

September 9, 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., September 9, 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; 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 August 26, 2008, were approved as distributed.

Councilwoman Flood, Chairperson of the Electric Committee, stated the Committee met earlier in the evening to get an update on the operations of the City's utilities.

Councilman Padgett, Chairman of the Property Committee, stated the Committee met earlier in the evening and discussed City property in closed session.

City Manager Kolakowski reported that per state law, the City of Bedford is required to "pick up" its employees' share of retirement contributions to the Virginia Retirement System (VRS). The Internal Revenue Service recently issued Revenue Ruling 2006-43 which affects these pick-up plans. Mr. Kolakowski said that employers are required to demonstrate formal authorization of their pick-up plans by adopting a resolution that reaffirms this arrangement. This resolution does not serve to change any benefit structure for the City or the employees. The City Manager stated that Council is requested to adopt the proposed resolution to demonstrate formal authorization of its pick-up plan as it relates to employee contributions to the Virginia Retirement System.

On motion by Vice Mayor Wandrei, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council adopted the resolution regarding the Virginia Retirement System. 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

The resolution follows as adopted:

September 9, 2008

RESOLUTION

**Affirmation of Authorization to Pick-up the Employee's Contribution
to VRS for the City of Bedford, 55364
Under § 414(h) of the Internal Revenue Code**

WHEREAS, the City of Bedford provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the City of Bedford desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after September 9, 2008, the City of Bedford shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the City of Bedford in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the City of Bedford under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in

September 9, 2008

the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the City of Bedford directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the City of Bedford shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the City of Bedford on behalf of such employee pursuant to the foregoing resolutions.

City Manager Kolakowski reported that the City of Bedford Police Department has received a grant from the Virginia Department of Health – Office of Emergency Medical Services in the amount of \$4,021.50. The grant is to be used for the purchase of seven (7) new Automated External Defibrillators to be placed in each patrol car for use during medical emergencies involving subjects who are in cardiac arrest. The grant is a 50/50 matching grant with the remaining \$4,021.50 being the responsibility of the City of Bedford. The City Manager stated that Council was requested to appropriate \$4,021.50 to Expenditure Account 10033110.582100.

On motion by Vice Mayor Wandrei, seconded by Councilman Padgett, voted upon and carried unanimously by a roll call vote, Council appropriated \$4,021.50 to Expenditure Account 10033110.582100 for the matching grant from the Virginia Department of Health – Office of Emergency Medical Services. 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 City Manager reported that staff has identified a potential deficiency in the subdivision requirements of the Land Development Regulations. Specifically, there is currently a requirement that newly created lots have access to a public street. This requirement is above and beyond the basic requirement that newly created lots must be adjacent to a public right-of-way. Mr. Kolakowski stated that effectively, private streets are currently prohibited in subdivisions except for Planned Residential Developments. Since the original enactment of the Land Development Regulations, there have been changes in development practices that include private streets as a component of larger

September 9, 2008

overall plans. Staff recommends that the regulations be amended to allow the use of private streets under certain circumstances. Council was requested to adopt the proposed resolution instructing staff to advertise an amendment of the Land Development Regulations.

On motion by Vice Mayor Wandrei, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council adopted the proposed resolution directing the staff to advertise an amendment of the Land Development Regulations. 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 resolution follows as adopted:

**RESOLUTION OF THE CITY OF BEDFORD
DIRECTING STAFF TO ADVERTISE AN AMENDMENT OF THE
LAND DEVELOPMENT REGULATIONS**

WHEREAS, the subdivision requirements of the Land Development Regulations of the City of Bedford currently prohibit the inclusion of private streets except in Planned Residential Developments; and

WHEREAS, since the original enactment of the Land Development Regulations, there have been changes in development practices that include private streets as a component of larger overall development plans; and

WHEREAS, City staff recommends that the Land Development Regulations be amended to allow for the use of private streets under certain circumstances;

NOW THEREFORE, BE IT RESOLVED, that City Council hereby directs staff to draft an appropriate amendment which would allow the use of private streets in subdivisions and to advertise the requisite public hearings for this purpose such that this matter may be considered by the Planning Commission and City Council.

Mayor Tharp adjourned the meeting at 7:35 p.m.