

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., November 27, 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 an adjourned Council meeting held on November 8, 2007, and the minutes of a regular Council meeting held on November 13, 2007, were approved as distributed.

City Manager Kolakowski reported on the following:

- Annual Christmas Parade will be held on December 1, 2007, beginning at 11:00 a.m.
- The water level at the Stoney Creek Reservoir is 30 inches below the spillway – the water level is improving about ½ inch per day.

Councilman Vest, Chairman of the Finance Committee, stated the Committee met earlier in the evening regarding the FY 2007 Audit Report. Further review of the report is necessary.

Mr. Billy Robinson, Brown Edwards & Company, presented the FY 2007 Audit Report to City Council. Mr. Robinson stated the results of the audit were that his company had an “unqualified opinion”, which is the highest level of assurance that can be placed on a set of financial statements.

Mayor Tharp commended the staff on the work they have done in getting all of the information organized.

The City Manager stated that in November 2000 the City Council and the Board of Supervisors adopted resolutions creating a jointly sponsored tourism program. As part of this program, the City and County jointly acquired properties from Elizabeth Key and from the D-Day Memorial Foundation and put the properties together for the Welcome Center site. The Welcome Center was financed by a City bond, one-half of the cost of defraying the bond being reimbursed to the City by the County. Mr. Kolakowski said that the Welcome Center property is bounded on the west by Tiger Trail which is the road serving the Bedford Elementary School. The City still complete title to a small strip of the school property, which lies between Tiger Trail and the other properties of the Welcome Center, which are owned jointly by the County and City. A re-subdivision plat

of the Welcome Center property was prepared in October 2003, which combines all of the Welcome Center property including the small strip, into one lot. In order to have this plat recorded in the deed books, it is necessary for the City to convey a one-half interest in the small strip of property to the County.

The City Manager reported that City Council in 2003 held a public hearing and approved conveyance of the property, but the land has not been conveyed. A deed has been prepared to convey a one-half interest in the property and an ordinance has been posted authorizing the Mayor and Clerk to execute the deed, which refers to the re-subdivision plat.

City Manager Kolakowski stated that members of Council had copies of the ordinance including a minor change on the last page making the ordinance effective when an appropriate resolution of acceptance is approved by the Bedford County Board of Supervisors.

Councilman Padgett moved that the ordinance be adopted. Councilman Stanley seconded the motion.

Vice Mayor Wandrei stated he thought the wording would be “an appropriate acceptable resolution.”

City Attorney Berry stated that if he prepared a resolution and presented it to the County and if they would not accept that, he would bring this matter back to Council.

The motion was then voted upon and carried unanimously by a roll call vote:

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

The ordinance follows as adopted:

Ordinance No. 07-20

**AN ORDINANCE AUTHORIZING CONVEYANCE
OF A ONE HALF INTEREST OF REAL ESTATE
FROM THE CITY OF BEDFORD TO BEDFORD COUNTY
TO BECOME PART OF THE “BEDFORD AREA
WELCOME CENTER” AND AGREEING TO
COMBINATION OF JOINTLY OWNED
TRACTS INTO ONE PARCEL CONTAINING 3.3948 ACRES**

WHEREAS, portions of the “Bedford Area Welcome Center” property were conveyed to the City of Bedford and to Bedford County by a deed from the National D-Day Memorial Foundation, Inc. dated August 231, 2001 and recorded in the Clerk’s Office of the circuit Court of Bedford County, Virginia as Instrument No. 010001741 and by a deed from Elizabeth D. Key dated March 2003 and recorded in the aforesaid Clerk’s Office as Instrument No. 030005884; and

WHEREAS, the remainder of the real estate comprising the Bedford Area Welcome Center, lying between the aforesaid properties already owned jointly by the municipalities and a private road known as Tiger Trail which serves as access to Bedford Elementary property, is owned in fee simple by the City of Bedford; and

WHEREAS, the City of Bedford desires to convey a one-half interest in said real estate to Bedford County so that all of the properties comprising the Bedford Area Welcome Center will be owned jointly by the two jurisdictions as contemplated in the organizational ordinances and agreement; and

WHEREAS, the City Council, pursuant to the statutes made and provided for approval of conveyances of real estate, held a public hearing on October 28, 2003, after public notice of such hearing was advertised once in the Roanoke Times and the Lynchburg News and Advance at least seven days prior to the public hearing, and on that date the City Council approved the conveyance to Bedford County of a one-half undivided interest in the said strip of land between the other jointly owned properties and Tiger Trail and the City Council approved the elimination of all interior lot lines and the combination of the lots into one lot containing 3.3948 acres as designated on a plat of survey entitled “Re-subdivision Plat Creating Bedford Area Welcome Center Burks Hill Road,” dated October 24, 2003, prepared by Wiley & Wilson, Architects, Engineers, Planners of Virginia Beach, Virginia, a copy of which is attached to this deed; and

WHEREAS, a deed of conveyance has not been executed to transfer title of the one half interest to the County of Bedford, and the City Council desires to confirm its action of October 28, 2003 and by ordinance to direct that the conveyance be made at this time.

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

Section 1. The City Council hereby authorizes the conveyance to the County of a one-half interest of the following real estate:

All that certain real estate calculated to contain 0.980 acres located in the City of Bedford, Virginia, shown on a plat entitled "Re-subdivision Plat Creating Bedford Area Welcome Center-Burks Hill Road," dated October 24, 2003, prepared by Wiley & Wilson, Architects, Engineers, Planners of Virginia Beach, Virginia, and being that portion of the 3.4022 acres designated on said plat as "Bedford Area Welcome Center," which is owned solely by the City of Bedford and which is more particularly described as follows:

Beginning at the southwest corner of the Bedford Area Welcome Center lot as shown on said plat at an iron pin set in the edge of Tiger Trail; thence running along the southeastern boundary line of Tiger Trail as shown on said plat along the arc of a curve to the left, having delta of 31° 12' 19" and a radius of 402.50 feet, an arc distance of 219.22 feet to an iron pin set in Tiger Trail; thence continuing along the southeastern edge of Tiger Trail N. 28° 56' 54" E. 125.07 feet to another iron pin; thence continuing along the arc of a curve to the right having a delta of 50° 21' 23" E. and a radius of 126.50' an arc distance of 111.18' to a pin set in the edge of said private street; thence running S. 40° 17' 35" E. at a distance of 265.95' to an iron pin thence S. 36° 47' 39" E at a distance of 152.49 to a point at Burks Hill Rd., thence N40° 17' 35" W 360.54 feet to a point thence running S. 28° 14' 00" W. 117.33' along the northern boundary line of the jointly owned property to an iron pin; thence running S. 28° 14' 00" W at a distance of 168.78 feet to an iron pin; thence running S. 57° 59' 42" W. 178.04 feet to an iron pin; and thence running N. 32° 00' 18" W. 82.05 feet to the beginning.

The real estate consists of portions of property conveyed to the City of Bedford, Virginia by a deed from Ossie Bell Carter by a deed dated December 19, 19868 and recorded in the Clerk's Office in Deed Book No. 637, at page 831, and a portion of property conveyed to the City of Bedford, Virginia, by Kathleen D. Johnson by a deed dated December 19, 19886, and recorded in Deed Book No. 638, at page 697.

Section 2. The Mayor and the City Clerk are hereby authorized to execute the proposed deed conveying the real estate with General Warranty and English Covenants of Title, and the Mayor shall be authorized to deliver the deed to the County of Bedford.

Section 3. This Ordinance shall be in force and effect upon passage of an appropriate resolution of acceptance by the Bedford County Board of Supervisors.

City Manager Kolakowski stated that on August 14, 2007, Council authorized the conveyance of the City's interest in the Museum property at the corner of East Main Street and Court Street to Bedford County. The City Attorney has prepared a deed conveying a one-half interest to the County, and the County Attorney has notified him that the County administration has reviewed the deed and believes that it is in proper

form. The City Manager reported that an Ordinance authorizing the execution of the deed and the conveyance of the one-half interest to Bedford County has been posted in accordance with the City Code.

On motion by Councilman Vest, seconded by Councilman Padgett, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance regarding the Museum property. 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 ordinance follows as adopted:

Ordinance No. 07-21

**AN ORDINANCE AUTHORIZING THE CONVEYANCE
TO THE COUNTY OF BEDFORD OF THE CITY'S
ONE-HALF INTEREST IN THE CITY/COUNTY
MUSEUM BUILDING AND LOT LOCATED
AT THE CORNER OF COURT STREET AND
EAST MAIN STREET**

WHEREAS, the City Council, on August 14, 2007, held a public hearing upon proposed conveyance to Bedford County of the City's interest in the Museum building and lot, after due notice of such hearing had been posted in the Bedford Bulletin on August 1, 2007, and the City Council on August 14, 2007 approved said conveyance; 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, the City Attorney has prepared a deed conveying the one-half interest to the County of Bedford subject to the existing lease with the City/County Museum and subject to the terms of an easement granted to the Commonwealth of Virginia, Board of Historic Resources;

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

Section 1. The City Council hereby authorizes the conveyance to the County of the one-half interest in the following real estate:

All that certain lot or parcel of land, together with the buildings and improvements thereon and the privileges and appurtenances thereunto belonging, situate in the City of Bedford, Virginia, on the northeast intersection of East Main Street adjoining Court Street on the West, East Main Street on the South, the property of the City of Bedford on the East, and a 20 foot alley on the North, having a total frontage on East Main Street of 103.2 feet and having a uniform depth of 116 feet on both the West (along Court Street) and the East (along the boundary of the City of Bedford property) and having a width of 102.5 feet along the rear or northern boundary which extends along a 20-foot alley and being known as the "Masonic Lodge Property", and being all of the real estate composed of a number of parcels or land acquired by the Trustees of Liberty Lodge No. 95 of the Ancient Free and Accepted Masons by the following deeds:

(1) A portion of the "Modoc" lot fronting 56 feet 2 inches on Main Street and running back between parallel lines on Court Street 45 feet, acquired from Bedford City by a deed dated January 18, 1895, recorded in the aforesaid Clerk's Office in Deed Book 73, at page 22.

(2) "Lot No. 2" of the Ferguson Survey fronting 28 feet 5 inches on Main Street and running back 116 feet, acquired from Robinson, Tate & Company, a partnership, et al, by deed dated January 15, 1903, recorded in the aforesaid Clerk's Office in Deed Book 84, at page 74.

(3) A parcel fronting 18 feet on East Main Street and extending back a distance of 116 feet, as shown on plat of record in Deed Book 131, at page 638, acquired from James Musgrove, unmarried, by deed dated April 22, 1921, of record in the aforesaid Clerk's Office in Deed Book 131, at page 636.

(4) A strip or parcel 18 inches wide extending along the eastern boundary of the "Town's Property" known as the "Modoc" lot acquired from the Town of Bedford by deed dated April 25 1921, of record in the aforesaid Clerk's Office in Deed Book 131, at page 638.

(5) The residue of the "Modoc" lot acquired from the Town of Bedford by deed dated July 31, 1930, of record in the aforesaid Clerk's Office in Deed Book 159, at page 203, together with all right, title, and interest in and to a

“20’ alley” that lies immediately to the rear of the subject real estate and which is more particularly mentioned and described in Item No. (3) above.

Together with all right, title, and interest, whatever the same may be, in and to that certain 20-foot alley which lies north of the real estate herein conveyed.

Section 2. The Mayor and the City Clerk are hereby authorized to execute the proposed deed conveying the real estate with General Warranty and English Covenants of Title, and the Mayor shall be authorized to deliver the deed to the Bedford County.

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

The Mayor stated that a portrait unveiling of Nanci Drake will be held on November 30 at 2:00 p.m. at the Welcome Center. Members of Council are invited to attend.

Mayor Tharp adjourned the meeting at 7:45 p.m.