

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., May 13, 2008

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard; Councilman C. G. Stanley, Jr.; Councilman Thomas M. Padgett; and Councilman James A. Vest.

Members absent: 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 a regular Council meeting held on April 22, 2008, were approved as distributed.

City Manager Kolakowski reported on the following:

- The City of Lynchburg is requesting a supporting resolution for the proposed additional Amtrak service to the Lynchburg-Washington-New York rail service. A sample resolution was given to Council to review before the next regular Council meeting.
- The Virginia Department of Transportation (VDOT) will be commencing work on the traffic signal at the exit ramp from Rt. 460 to Burks Hill Road to address the long-standing problem of vehicles attempting to make the left turn coming off of Rt. 460 and going south at that intersection. The work should be starting within the next several weeks.

Mayor Tharp reported that Gene Ratzlaff, Electric Department Director, has retired from the City. The Mayor stated that the City of Bedford Electric Operating system has undergone major upgrades and additions under his leadership. Mayor Tharp wished Mr. Ratzlaff well in his retirement.

City Manager Kolakowski stated Council is requested to adopt an ordinance which readopts and reenacts §34-2 of the City Code, incorporating by reference current provisions of the Code of Virginia dealing with traffic laws and motor vehicle operation. Failure to adopt this ordinance would mean that offenders would have to be charged under the State law rather than the City law. Any fines collected would then be payable to the State rather than to the City. The City Manager reported that the ordinance had been posted in three locations in the City, in accordance with §2-54 of the City Code.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the ordinance dealing with traffic laws. Roll call vote follows:

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

The ordinance follows as adopted:

ORDINANCE NO. 08-11

**AN ORDINANCE TO READOPT AND REENACT SECTION 34-2
OF THE CITY CODE INCORPORATING BY
REFERENCE CURRENT PROVISIONS OF
THE CODE OF VIRGINIA DEALING WITH TRAFFIC LAWS
AND MOTOR VEHICLE OPERATION**

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

Section 1. Sec. 34-2 of the City Code is hereby readopted and re-enacted as follows:

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 in Article 9 (Sec. 16.1-278 et seq) of Chapter 11 of Title 16.1, and in Article 2 (Sec. 18.2-266 et seq) of Chapter 7 of Title 18.2, of the Code of Virginia, except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the City, are hereby adopted and incorporated herein by reference and made applicable within the City. References to "Highways of the State" contained in such provisions and requirements hereby adopted, shall be deemed to refer to streets, highways and other public ways within the City. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this Chapter as fully as those set forth at length herein, and it shall be unlawful for any person, within the City, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 9 of Chapter 11 of Title 16.1 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, which are adopted by this Section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under such titles of the Code of Virginia.

Section 2. This Ordinance shall become effective on July 1, 2008, upon publication one time, immediately following its passage, in some newspaper published in the City or upon posting at three or more

public places in the City for one week, as required by Section 19 of the City Charter.

City Manager Kolakowski stated that City Council needs to approve the establishment of the amended cafeteria plan for employees effective July 1, 2008, and grant the City Manager authorization to administer the plan. The following change has been made to the current plan: 1) the extension of 2.5 months to incur qualified reimbursable expenses. The City Manager stated that Council is requested to adopt a Resolution approving the amended cafeteria plan to include reimbursement of Dependent Care and Health Care Reimbursement plans on a pre-tax basis, and give authorization to the City Manager to execute, deliver and implement the plan.

On motion by Councilman Stanley, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, Council adopted the resolution regarding the dependent care and health care reimbursement plans. Roll call vote follows:

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

The resolution follows as adopted:

Resolution

WHEREAS, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan; and

WHEREAS, that the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved; and

WHEREAS, that the undersigned further certifies that Exhibits A and B, respectively, are true copies of the City of Bedford Flexible Benefit Plan as amended and restated and the Summary Plan Description approved and adopted in the foregoing resolution; and

NOW, THEREFORE BE IT RESOLVED, that the form of amended Cafeteria Plan including a Dependent Care Assistance Program and Health Care Reimbursement Plan effective July 1, 2008, presented to this meeting

is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan;

BE IT FURTHER RESOLVED, that the undersigned Principal of the City of Bedford (Employer) hereby certifies that the following resolution was duly adopted by the Employer on May 13, 2008, and that such resolution has not been modified or rescinded as of the date hereof.

Councilman Padgett 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 Hubbard seconded the motion. The motion was voted upon and carried by the following roll call vote:

Councilman Padgett	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	absent
Councilwoman Flood	aye
Councilman Hubbard	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 8:46 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 Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

Councilman Padgett
Mayor Tharp

aye
aye

Mayor Tharp adjourned the meeting at 8:47 p.m.