

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., April 8, 2008.

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 March 25, 2008, were approved as distributed.

City Manager Kolakowski reported on the following:

- Introduced Mr. Jeff Weddle, new Director of Public Services

Mayor Tharp stated that the City had released a statement to the press earlier in the day indicating the City is entering into a formal study with the County of Bedford to study the possibility of transition from city status to town status. The Mayor stated it is Council's obligation to look at every possible option open so that Council can govern most efficiently at the least possible cost.

Councilman Vest reported that the Finance Committee met earlier with Mr. Cole of Davenport & Company. Davenport & Company will be presenting a capital projects funding module to Council to review at the next meeting.

Mayor Tharp opened the public hearing regarding amending the location of the Central Absentee Precinct at 7:33 p.m.

The Public Hearing Notice follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the City Council of the City of Bedford, Virginia, in the Council Chambers in the Municipal Building at 215 East Main Street, Bedford, Virginia, on April 8, 2008, at 7:30 p.m., to consider an ordinance:

Changing the location of a Central Absentee Precinct from the Bedford Area Welcome Center located at 816 Burks Hill Road to the City of Bedford Municipal Building at 215 East Main Street, Bedford, Virginia.

Individuals, whether in favor of or opposed to the ordinance will have an opportunity to express their views at this hearing.

By the Authority of the City of Bedford
City Council

Ms. Randi Herrick, City Registrar, stated the request for the change in location was a matter of convenience for the precinct workers. The request must be submitted to the Department of Justice.

As there were no further comments, the Mayor closed the public hearing at 7:34 p.m.

The City Manager reviewed the Consent Agenda, which consisted of the following item:

- Request by the Bedford Area Chamber of Commerce that City Council authorize the closure of one block of South Street (the block from First Citizens Bank on the corner of East Main Street to Washington Street) from 4:30 p.m. to 7:30 p.m. on Thursday, April 24, 2008, for the “Business After Hours South Street Block Party.” The hosts for this event include First Citizens Bank, Shops on Lawyers Row & Proprietors’ Group of Bedford and co-support host the National D-Day Memorial.

On motion by Councilman Stanley, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council approved 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

On motion by Councilman Stanley, seconded by Councilman Vest, voted upon and carried unanimously by a roll call vote, Council adopted the Ordinance amending the location of the Central Absentee Precinct. 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. 8-07

**AN ORDINANCE AMENDING THE LOCATION
OF A CENTRAL ABSENTEE PRECINCT PURSUANT
TO VIRGINIA CODE SECTION 2-453 FROM THE
BEDFORD AREA WELCOME CENTER LOCATED
AT BURKS HILL ROAD TO THE CITY OF BEDFORD
MUNICIPAL BUILDING AT 215 EAST MAIN STREET**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
BEDFORD:**

Section 1. Section 2-453 of the City Code is amended and re-enacted as follows:

Section 2-453. Central Absentee Voter Precinct

Pursuant to Virginia Code Section 24.2-712, there shall be a Central Absentee Voter Precinct located at the Bedford City Municipal Building at 215 East Main Street for the purposes of receiving, counting and recording absentee ballots cast in the City Bedford. The Central Absentee Voter Precinct shall be used for all elections.

Section 2. This ordinance shall take effect on July 1, 2008, and only upon approval by the United States Department of Justice. If such approval is received on or before July 1, 2008, the Ordinance shall take effect upon July 1, 2008. If such approval is received after July 2008, such ordinance shall take effective only upon the date of approval by the United States Department of Justice and only if such approval is received at least 60 days prior to the general election on November 8, 2008.

The City Manager stated that the Bedford City Treasurer is charged by law with collecting utility bills for the City. The most effective means of collection of delinquent utility bills is usually the sending of a notice threatening to cut off services if delinquent charges are not paid within a certain period of time. Mrs. Debbie Roberts, City Treasurer, reports that there remain a substantial number of accounts that simply cannot be collected in this manner and that contracting with a collection agency or attorney in many cases will be the most efficient way to address these accounts.

City Manager Kolakowski reported state law provides that the City can recover a collection fee of up to twenty (20) percent of each delinquent account. By providing for such a collection fee, the City can contract to collect such accounts and can place the cost

of collection on the responsible party. The City Manager said that the City Attorney has drafted an ordinance providing that such collection fees can be added to the delinquent bill when the treasurer uses such third parties for collection. The Ordinance has been posted in accordance with City Code provisions.

On motion by Councilman Padgett, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, City Council adopted an ordinance providing for collection fees for collection of delinquent utility accounts. 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 ordinance follows as adopted:

Ordinance No. 8-08

**AN ORDINANCE PROVIDING FOR A COLLECTION FEE FOR
COLLECTIONS OF DELINQUENT UTILITY ACCOUNTS**

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

Section 1. A new section is added to the City Code providing for a fee for collection of delinquent utility fees as follows:

Sec. 58-170. Collection fee for delinquent utility accounts.

If utility fees for water, sewer or electric services provided by the City are not paid when due and remain delinquent in excess of sixty (60) days, then the Treasurer may turn such account over for collection to an attorney or collection agency and in such case a reasonable attorney's fee or collection agency's fee which shall not exceed twenty (20) percent of the delinquent bill shall be due in addition to interest and penalties. (Code of Va § 15.2-2119)

Section 2. This ordinance is effective upon enactment.

The City Manager reported that various State statutes provide that the governing body may provide an ordinance for the recovery of reasonable attorney's fees or collection agency fees when the City contracts for collection of delinquent taxes and license fees. The City Treasurer, Debbie Roberts, has asked that an ordinance be enacted to provide for such charges when taxes and license accounts are turned over for collection.

City Manager Kolakowski indicated that current State law provides that the treasurer may enter into agreements for collection of taxes that are delinquent for over six (6) months with the approval of the local governing body. Accordingly, the treasurer will have to come back to the City Council for its approval of any actual contracts for collection of delinquent tax accounts. Enacting an ordinance allowing for the charges is the first step in order to enable the treasurer to negotiate a contract for collection of delinquent accounts, which will include a provision for passing the costs of collection on to the delinquent customers. The City Manager said the ordinance has been posted in accordance with City Code requirements.

On motion by Councilman Vest, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted an ordinance providing for collection fees for collection of delinquent taxes. 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. 8-09

**AN ORDINANCE PROVIDING FOR A COLLECTION FEE
FOR COLLECTION OF DELINQUENT TAXES**

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

Section 1. Section 54-106 of the City Code is amended and re-enacted as follows:

Sec. 58-106. Penalties for failure to pay when due.

- (a) Any person who shall fail to pay to the city treasurer, on or before September 30, December 31, March 31 and June 5, of each year, the quarterly installments of real estate taxes due and payable on or before such

dates, respectively, as provided by this article; and any person who shall fail to pay to the city treasurer on or before December 5 of each year the personal property, machinery and tools and merchants' capital tax due and payable on or before such date, shall pay a penalty of ten percent on the amount of such unpaid installments or tax, as the case may be. Interest at the rate of ten percent per annum shall be collected upon the principal and penalties of all such taxes and levies remaining unpaid from the date now fixed or hereafter fixed by general law. (Code 1984, Section 22-24)

- (b) If any taxes or local license fees due the City are not paid when due and remain delinquent in excess of sixty (60) days and the city treasurer has turned such delinquent taxes over to an attorney or collection agent under general law, a reasonable attorney's or collection agency's fee actually contracted for not to exceed twenty (20) per cent of the delinquent taxes and other charges so collected shall be due in addition to interest and penalties. (Code of Va. Section 58.1-3916)

Section 2. This ordinance is effective upon enactment

City Manager Kolakowski stated the City recognizes the valuable role senior citizens play in the Bedford community and would like to pay tribute to them in declaring the month of May as Older Americans' Month and supporting the Elderfest celebration to be held on May 1 and 2, 2008, which is a special event to honor senior citizens.

On motion by Councilman Padgett, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted the resolution in support of Older Americans' Month and the Elderfest celebration. 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:

**RESOLUTION
IN SUPPORT OF OLDER AMERICANS' MONTH
AND ELDERFEST CELEBRATION**

WHEREAS, the City of Bedford recognizes and appreciates the vital role that our senior residents provide in our community; and

WHEREAS, communities such as Bedford desire to recognize their senior citizens by proclamation of the month of May as Older Americans' Month; and

WHEREAS, the City of Bedford plans to recognize and honor the importance of Older Americans' Month and our senior citizens with the Elderfest celebration to be held on May 1 and 2, 2008 and

WHEREAS, the Bedford City Department of Parks and Recreation will proudly host the Elderfest celebration in honor of our senior citizens and in recognition of Older Americans' Month;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Bedford hereby resolves that the month of May 2008 be recognized as Older Americans' Month, and that the City supports the Elderfest celebration to be held to honor and celebrate our senior citizens.

Councilman Hubbard moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel concerning potential litigation. Councilman Vest seconded the motion. The motion was voted upon and carried by the following roll call vote:

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

Council adjourned into closed session at 7:40 p.m. The following non-council members attended: City Manager Kolakowski, City Attorney Berry, and Assistant City Manager Warner.

Council reconvened into open session at 8:14 p.m.

The Clerk of Council read aloud the following resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

On motion by Councilman Hubbard, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the resolution. 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

Mayor Tharp adjourned the meeting at 8:15 p.m.