordinance was adopted at a regular meeting of the City Council on September 8, 1998, allowing the purchase of used equipment without competitive sealed bidding or competitive negotiation. Used equipment purchases over \$5,000 must be approved by City Council. Council is requested to approve the purchase of the used loader for the City Landfill at a net purchase price of \$34,000.

On motion by Councilwoman Flood, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council approved the purchase of the used loader for the City Landfill at a net purchase price of \$34,000. 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

City Manager Kolakowski reported that the water situation has continued to be very serious throughout the state. The water level at the Stoney Creek Reservoir continues to drop. In the next several weeks, significant rainfall is not expected. The City Manager stated it is requested that the voluntary water restrictions be made mandatory. Mr. Kolakowski stated that the City has taken several steps to reduce its water use from the reservoir.

On motion by Councilman Vest, seconded by Vice Mayor Wandrei, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance declaring a water supply emergency. Roll call vote follows:

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

The ordinance follows as adopted:

Ordinance No. 07-17

AN ORDINANCE, DECLARING THAT A WATER SUPPLY EMERGENCY EXISTS IN CONNECTION WITH THE WATER SUPPLY SYSTEM AND IMPOSING CONDITIONS ON THE USE OF WATER AND CIVIL PENALTIES PURSUANT TO TITLE 15.2 CHAPTER 21 OF THE CODE OF VIRGINIA AND PURSUANT TO TITLE 44, CHAPTER 3.2.

WHEREAS, drought conditions have continued over the past summer and the City Manager has advised the City Council that the water level at the Stoney Creek Reservoir has been dropping continuously since first of August, having been 6 inches below the spillway on August 5; 20 inches below the spillway on August 20; 24 inches below the spillway on August 27; 26 inches below the spillway on September 5; 31 inches below the spillway on September 15; 40 inches below the spillway on September

25; 51 inches below the spillway on October 5 and 55 inches below the spillway on October 9; and

WHEREAS, the National Weather Service long range projections indicate that drought conditions are likely to continue to worsen over the next three months; and

WHEREAS, the City for most of the summer was able to minimize the effect of the drought upon the water level at the Stoney Creek Reservoir by utilizing the City wells in the Kelso area and withdrawing waters from the Big Otter River, but the flow of water in Big Otter has diminished so that the City has not utilized any river water since August 30; and

WHEREAS, the City recognizes that the continued drop in the level of the Stoney Creek Reservoir and the limited availability of other sources of water for the City's water system require the City Council to control and restrict the use of water in order to conserve area water resources and in order to protect the health, safety and welfare of the citizens of the City and City customers in Bedford County.

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

Section 1. Finding of an Emergency. The City Council hereby declares pursuant to Section 15.2-924 and Section 44-146.21 of the Code of Virginia, 1950, as amended that a water supply emergency exists, due to extreme drought conditions in the City and the surrounding area and throughout the Commonwealth, and due to the current water levels of the City's water supply sources for its public water system and the anticipated demand in the immediate future, and that there is a need to control and restrict the use of water within the City and the City water supply system during this emergency.

Section 2. Emergency Restrictions.

A) The following mandatory water restrictions shall apply immediately upon enactment of this Ordinance and shall remain in effect until modified or changed under the provisions set forth herein or by further action of the City Council:

- 1) ***Lawns, flowers, trees, shrubs and gardens.*** Watering shrubbery, trees, lawns, grass, flower gardens, and other vegetation is prohibited, except (a) indoor plantings may be watered; (b) greenhouse or nursery stock may be watered; (c) new plants may be watered at the time of planting and once a week for five weeks afterwards; (d) plants and shrubs may be watered as needed to sustain plant life utilizing watering cans or similar containers

that have a capacity of five or fewer gallons; and (e) vegetable gardens may be watered once a week, prior to 10:00 a.m. in order to avoid evaporation.

2) ***Golf Courses:*** Watering of greens is permitted between 8 p.m. and 8 a.m. All other watering is prohibited at all times.

3) ***Fountains:*** Operation of or introduction of water into any ornamental fountain, pool or pond, or other structure making a similar use of water, except as needed to maintain aquatic life is prohibited.

4) ***Paved areas and buildings.*** The washing of outside areas such as streets, driveways, parking lots, or service station aprons, and the washing of the exterior of office buildings, houses, apartments, similar outdoor structures is prohibited except where required for health and safety requirements. Washing exterior surfaces of a building for the purpose of preparing for painting by hand washing or by licensed commercial pressure washers is permitted.

5) ***Vehicle Washing.*** The washing of automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment is prohibited, except for commercial washing facilities approved by the City Manager which operate with high pressure, low consumption equipment or with a recycling system. Any facility operating with such a system shall display in prominent public view a notice approved by the City Manager or his designated representative stating that such a system is operating under the provisions hereof. The City Manager may curtail the hours of operation of commercial enterprises offering such services or washing their own equipment.

6) ***Swimming pools.*** Filling of swimming pools is prohibited at all times, with the exception of pools used by health care facilities for patient care and rehabilitation, which are permitted to operate under normal conditions. New or repaired pools may be filled as needed to maintain the instructional integrity of the pool. Indoor pools may be filled as necessary to ensure swimmer health and safety.

7) ***Fire hydrants.*** The use of water from fire hydrants for any purpose other than fire suppression or other public emergencies is prohibited.

8) ***Restaurants.*** Drinking water shall not be served in restaurants, cafeterias or any other food establishment unless requested by the customer or patron.

(B) The provisions of this Ordinance shall apply to all users and customers of water supplied and distributed by the City of Bedford within its boundaries. The restrictions also shall apply to all other users of surface and ground water in the City of Bedford, including water drawn from of wells on private property. The City Manager shall promulgate necessary

rules and regulations to provide similar restrictions upon water usage by customers of the City water system outside the City limits, which shall include provisions for warning tickets to be issued by designated water conservation offices and enforcement by surcharges of \$50 per day and termination of services for multiple violations.

(C) The provisions of this Ordinance shall not apply to any governmental activity, institution, business, or industry which shall be declared by the City Manager, upon a proper showing, to be necessary for the public health, safety and welfare or for the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the City Manager may appeal his decision to the City Council.

Section 3. Violations, penalties and enforcement.

A) It shall be a violation of this Ordinance for any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity to use water or to allow or to cause the use of water in violation of the provisions of this Ordinance. The provisions herein for conservation, restriction upon use, allocations and penalties may be imposed on any water user or customer in whose name the water service is listed and in appropriate circumstances on the person or entity in control of the property in question.

B) The provisions of this Ordinance shall be enforced by members of the police department. The City Manager may also designate such specified employees of the Department of Community and Economic Development and of the City Public Works Department as water conservation officer as may be necessary for patrolling, issuing warnings and notices to water users who are in violation of restrictions and conditions set forth in this Ordinance.

C) For the first offense, violators within the City of Bedford shall receive a written warning delivered in person or posted at the front door of the residence. A Civil fine of \$50 per day for residential users and \$100 per day for institutional, commercial or industrial users is hereby imposed for second and subsequent violations of this Ordinance after delivery or posting of the written warning. Each violation by a person, including a second or subsequent violation on the same day following an earlier notification of the same violation, shall constitute a separate violation.

D) Civil Penalties shall be assessed by delivering or mailing to the water customer or user a Notice of Violation, which Notice shall provide an opportunity for the water customer or user to appeal the Civil penalty. All appeals shall be delivered in writing to the Director of the Department of Public Works within five days of the date of service of the Notice of Violation. The Director shall determine whether the penalty was properly

assessed and within five days of the appeal notify the complaining person in writing of his determination. The customer or user may appeal the decision of the Director by delivering a written appeal to the City Manager within five business days of the decision of the Director. The City Manager shall review any appeal and shall render a final decision within five days of receipt of the appeal to him. The decision of the City Manager shall be final, but the City Manager may waive the penalty if he determines that the violation occurred due to no fault of the person assessed with the penalty.

E) All Civil penalties imposed hereunder shall be due and payable within ten days of delivery of the Notice of Violation or within ten days of the conclusion of appeals set forth herein above; unpaid fines shall be billed and collected as additional water charges on the violator;s next water bill.

F) The City Manager is authorized further to provide that failure to pay any civil penalty after thirty (30) days or multiple (more than one) violations of this Ordinance may subject the user to immediate cut off of water service and that service will not be resumed until all bills, civil penalties, plus a \$50 turn-on fee are paid. The City Manager is further authorized and directed to enforce the terms of this Ordinance by utilizing in addition to Civil penalties and termination of service such other remedies as may be available under law and deemed necessary by him to conserve the City's water supply, including but not limited to the institution of proceedings for injunctive relief or appropriate legal proceedings.

Section 4. Notification of End of Water Emergency.

When the City Manager has made a determination that there has been significant rainfall resulting in an increase in the water levels of the streams supplying the City Water System and resulting in a raising of the water level in the Stony Creek Reservoir to the spillway and, in his opinion, the water emergency no longer exists, he shall so notify the City Council. Upon concurrence of the City Council, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media over the City Website.

Section 5. Notice.

Notice of these public water use restrictions shall be published once in the ***Bedford Bulletin***, and additional notices shall be given with each water bill and on the City Website during the time while the restrictions are in force.

Section 6. Severability. The provisions of this Ordinance are severable, and the unenforceability of any provision in this Ordinance, as determined by a Court of competent jurisdiction, shall not affect the enforceability of any other provisions in this Ordinance.

Section 7. Effective Date. The City Council declares that an emergency exists, that this Ordinance shall take effect without publication or posting pursuant to Section 2-54 of the City Code, and this Ordinance shall be in full force an effect after its adoption, except the provisions authorizing enforcement by civil penalties shall not be affected until one week has elapsed after the Ordinance has been published pursuant to the provisions of Section 19 of the City Charter.

Mayor Tharp adjourned the meeting at 8:00 p.m.