

July 22, 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., July 22, 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 July 8, 2008, were approved as distributed.

City Manager Kolakowski reported on the following:

- On August 2 a benefit concert for the Emergency Services Department will be held at Liberty Lake Park
- The Draper road water line has been completed.
- Public Works will be working on Macon Street to make the road more useable.

Mayor Tharp reported that the Wayfarer Signage Project has been approved, the contract has been let, and the construction will begin promptly on the signage and installation.

Councilman Vest, Chairman of the Finance Committee, reported that the Committee met earlier in the evening in closed session to discuss the financial impact on real property.

The Mayor stated that a closed session would be added concerning the disposition of real property.

The City Manager stated a public hearing was being held to consider rezoning tax map #197-A-9 and tax map #198-A-4 from M-1, Manufacturing to B-2 General Business District.

The Notice of Public Hearing follows:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Planning Commission at 5:30 p.m. on Thursday, July 10, 2008 and by the City Council at 7:30 p.m. on Tuesday, July 22, 2008 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

July 22, 2008

- To consider rezoning tax map #197-A-9 and tax map #198-A-4 from M-1, Manufacturing to B-2 General Business District. The request is being made by the owners; the City of Bedford, 215 E. Main Street and L. J. Bays, Inc., 7174 Smith Mountain Lake Parkway, Huddleston, VA.
- To receive public comments for consideration to amend the City of Bedford Comprehensive Plan.

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

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

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

Mayor Tharp opened the public hearing at 7:36 p.m.

As there were no comments, the Mayor closed the public hearing at 7:36 p.m.

The City Manager stated a public hearing is being held to consider the application of Louis R. Witt, Jr., and Denise B. Witt to abandon a portion of the public right-of-way known as Industrial Avenue located in the City of Bedford.

The Notice of Public Hearing follows:

PUBLIC HEARING NOTICE
VACATION OF A PORTION OF
INDUSTRIAL AVENUE
IN CITY OF BEDFORD
PURSUANT TO VA. CODE, SECTION 15.2-2006

Please take NOTICE that the City Council of the City of Bedford will hold a public hearing at the regularly scheduled City Council meeting on Tuesday, July 22, 2008 at 7:30 p.m. for the purpose of considering the following:

Application of Louis R. Witt, Jr., and Denise B. Witt to abandon a portion of the public right-of-way known as Industrial Avenue located in the City of Bedford, Virginia. The portion of the street to be vacated adjoins on the south the property of Louis R. Witt, Jr., and Denise B. Witt and will leave a 50 foot wide street as shown on a survey plat prepared by Rodrick F. Pierson, engineer, dated January 8, 2008, entitled "Survey Plat for "Cornerstone Estates...," a copy of which is on file in the City Office of Planning and Community Development. The abandoned right-of-way is to be conveyed to the applicants and to be combined with their existing

July 22, 2008

real estate as part of an agreement by the applicants to provide a public sidewalk fronting a new development on their land. The vacated right-of-way and combined lots are shown on the plat.

Anyone who is in favor of or opposed to this application will have an opportunity to express his or her views at the hearing.

Mayor Tharp opened the public hearing at 7:37 p.m.

Mr. Steve Grant, attorney representing Mr. & Mrs. Witt, explained the request for vacating portions of Industrial Avenue.

As there were no further comments, the Public Hearing was closed at 7:39 p.m.

The Consent Agenda consisted of the following item:

- Appointment of Mr. Jason L. Horne to serve on the City Planning Commission, said term to expire March 31, 2012, and appointment of Mr. Bruce Johannessen to serve on the Planning Commission, said term to expire March 31, 2009

On motion by Vice Mayor Wandrei, seconded by Councilman Vest, voted upon and carried unanimously by a roll call vote, Council adopted 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

City Manager Kolakowski stated the City of Bedford and L. J. Bays are the owners of two tax parcels (197-A-9) and 198-A-4, respectively) at the intersection of Orange Street and Independence Boulevard. The properties are currently zone M-1, Manufacturing. The two owners have jointly requested a rezoning to B-2, General Business. The City Manager stated that Planning Commission has unanimously recommended approval of the proposed rezoning.

On motion by Councilman Stanley, seconded by Councilman Vest, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance. Roll call vote follows:

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

July 22, 2008

Councilwoman Flood	aye
Mayor Tharp	aye

The Ordinance follows as adopted:

Ordinance No. 08-19

AN ORDINANCE CHANGING THE ZONING MAPS FOR THE CITY OF BEDFORD BY REZONING FROM M-1 TO B-2 TWO PARCELS ON INDEPENDENCE BOULEVARD

WHEREAS, the Planning Commission of the City of Bedford held a public hearing on July 10, 2008; and

WHEREAS, the City Council 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:

Section 1. The Zoning Map of the City of Bedford is amended by rezoning from Manufacturing (M-1) to General Business (B-2) the following tax parcels:

197-A-9 and 198-A-4.

Section 2. This ordinance is effective upon enactment.

The City Manager stated that Louis R. Witt, Jr., and his wife Denise B. Witt are planning a residential development of land located at the southeast intersection of Industrial Avenue and Terra Lane. Industrial Avenue in this area is 90 feet in width. The Planning Department has recommended that only 50 feet of right-of-way is needed. The Witts have agreed to construct a public sidewalk along the front of the proposed development. The City in turn would create a new street line twenty-five feet from the centerline by vacating the extra right-of-way and conveying it to the Witts to be added to their lot. This will result in an improvement to the area and the addition of land to the tax rolls.

Mr. Kolakowski stated that a plat showing the new street line has been prepared by the Witts. The City Attorney has drafted a proposed ordinance for consideration by Council and the ordinance has been posted in accordance with the City Code.

Councilman Vest moved that the proposed ordinance vacating portions of Industrial Avenue be adopted. The motion was seconded by Councilman Padgett.

July 22, 2008

Vice Mayor Wandrei stated that the plat should be marked better to indicate the portions of Industrial Avenue being vacated.

A brief discussion ensued regarding the plat and the sidewalk.

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

ORDINANCE NO. 08-20

**AN ORDINANCE VACATING PORTIONS OF
INDUSTRIAL AVENUE**

WHEREAS, Louis R. Witt, Jr., and Denise B. Witt have filed with the City of Bedford a petition for abandonment and vacation of portions of Industrial Avenue; and

WHEREAS, notice has been published for two weeks in the **Bedford Bulletin**, a newspaper having general circulation in the City of Bedford, with at least six days elapsing between the first and second publication as required by Va. Code Section 15.2-2006, advising the public of the application, of the intention of the City Council to vacate or abandon the portions of Industrial Avenue, and of a public hearing upon the application at the City Council meeting on Tuesday, July 22, 2008 at 7:30 P.M.; and

WHEREAS, The City Council has held a public hearing pursuant to the Notice published in the newspaper;

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

Section 1 The City Council finds that it is not necessary to appoint viewers to report concerning any inconvenience that would result from the proposed vacation.

Section 2 Pursuant to the provisions of Va. Code Section 15.2-2006, the City Council finds that it is in the public interest to vacate and abandon the six portions of Industrial Avenue containing 0.098 acres, 0.094 acres,

July 22, 2008

0.131 acres, 0.298 acres, 0.015 acres and 0.008 acres as shown on a survey plat prepared by Roderick F. Pierson, engineer, dated January 8, 2008, and entitled "Cornerstone Estates ... ," and such portions of the public street are hereby vacated.

Section 3 In consideration of the agreement by the applicants to make certain improvements in connection with a proposed development on their adjoining property, including the construction of sidewalks upon the public right of way, the City Council agrees to the conveyance of the vacated portions of the public street to the applicants to be combined with their adjoining property as shown on the plat, and the City Attorney is directed to draft an appropriate deed, with a copy of the aforesaid plat attached, conveying the vacated portions of the street with special warranty, and the Mayor and City Clerk are authorized and directed to execute and deliver the deed.

Section 4 Pursuant to the provisions of Section 15.2-2006, the applicants shall reimburse the City Council the cost of publishing the aforesaid Notice.

Councilman Hubbard moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(3) of the Code of Virginia of 1950, as amended, for the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position. Councilman Vest seconded the motion. The motion was voted upon and carried by the following roll call vote:

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

Council adjourned into closed session at 7:47 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 8:16 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

July 22, 2008

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 Vice Mayor Wandrei, voted upon and carried by a roll call vote, Council adopted the resolution. 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

Mayor Tharp adjourned the meeting at 8:17 p.m. until July 29, 2008, at 7:30 p.m. in the Council Chambers.