

June 24, 2008

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., June 24, 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 June 10, 2008, were approved as distributed.

City Manager Kolakowski reported on the following:

- The pipeline solution on Draper Road should begin this week – approximately six residents have asked about connections to the water line.
- 4th Street storm sewer work is scheduled to begin the week of June 30 and should take about three weeks
- There are several new businesses in the City and the revenue sharing area: Billy's Barbeque Shack, coffee shop on South Bridge Street, and Sonic.

Mayor Tharp stated he would like to add a closed session at the end of the meeting regarding personnel matters.

The notice of Public Hearing follows:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the Planning Commission at 5:30 p.m. on Thursday, June 5, 2008 and by City Council at 7:30 p.m. on Tuesday, June 24, 2008 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- To consider an amendment to the General Business Section, B-2, Section 609.03 of the City of Bedford Land Development Regulations by adding tattoo parlors as a conditional use. The request is being made by the City of Bedford Department of Planning and Community Development.
- To consider a conditional use request to allow a tattoo parlor in a B-2, General Business District, Tax Map #193-1-1. The request is being made

June 24, 2008

by Linda Miller, owner of the 6C's Shopping Center on Blue Ridge Avenue, Bedford, VA 24523.

- To consider a conditional use request to allow a Croft Senior Services, Inc. office in a TNO, Traditional neighborhood Overlay District, Tax Map #233-A-1. The request is being made by Sue N. Croft, 706 Burks Hills Road, Bedford, VA 24523.

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

Anyone who is in favor of or opposed to these requests will have an opportunity to express his/her view at this hearing.

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

Mr. Warner, Director of Planning & Community Development, stated the first item of the public hearing was to solicit public comment on a proposed amendment to the Zoning Ordinance, which would specifically allow tattoo parlors as a conditional use in the General Business, B-2, zoning district. Mr. Warner reported the request was being made by the Planning Department in conjunction with the Planning Commission.

Mayor Tharp opened the public hearing regarding tattoo parlors at 7:32 p.m.

As there were no comments, the Mayor closed the public hearing at 7:32 p.m.

Mr. Warner stated that the second item of the public hearing was a conditional use request to allow a tattoo parlor at the 6C's Shopping Center. The request is being made by Linda Miller.

Mayor Tharp opened the public hearing regarding tattoo parlors at 7:33 p.m.

As there were no comments, the Mayor closed the public hearing at 7:33 p.m.

Mr. Warner reported that the third item of the public hearing was a request by Sue Croft to allow an insurance consulting business at 706 Burks Hill Road.

Mayor Tharp opened the public hearing regarding a conditional use permit at 7:34 p.m.

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

The City Manager stated that a public hearing was held earlier in the meeting to consider an amendment to the General Business Section, B-2, Section 609.03 of the City of Bedford Land Development Regulations by adding tattoo parlors as a conditional use. Mr. Kolakowski reported that the Planning Commission recommended the proposed amendment at its regular meeting on June 5, 2008.

June 24, 2008

Councilman Stanley moved that the ordinance amending Section 609.03 of the Land Development Regulations be adopted. The motion was seconded by Councilman Padgett.

Councilman Vest made a motion to amend the proposed ordinance as follows: The tattoo parlor may stay open to 11:00 p.m. in the summer and 10:00 p.m. in the winter (following the curfew hours).

Vice Mayor Wandrei pointed out that the condition for business hours was not an issue with this proposed ordinance, but should be considered under the next agenda item.

Councilman Vest withdrew his motion.

The motion to adopt the ordinance was then voted upon and carried unanimously by the following 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. 08-15

**AN ORDINANCE AMENDING SECTION 609.03 OF THE CITY OF
BEDFORD LAND DEVELOPMENT REGULATIONS**

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

Section 1. Section 609 of the Land Development Regulations of the City of Bedford, Virginia, is amended and re-enacted as follows:

Section 609 General Business District (B-2)

Section 609.03 Conditional Uses. When, after review of the application and hearing thereon, in accordance with Section 1002.03, the Council finds as a fact that a proposed use is consistent with the intent of this Ordinance and the Land Use Plan, and is in the public interest, the following uses may be permitted:

f. Tattoo parlors

Section 2. This ordinance is effective upon enactment.

June 24, 2008

Councilman Stanley moved that the ordinance granting a conditional use permit to allow a tattoo parlor at 514-D Blue Ridge Avenue be adopted per the recommendation of the Planning Commission. The motion was seconded by Councilwoman Flood.

Councilman Vest made a motion to amend the proposed ordinance as follows: that the tattoo parlor may stay open in concurrence with the curfew that the City has in place: in the summer months – 11:00 p.m. and in the winter months – 10:00 p.m.

Councilman Stanley asked if Council wanted to regulate the business hours of the tattoo parlor and not the other businesses in that shopping center.

Councilman Hubbard stated that the City does not set the business hours of other businesses and that maybe Council should not set a precedent on this.

Councilman Vest's motion died for lack of a second.

Councilman Wandrei asked if the curfew applies to adults.

Chief of Police Day said that the curfew only applies to juveniles.

Councilman Hubbard moved that the proposed ordinance be amended by removing the 12:00 midnight closing time because the City does not have this requirement for any other business. The motion was seconded by Councilwoman Flood, voted upon and carried by the following roll call vote:

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

The motion to adopt the ordinance granting a conditional use permit was then voted upon and carried by the following roll call vote:

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

The ordinance follows as adopted:

June 24, 2008

Ordinance No. 08-16

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A TATTOO PARLOR AT 514-D BLUE RIDGE AVENUE

WHEREAS, the Planning Commission of the City of Bedford held a public hearing and on June 5, 2008; and

WHEREAS, the City Council has held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204;

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

A conditional use permit is granted to allow a tattoo parlor to be operated at 514-D Blue Ridge Avenue in the 6C's Shopping Center (identified as tax parcel 193-1-1) subject to the following conditions:

1. All tattooing must take place so that it cannot be seen from the sidewalk in front of the building.

This ordinance is effective upon enactment.

The City Manager stated that Council was being asked to consider a conditional use request to allow an office to be operated by Croft Senior Services, Inc., at 706 Burks Hill Road (identified as tax parcel 233-A-1 subject to the following conditions:

1. Use and alteration of the property shall be limited to the activities described by Ms. Croft in the written materials she submitted on May 28, 2008, on file in the City Manager's Office and in the Department of Planning and Community Development.
2. The Planning Department shall be authorized to review and amend other specific provisions of the Land Development Regulations as they may affect the proposed use of the property.

On motion by Councilman Stanley, seconded by Councilman Hubbard, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance granting a conditional use permit to allow an office to be operated by Croft Senior Services, Inc., at 706 Burks Hill Road per the recommendation of the Planning Commission. Roll call vote follows:

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

June 24, 2008

Councilman Hubbard	aye
Councilman Padgett	aye
Mayor Tharp	aye

The ordinance follows as adopted:

Ordinance No. 08-17

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT
FOR AN OFFICE USE AT 706 BURKS HILL ROAD**

WHEREAS, the Planning Commission of the City of Bedford held a public hearing and on June 5, 2008; and

WHEREAS, the City Council has held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204;

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

A conditional use permit is granted to allow an office to be operated by Croft Senior Services, Inc. at 706 Burks Hill Road (identified as tax parcel 233-A-1) subject to the following conditions:

1. Use and alteration of the property shall be limited to the activities described by Ms. Croft in the written materials she submitted on May 28, 2008 on file in the City Manager's Office and in Department of Planning & Community Development
2. The Planning Department shall be authorized to review and amend other specific provisions of the Land Development Regulations as they may affect the proposed use of the property.

This ordinance is effective upon enactment.

City Manager Kolakowski stated that Council was requested to consider amending sections of the City Code effectively merging the Department of Public Works and the Electric Department into one department, to be named the Department of Public Services. Mr. Kolakowski stated he is making this request as a result of ongoing efforts to consolidate services in the City.

On motion by Councilman Hubbard, seconded by Councilman Padgett, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance amending Sections 2-90, 2-95, and 2-96 of the City Code. Roll call vote follows:

June 24, 2008

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

The ordinance follows as adopted:

Ordinance No. 08-18

**AN ORDINANCE AMENDING SECTIONS 2-90, 2-95,
AND 2-96 OF THE CITY OF BEDFORD CODE**

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

Section 2-90 of the Code of the City of Bedford, Virginia, is hereby amended as follows:

Sec. 2-90. Certain offices and departments created; new offices and departments, reorganization, etc.

(a) The following administrative offices and divisions of the city government are hereby created:

- (1) Office of city attorney.
- (2) Department of finance.
- (3) Police department.
- ~~(4) Department of public works.~~
- (4) Department of public services.
- ~~(5) Department of electric utilities.~~
- (6) Fire department.
- (7) Department of parks and recreation.
- (8) Department of planning and community development.
- (9) Department of human resources.

(b) The foregoing enumeration of offices and divisions shall not be exclusive; and both the city council and the city manager, within the scope

June 24, 2008

of his authority, may from time to time create such other administrative offices, divisions and units, however designated, as may be deemed desirable in the interest of efficient and economical administration of the functions of the city government.

Section 2-95 of the Code of the City of Bedford, Virginia, is hereby amended as follows:

~~Sec. 2-95. Department of public works.~~

~~The department of public works shall be composed of the divisions of public works, water and sewer and the office of city engineer. The department of public works shall be under the immediate supervision of the city manager, who shall exercise general control over all division, offices and agencies within the department not inconsistent with other applicable sections of the Charter and the provisions of this Code.~~

~~(Code 1984, § 2-38)~~

Sec. 2-95. Department of public services.

The department of public services shall be composed of the divisions of public works and the water, sewer, and electric utilities. The department of public services shall be under the immediate supervision of the city manager, who shall exercise general control over all division, offices and agencies within the department not inconsistent with other applicable sections of the Charter and the provisions of this Code.

(Code 1984, § 2-38)

Section 2-96 of the Code of the City of Bedford, Virginia, is hereby deleted as follows:

~~Sec. 2-96. Department of electric utilities.~~

~~The department of electric utilities shall be under the immediate supervision of the city manager who shall exercise general control over the entire department not inconsistent with other applicable sections of the Charter and the provisions of this Code.~~

~~(Code 1984, § 2-39)~~

This ordinance is effective upon enactment.

City Manager Kolakowski stated that on August 6, 2007, the City signed a “Fiber Use Agreement” with the Bedford County School Board. This agreement allowed for the use of 12 fibers along the City’s fiber network by Bedford County Schools in exchange for payment to the City per the agreement. The City Manager stated that in order to allow

June 24, 2008

these funds to be used by the City for expansion or maintenance of the fiber network, Council needs to appropriate funds to the revenue and expense accounts.

On motion by Councilman Stanley, seconded by Vice Mayor Wandrei, voted upon and carried by a roll call vote, Council appropriated \$20,064 to revenue account 190056 418403 and \$20,064 to expense account 19981940 533130. Roll call vote follows:

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

Councilman Hubbard moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(1), personnel, of the Code of Virginia of 1950, as amended. Councilwoman Flood seconded the motion. The motion was voted upon and carried by the following 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

Council adjourned into closed session at 7:50 p.m.

Council reconvened into open session at 8:06 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 Padgett, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

June 24, 2008

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

Mayor Tharp adjourned the meeting at 8:07 p.m.