

June 23, 2009

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 23, 2009.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; Councilman James A. Vest; and Vice Mayor Robert T. Wandrei

Members absent: Councilman Jeffrey B. Hubbard

Staff present: City Manager Charles P. Kolakowski and Clerk of the Council Teresa W. Hatcher

Staff absent: City Attorney W. W. Berry, IV

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 9, 2009, were approved as distributed.

City Manager Kolakowski reported on the following:

- The group of people in the City doing work around the City is from the Bedrock Community Church and the group is attending a camp at Liberty University.
- On June 19 there was a drill for the hospital and the emergency responders on a simulated casualty situation – it went well for the emergency responders and the hospital emergency personnel

Councilman Stanley, Chairman of the Property Committee, reported that the Committee met earlier in the evening in closed session to discuss property.

Councilwoman Flood, Chairwoman of the Electric Committee, reported the Committee met earlier in the evening to discuss the rate study for Fiscal Year 2011.

Councilman Vest, Chairman of the Finance Committee, reported the Committee met earlier in the evening and discussed the May financial reports and the Main Street situation.

Mayor Tharp stated the following item was added to the agenda as the last item under New Business: Discussion of Bedford Main Street organization.

The City Manager reported that the City has received a copy of the Central Virginia Community Services Fiscal Year 2010-2011 Performance Contract. The staff has reviewed this performance contract and agrees that it supports the mission of CVCS in providing mental health, retardation, substance abuse, and prevention services within the City. As part of its Fiscal Year 2009-2010 budget, the City has appropriated \$6,144 for provision of the services provided by the contract. Mr. Kolakowski stated that Council

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was requested to approve the Central Virginia Community Services 2010-2011 Performance Contract with the condition that the City's tax appropriation for services provided under the contract shall not exceed \$6,144.

Mayor Tharp stated that the budget figure requested was \$5,604.

City Manager Kolakowski indicated Central Virginia Community Services will get the amount requested, \$5,604.

On motion by Councilman Vest, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council approved the Central Virginia Community Services 2010-2011 Performance Contract in an amount not to exceed \$6,144. Roll call vote follows:

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

City Manager Kolakowski stated the City has received funds from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services in the amount of \$23,671.79. This represents the City's portion of the "Four-for-Life" funds collected per Section 46.2-694 of the Code of Virginia. These funds need to be appropriated to the revenue and expenditure account for the Bedford Lifesaving Crew. Mr. Kolakowski indicated that Council was requested to appropriate the funds to the appropriate revenue and expenditure account for the Bedford Lifesaving Crew.

Rosie Jordan, Director of Finance, explained the "Four-for-Life" program. Ms. Jordan stated the funds come to the locality and get allocated back to the Bedford Lifesaving Crew.

On motion by Councilman Stanley, seconded by Councilman Rush, voted upon and carried by a roll call vote, Council appropriated the funds from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services in the amount of \$23,671.79 to the Bedford Lifesaving Crew. Roll call vote follows:

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

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City Manager Kolakowski reviewed the following: Title 54.1 of the Code of Virginia has specific provisions providing that no person shall engage in the business of a pawnbroker without having a valid license issued by the county, city or town in which the pawnbroker conducts such business, and no person shall engage in the activities of a dealer in precious metals without first obtaining a permit from the chief law enforcement officer of each county, city or town in which he proposes to engage in business. The State statutes contain detailed requirements concerning posting of bonds and keeping of records. The statutes dealing with precious metals provide that the municipality can enact an ordinance regulating dealers in precious metals and gems which parallels the state requirements. Mr. Kolakowski said that the State statutes dealing with pawnbrokers provide that the governing body can, by ordinance, make additional limitations and restrictions concerning individuals conducting those businesses. The City of Bedford presently approves applications made to the City of Bedford Police Department for a precious metals dealer's permit. When the City Council approved the recodification of ordinances several years ago, provision was made for a \$500 application fee for the precious metals dealer's permit. The City has no ordinances dealing with pawnbrokers. An individual has applied for and received a precious metals dealer's permit in respect to a location here in the City, and he has inquired about obtaining a permit for a pawnbroker's operation there as well.

The City Manager explained that the Chief of Police and the Commissioner of Revenue have worked with the City Attorney to draft a proposed ordinance paralleling the State statutes for precious metals dealers and for pawnbrokers. The ordinance continues in effect the \$500 annual fee for precious metals dealers, which presently is in the Code. The minimum fee allowed by the State of \$200 for a pawnbroker's permit is included in the proposed ordinance. The statutes dealing with pawnbrokers specifically provides that the local government can limit the number of pawnbrokers operating within the jurisdiction. The Chief of Police has recommended that there be no more than two pawnbrokers in the City of Bedford and that their operations be at least ½ mile apart.

City Manager Kolakowski stated the proposed ordinance for the City of Bedford has been drafted with the idea of clarifying the various procedures set forth generally in the State Code so that someone applying for a permit will have a business friendly road map to follow in making his application. The Chief of Police has reviewed the matter with the Circuit Court Judge who has to approve the issuance of any pawnbroker permits by the City; his check with various jurisdictions in this area and in northern Virginia and Tidewater revealed that there is no clear procedure. Consequently the proposed ordinance for the City of Bedford spells out exactly when and how the authority of the Circuit Court should be obtained. The City Manager reported the proposed ordinance has been posted in accordance with the requirements of the City Code. Mr. Kolakowski stated that Council was requested to adopt the proposed ordinance.

Councilman Stanley moved that Council approve the proposed ordinance as presented. The motion was seconded by Vice Mayor Wandrei.

Councilman Vest stated that the State Code minimum fee is \$200 and asked why the City would charge \$500.

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The City Manager stated the \$500 fee is for the precious metals portion of the ordinance.

Vice Mayor Wandrei stated that the proposed ordinance does not comply with the State Code as the State Code does not have anything in it about fees for pawnbrokers. The Vice Mayor indicated that he felt the ordinance should comply with the Code of Virginia insofar as its fees and also insofar as its penalties. Vice Mayor Wandrei stated the County of Bedford and City of Lynchburg charge \$200. The Vice Mayor indicated he felt an application fee should be based upon the City's expenses in processing it.

Councilman Stanley withdrew his motion.

The Mayor said consideration of the ordinance could be tabled until the first regular meeting in July.

Vice Mayor Wandrei said that the ordinance should parallel the Virginia Code and the section regarding location of shops should be reviewed.

Mayor Tharp said the direction from Council would be for the City Attorney to rewrite the ordinance to parallel the State Code.

On motion by Vice Mayor Wandrei, seconded by Councilman Vest, and carried by a roll call vote, Council tabled agenda item: "Ordinance – Regulating Dealers in Precious Metals and Gems and Providing for Licensing of Pawnbrokers." Roll call vote follows:

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

City Manager Kolakowski reported the City Council, at its meeting on June 9, 2009, discussed changing the meeting time for regular meetings of the Council from 7:30 p.m. to 7:00 p.m. The Council directed the City Manager and City Attorney to prepare an amendment to Section 2-27 of the Code of the City of Bedford which establishes the meeting times for Council Meetings. Mr. Kolakowski said the proposed ordinance has been duly posted as required by the City Code.

Vice Mayor Wandrei moved that the proposed ordinance changing the time of regular City Council meetings be approved as presented. Councilman Stanley seconded the motion.

Councilman Vest suggested the following changes be made to the proposed ordinance (changes are in bold print)"

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(b) If a regular meeting falls on a legal holiday or if the mayor *or the vice mayor, in his absence*, determines that there is insufficient business on the agenda to require a meeting, then the mayor *or the vice mayor* is authorized to cancel the meeting after giving a written notice of such cancellation to each councilman no later than seven hours before the scheduled meeting. The mayor's *or vice mayor's* authority to cancel meetings shall apply only to regular meetings.

Councilman Vest moved that the ordinance be amended as he suggested. Councilman Stanley seconded the motion, which was voted upon and carried by the following roll call vote:

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

The previous motion by Vice Mayor Wandrei to adopt the ordinance was then voted upon and carried by the following roll call vote:

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

The ordinance follows as adopted:

ORDINANCE NO. 09-10

**AN ORDINANCE AMENDING THE TIME
OF CITY COUNCIL MEETINGS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD as follows:

Section 1. Section 2-27 of the Code of the City of Bedford is amended and re-enacted as follows:

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Sec. 2-27. Meetings.

(a) The regular meetings of the city council shall be held at the council hall in the municipal building on the 2nd and 4th Tuesday of each month at the hour of 7:00 p.m.

(b) If a regular meeting falls on a legal holiday or if the mayor or the vice mayor, in his absence, determines that there is insufficient business on the agenda to require a meeting, then the mayor or the vice mayor is authorized to cancel the meeting after giving a written notice of such cancellation to each councilman no later than seven hours before the scheduled meeting. The mayor's or vice mayor's authority to cancel meetings shall apply only to regular meetings.

Section 2. This ordinance shall take effect upon passage.

Councilman Vest reported that the Finance Committee met earlier in the evening and had a discussion concerning how to handle Main Street and were not able to resolve it in the Committee. The Committee felt the matter should be brought before the entire Council.

Vice Mayor Wandrei stated that Council has appropriated \$25,000, which is slightly more than \$2,000 per month for the Main Street.

The Vice Mayor moved that Council agree to fund the program at the amount of 1/12 of the appropriation for a period of six months and that the Main Street officers appear at the second meeting of Council in July for the purpose of showing how they are going forth. Councilman Vest seconded the motion.

Vice Mayor Wandrei stated at that time members of Council could tell the Main Street Board members exactly what they expect the Board to do.

Mayor Tharp stated he would rather see the Main Street Board come to Council with a definitive plan before Council appropriates any funds.

Councilman Stanley agreed with the Mayor.

Councilman Vest stated that after reconsidering, he felt Council needs to show good faith that Council is going to support the Main Street program.

Councilwoman Flood stated that she would not like for Council's actions to hinder Main Street from having Centerfest.

Councilman Rush said he would like for the Board to appear before Council and for Council to appropriate monies up to six months depending on what the Board is going to do.

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Upon request by Councilman Vest, the Clerk of Council read Vice Mayor Wandrei's motion.

The motion was then voted upon and carried by the following roll call vote:

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

Mayor Tharp adjourned the meeting at 8:00 p.m.