

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., March 25, 2008.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman C. G. Stanley, Jr.; and Councilman James A. Vest.

Members absent: Councilman Jeffrey B. Hubbard; Councilman Thomas M. Padgett; and Vice Mayor Robert T. Wandrei.

Staff present: City Manager Charles P. Kolakowski; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

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

Mayor Tharp declared that the minutes of an adjourned Council meeting held on March 11, 2008, and a regular Council meeting held on March 11, 2008, were approved as distributed.

City Manager Kolakowski reported on the following:

- April 12 – Family Festival 2008 – “Safe to be a Kid Day,” sponsored by the Bedford County Department of Social Services – 10:00 a.m. – 3:00 p.m. at the Bedford Armory – City departments will be there to help
- City Information Technology Department and the Electric Department were able to finish the connection and Liberty High School is now on the high-speed Internet system
- Blue Ridge Bagels (in the old Fisher’s Restaurant) held its grand opening on March 24.

Councilman Vest stated that he was very distressed at the budget shortfall as presented at the last Council meeting. Mr. Vest stated that the City has uncertainties on the school funding, reductions in monies from the State, and the City must raise the electric rates because of the power adjustment clause. Councilman Vest stated that as Council prepares the budget for 2008-09, he will not be in favor of increasing real estate taxes. Mr. Vest stated that the City needs to come up with different solutions as people are having difficult times paying for electricity, fuel and gasoline.

Councilwoman Flood reported that the Electric Committee met earlier in the evening to discuss the rate increases that have been imposed on the City for the delivery of electric power.

City Manager Kolakowski reviewed the following Public Hearing Notice:

## PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by City Council at 7:30 p.m. on Tuesday, March 25, 2008 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- To consider an amendment to the City of Bedford Land Development Regulations by adding to Section 301 a definition for “crisis center” and adding a new conditional use to General Business Section, B-2, Section 609.03 as Section e. of the City of Bedford Land Development Regulations by adding “crisis centers. The request is being made by the City of Bedford Planning Commission.
- To consider a conditional use request to allow a crisis center in a B-2, General Business District, Tax Map #191-A-1. The request is being made by Otey Street Properties, LLC, P.O. Box 488, Bedford, VA 24523.
- To consider eliminating the maximum height requirements set forth in the applicable Land Development Regulations pertaining to General Business District (B-2), Manufacturing District (M-1) and Workplace Campus District (WCD). The request is being made by the City of Bedford Planning Commission.

Information regarding these requests is on file in the office of Planning & Community Development.

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

Mayor Tharp opened the public hearing regarding an amendment to the City of Bedford Land Development Regulations to allow a crisis center as a conditional use in B-2 at 7:35 p.m.

The City Attorney suggested in Section 2, paragraph e, of the proposed ordinance that the following be added: “Crisis Centers *in existing residential structures.*” Mr. Berry stated that would assure the Council that no additional residential structures are built in a commercial zone to fit this class – that it would only be in existing structures.

As there were no further comments, the Mayor closed the Public Hearing at 7:36 p.m.

Mayor Tharp opened the public hearing to consider a conditional use request to allow a crisis center in a B-2, General Business District at 7:36 p.m.

Bart Warner, Director of Planning & Community Development, stated the staff recommends that one of the additions associated with the conditional use request would be as follows:

That a memorandum of agreement be executed between the City and Bedford County and the County Department of Social Services providing that the residents of a proposed crisis center for purposes of definition shall be residents of the jurisdiction to which they belonged prior to their occupation of the center.

As there were no further comments, the Mayor closed the public hearing at 7:37 p.m.

Mayor Tharp opened the public hearing for consideration of amending the Land Development Regulations to remove height restrictions in certain zoning districts at 7:37 p.m.

As there were no comments, the Mayor closed the public hearing at 7:37 p.m.

The following individuals gave presentations regarding FY 2008-09 budget requests for their organizations:

- ARC of Central Virginia – Karen Wilder, Executive Director - \$3,204
- Blue Ridge Legal Services - John Whitfield, Executive Director - \$1,160
- CASA of Central Virginia – Jane C. Francis, Executive Director - \$5,000
- Central Virginia Area Agency on Aging – Daniel L. Farris, Executive Director - \$9,270
- Bedford Habitat for Humanity – Robert Cornell, President - \$3,000

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the ordinance amending the Land Development Regulations regarding crisis centers, as amended. Roll call vote follows:

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

The ordinance follows as adopted:

**Ordinance No. 08-04**

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS BY DEFINING A “CRISIS” CENTER FOR EMERGENCY TRANSITIONAL HOUSING OF BATTERED SPOUSES OR CHILDREN AND BY PROVIDING FOR A CRISIS CENTER AS A CONDITIONAL USE IN A B-2 ZONING DISTRICT**

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

**Section 1.** Section 301 of the City of Bedford Land Development Regulations is amended and re-enacted by adding the following definition:

Crisis Center. A residential facility providing temporary protective sanctuary and special accommodations for victims of crime or abuse, including emergency transitional housing during crisis intervention for individuals such as battered spouses or children in need of services, but not including “group homes” as defined by Virginia Code Section 15.2-2291.

**Section 2.** Section 609.03 of the City of the Bedford Land Development Regulations is amended and re-enacted to include the following additional conditional use in a B-2 district:

e. Crisis Centers in existing residential structures subject to conditions including provisions that such conditional use permits shall expire automatically upon a change of ownership of the property, a change in possession, a change in operation or management of the facility, or upon the passage of a specific period of time.

**Section 3.** This ordinance is effective upon publication or posting as required by Section 19 of the City Charter.

Mayor Tharp indicated that the next agenda item was consideration of a conditional use request to allow for the operation of a crisis center on the parcel of land identified as Tax Map #191-A-1.

Mr. Warner stated that conditions are noted in the memorandum related to the previous item with two additional conditions: (1) that the proposed use operate for no longer than five years (2) that a memorandum of agreement be executed between the City and the County and the Bedford County Department of Social Services providing that all crisis center residents shall be considered residents of the jurisdiction to which they belonged prior to their occupation of the crisis center.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council approved the conditional use request. Roll call vote follows:

Councilman Hubbard	absent
Councilman Padgett	absent
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	absent

Councilwoman Flood	aye
Mayor Tharp	aye

Mayor Tharp stated that the next agenda item was consideration of amending the Land Development Regulations to remove height restrictions in certain zoning districts.

On motion by Councilman Stanley, seconded by Councilman Vest, voted upon and carried, Council adopted the ordinance amending the Land Development Regulations regarding height restrictions. Roll call vote follows:

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

The ordinance follows as adopted:

**Ordinance No. 08-05**

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT  
REGULATIONSTO ELIMINATE THE MAXIMUM HEIGHT RESTRICTIONS  
IN THE B-2, M-1 AND WCD DISTRICTS**

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

**Section 1.** Section 802 of the City of the Bedford Land Development Regulations is amended and re-enacted as follows:

802. Maximum Height Restrictions

- a. There shall be no restriction upon the height of buildings or structures in the general business district (B-2), the Manufacturing District (M-1), and the Workplace Campus District (WCD).
- b. In all other zoning districts, no building or structure shall be erected to a height of more than forty (40) feet measured from the average level of the ground adjacent to the front exterior wall, except as provided in paragraph (c) and (d) herein below.
- c. Industrial and public and semi-public uses including uses similar in character to public places of worship, libraries, museums, schools and courthouses may be erected to a height of fifty (50) feet, provided that for each foot of height over

forty (40) feet, one additional foot of all yard setback distances shall be required.

- d. Chimneys, water, fire, radio and television towers, church spires domes cupolas, cooling towers, elevator bulkheads, smokestacks, flag poles, silos, granaries, windmills, and similar structures and their necessary mechanical appurtenances may only be erected above the height limits herein established with the specific approval of the Zoning Administrator. For structures exceeding 200 feet in height, prior written approval from the Federal Aviation Administration is also necessary.

**Section 2.** This ordinance is effective upon publication or posting as required by Section 19 of the City Charter.

The next item on the agenda was consideration of an ordinance amending the Electric Tariff to include a power cost adjustment.

Councilwoman Flood moved that Council accept the ordinance with the added policy that calls for a review on a semi-annual basis. The motion was seconded by Councilman Vest, voted upon and carried by roll call vote:

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

The ordinance follows as adopted:

**Ordinance No. 08-6**

**AN ORDINANCE AMENDING THE ELECTRIC TARIFF OF THE CITY OF BEDFORD TO INCLUDE A POWER COST ADJUSTMENT**

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

**Section 1.** The electric tariff of the City of Bedford is hereby amended and re-enacted to include the following additional schedule PCA:

CITY OF BEDFORD VIRGINIA  
SHCHEDULE P.C.A.  
(Power Cost Adjustment)

**APPLICABILITY:**

This clause is applicable to and becomes a part of each electric rate schedule except Schedule O.L.

**FORMULA:**

The amount charged for each KWh of energy sold by the City of Bedford may be increased or decreased in accordance with the following:

Where:

$$PCA = \frac{C - (B \times P)}{S}$$

PCA = Power cost adjustment factor.

C = The estimated total cost of power in dollars to be purchased by the City of Bedford for the twelve-month period. Corrections for past deficiencies or surpluses in revenue, including revenue from hydro generation, will be reflected in this estimate.

P = The estimated total kilowatt-hours to be purchased by the City of Bedford for the twelve-month period.

S = The estimated total kilowatt-hours to be sold by the City of Bedford for the twelve-month period.

B = The average cost of wholesale power per kilowatt-hour purchased by the City of Bedford which is recovered in the City of Bedford's retail rate schedules.

The PCA factor shall be computed according to the above formula for a twelve-month period beginning January of each calendar year. Should it appear at any time during the twelve-month period that continued use of the PCA factor then in effect for the remainder of the twelve-month period will result in a substantial under recovery or over recovery of the power cost, the City of Bedford may modify the existing PCA factor to recover the applicable power cost more accurately.

The initial PCA as of April 1, 2008, shall be \$0.00817 per KWh.

Power cost and kilowatt-hours used in the above formula may exclude such quantities applicable to certain customers billed under rate schedules not subject to the PCA factor.

**Section 2.** This ordinance is effective as of April 1, 2008 and shall apply to all billings from and after that date.

Mayor Tharp adjourned the meeting at 8:10 p.m.