

May 25, 2010

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 25, 2010.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard (arrived at 7:06 p.m.); Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; 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 an adjourned Council meeting held on May 11, 2010, and a regular Council meeting held on May 11, 2010, were approved as distributed.

Mr. Don Thomas, Wingate and Associates, reported the reassessment office has completed its duty of reassessing 3,408 parcels of real estate in the City for the 2010 General Reassessment. Mr. Thomas explained the process includes estimating the value of the property and using recent market sales. Those values were forwarded to the property owners at the end of April and a hearing and appeals process lasted approximately two weeks. Mr. Thomas said that after the appeals were heard, the reviews and adjustments were made appropriately, and his office mailed out notices of change to property owners. The reassessment book was completed and delivered to the Bedford Clerk of Court's office and a copy of the recap was mailed to the Virginia Department of Taxation. Mr. Thomas reported the results of the assessments were that there was an average assessment change from previous totals of 4.45 percent.

Mayor Tharp thanked Mr. Thomas for his work with the reassessment.

Councilman Vest asked that Council revisit the cost of the 4th of July fireworks by early spring 2011.

Councilman Vest reported that a citizen contacted him with praise for the City repairing a sewer problem within three days.

Councilman Hubbard arrived at 7:06 p.m.

Councilwoman Flood, Chairperson of the Streets Committee, stated the Committee met earlier in the evening to review potential paving projects for 2010-11.

Mayor Tharp stated the first public hearing on the agenda was consideration of a Conditional Use Permit for Bedford Elks Lodge #2844. The Mayor indicated that five members of City Council are members of the Elks Lodge.

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City Attorney Berry stated several members of Council have inquired whether their membership in the local lodge constitutes a conflict of interest that would prohibit their voting on an ordinance granting a conditional use permit for the Elks Lodge. Mr. Berry stated the conflict of interest law applies to financial conflicts of a certain magnitude of income or property interests. The City Attorney said that no member of the 700 member lodge has a personal interest in the property of the Lodge, has no income from the Lodge, and so under the law there is no real conflict that would cause a Councilperson to abstain from voting.

Mayor Tharp opened the public hearing regarding the consideration of a Conditional Use Permit for Bedford Elks Lodge #2844 at 7:08 p.m.

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, May 6, 2010 and by the City Council at 7:00 p.m. on Tuesday, May 25, 2010, at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

➤ To consider a conditional use request to allow a lodge facility in a Planned Residential District (PRD), Tax Map #172-A-1A. The request is being made by the Bedford Elks Lodge #2844, P.O. Box 122, Bedford, VA 24523.

Information regarding this request is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to this request 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. John Owen, 1516 Woodland Road, Chairman of the Board of Trustees for the Elks Lodge #2844, asked for Council's approval of the conditional use request, which is to construct a lodge facility on five acres of land at the northwest intersection of Ashland Avenue and Bedford Avenue.

As there were no further comments, the Mayor closed the public hearing at 7:12 p.m.

Mayor Tharp opened the public hearing regarding the proposed budget for Fiscal Year 2010-11 at 7:12 p.m.

The Notice of Public Hearing follows:

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**SYNOPSIS OF BUDGET FOR FISCAL YEAR
JULY 1, 2010, TO JUNE 30, 2011,
CITY OF BEDFORD, VIRGINIA**

Notice is hereby given that a public hearing will be held by the City Council May 25, 2010, at 7:00 p.m. in the Council Hall of the City Municipal Building in relation to the budget for the City of Bedford for Fiscal Year 2010-11, at which time any citizen of the City shall have the right to attend and state his or her views. Detailed copies of the budget are available for inspection during normal office hours in the office of the City Manager and the office of the Clerk of Council.

Ms. Erin Wolk, representing a boosters group, spoke against cutting the budget for the Recreation Department and asked Council to find different ways to support the Recreation Department. Ms. Wolk thanked Council for leaving “Cop Camp” in the budget.

Mr. Craig Lawrence, 1121 Woodcrest Drive, expressed his concern: as a 100% disabled veteran, he was able to get a City sticker at no charge; however, when the stickers were discontinued, he no longer has that benefit. He asked that Council extend that courtesy again to him and Doral Cundiff, who is also a 100% disabled veteran. Mr. Lawrence asked Council to keep the real estate rate the same or only increase it a minimal amount. Mr. Lawrence stated that the Animal Control Officer will only come to his house for domestic animal complaints since the new police chief began. He suggested that the City eliminate the Animal Control Officer position if complaints about wild animals are not included in the officer’s duties. Mr. Lawrence spoke regarding the City reverting to a town: it would be alright in the short term, but the City would be in worse shape in the long term.

As there were no further comments, the Mayor closed the public hearing at 7:22 p.m.

Mayor Tharp opened the public hearing regarding the proposed real property tax increase resulting from the reassessment at 7:22 p.m.

The notice of public hearing follows:

**NOTICE OF PROPOSED
REAL PROPERTY TAX INCREASE**

Pursuant to Section 58.1-3321, Code of Virginia (1950), as amended, notice is hereby given that the City of Bedford proposes to increase property tax levies.

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1. Assessment Increase: The total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 5 percent.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$.82 per \$100 of assessed value. This rate will be known as the "lowered tax rate".
 3. Effective Rate Increase: The City of Bedford proposes to adopt a tax rate of \$.86 per \$100 of assessed value. The difference between the lowered tax rate and the proposed tax rate would be \$.04 per \$100, or 5 percent. The difference will be known as the "effective tax rate increase". Individual property taxes may, however, increase at a percentage greater than or less than the above percentages.
4. Proposed Total Budget Increase: Based on the proposed real estate tax rate and changes in other revenues, the total general fund budget of the City of Bedford will be less than last year's by 5.2 percent.

A public hearing on the "effective tax rate increase" will be held on Tuesday, May 25, 2010, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the Council Hall of the City Municipal Building. All persons desiring to be heard shall be accorded an opportunity to present oral testimony within such reasonable time limits as shall be determined by City Council.

Teresa W. Hatcher
Clerk of Council
City of Bedford

Ms. Twila Ross, 1612 Oakwood Street, presented Council with a copy of the Public Hearing Notice and asked members of Council to explain the four items in the notice.

Mayor Tharp stated that a public hearing is to receive comments from citizens and not have a conversation with members of Council – that would take place when the budget is being considered for adoption.

Ms. Ross stated she had already spoken to Rosie Jordan, Finance Director, who explained the four items. Ms. Ross said that she just wanted to make sure all members of Council fully understand those elements before they decide to raise or lower the taxes.

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

Mayor Tharp opened the public hearing regarding appointment of members to the City School Board at 7:36 p.m.

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The Public Hearing Notice follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that, pursuant to Section 22.1-29.1 of the Code of Virginia of 1950, as amended, the City Council of the City of Bedford will hold a public hearing at 7:00 p.m. on May 25, 2010, in the Council Hall of the Municipal Building, for the purpose of receiving the views of citizens on the appointment of members to the City School Board.

Any citizens who wish to be considered for appointment to the City School Board should notify the office of the City Manager, 215 East Main Street, Bedford, VA 24523, no later than May 18, 2010.

The Mayor reported there are two vacancies on the City School Board and the following individuals have applied: AnDrea Trotter and Paul Sherman.

As there were no comments, the Mayor closed the public hearing at 7:37 p.m.

City Manager Kolakowski stated that Council is being asked to consider a conditional use request to allow the Bedford Elks Lodge #2844 to construct a lodge facility on five acres of land at the northwest intersection of Ashland Avenue and Bedford Avenue (identified as tax parcel 172-A-1A) subject to substantial conditions put forth by City Staff and the Planning Commission as follows:

1. A reserve access strip adjacent to the railroad right-of-way may not be used for access to the property until such time as it is constructed and formally dedicated as a public street. The access strip may be used on a temporary basis in conjunction with activities related to construction of a lodge facility;
2. In conjunction with any new building constructed on the site, connection to the existing sanitary sewer on Bedford Avenue must be made at the owner's expense;
3. Electric service to the site must be provided from the east side of Ashland Avenue and be installed at the owner's expense;
4. All utilities, data, and communication lines shall be placed underground at the owner's expense;
5. The architecture of any lodge facility must conform substantially to the exterior rendering submitted by Bedford Elks Lodge #2844;
6. All interior driveways and parking areas must be paved;
7. A minimum of 68 parking spaces shall be required in conjunction with the proposed use. Overflow parking may be provided in the undeveloped area of the parcel as needed for lodge events and activities;
8. Drainage facilities for the entire complex (including building and parking areas), must be planned by a qualified engineer. Drainage facilities shall connect to the existing stormwater drain on the western boundary of the five acre parcel;

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9. Curbs and gutters shall be installed along Ashland Avenue as well as the lodge facility entrance;
10. All landscaping and lighting requirements of the City shall be governed by the standards associated with multi-family zoning requirements and the requirements of the City Electric Department; and
11. Lighting must meet the minimum requirements of the City Electric Department, including, but not limited to, “dark sky” compliant provisions and the minimum requirements of the *American Association of State Highway and Transportation Officials (AASHTO)*.

The City Manager reported the Planning Commission met on May 6, 2010, and unanimously recommended approval of the conditional use permit with the aforementioned conditions.

The City Manager stated that Council would consider approval of the ordinance granting a conditional use permit to allow the Bedford Elks Lodge #2844 to construct a lodge facility on five acres of land at the northwest intersection of Ashland Avenue and Bedford Avenue (identified as tax parcel 172-A-1) subject to the aforementioned conditions.

On motion by Councilman Stanley, seconded by Vice Mayor Wandrei, voted upon and carried unanimously by a roll call vote, Council approved the ordinance granting a conditional use permit for the Bedford Elks Lodge #2844. Roll call vote follows:

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

The ordinance follows as adopted:

Ordinance No. 10-3

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR
CONSTRUCTION OF A LODGE FACILITY**

WHEREAS, the Planning Commission of the City of Bedford held a public hearing and on May 6, 2010; 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:**

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A conditional use permit is granted to allow a lodge facility to be constructed by Bedford Elks Lodge #2844 on the property identified as tax parcel 172-A-1A subject to the following conditions:

1. A reserve access strip adjacent to the railroad right-of-way may not be used for access to the property until such time as it is constructed and formally dedicated as a public street. The access strip may be used on a temporary basis in conjunction with activities related to construction of a lodge facility;
2. In conjunction with any new building constructed on the site, connection to the existing sanitary sewer on Bedford Avenue must be made at the owner's expense;
3. Electric service to the site must be provided from the east side of Ashland Avenue and be installed at the owner's expense;
4. All utilities, data, and communication lines shall be placed underground at the owner's expense;
5. The architecture of any lodge facility must conform substantially to the exterior rendering submitted by Bedford Elks Lodge #2844;
6. All interior driveways and parking areas must be paved;
7. A minimum of 68 parking spaces shall be required in conjunction with the proposed use. Overflow parking may be provided in the undeveloped area of the parcel as needed for lodge events and activities;
8. Drainage facilities for the entire complex (including building and parking areas), must be planned by a qualified engineer. Drainage facilities shall connect to the existing stormwater drain on the western boundary of the five acre parcel;
9. Curbs and gutters shall be installed along Ashland Avenue as well as the lodge facility entrance;
10. All landscaping and lighting requirements of the City shall be governed by the standards associated with multi-family zoning requirements and the requirements of the City Electric Department; and
11. Lighting must meet the minimum requirements of the City Electric Department, including, but not limited to, "dark sky" compliant provisions and the minimum requirements of the *American Association of State Highway and Transportation Officials (AASHTO)*.

This ordinance is effective upon enactment.

City Manager Kolakowski reported that the City of Bedford Fire Department has been awarded the Federal Emergency Management Agency's Assistance to Firefighters Grant (AFG) for the amount of \$80,000.00. This grant has been awarded for the installation of a vehicle exhaust removal system at the Bedford Fire Station. An exhaust removal system reduces risks of harmful exhaust fumes to firefighters by extracting exhaust fumes from the apparatus through hoses which are then released outside. This is a 95/5 shared cost grant in which the federal share will be \$76,000.00 and the City of Bedford's match \$4,000.00.

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The City Manager said that Council is requested to accept the FEMA Assistance to Firefighters Grant that has been awarded to the City of Bedford Fire Department and to appropriate \$76,000.00 to revenue account 100033.433149 and \$76,000 to expenditure account 10033210.557248. The City match of \$4,000 will come from the current year budget in account 10033210.533100.

On motion by Councilman Rush, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council accepted the FEMA Assistance to Firefighters Grant that has been awarded to the City of Bedford Fire Department and appropriated \$76,000.00 to revenue account 100033.433149 and \$76,000.00 to expenditure account 10033210.557248 with the City match of \$4,000 coming from the current year budget in account 10033210.533100. Roll call vote follows:

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

City Manager Kolakowski reported the City receives funds each quarter from the Virginia Department of Transportation (VDOT) that are to be used for the maintenance and upkeep of City roads and right-of-ways. Under the Highway Maintenance program, the City is to fully expend these funds for maintenance of the streets. Over the past two years, the City has not fully expended the funds received from VDOT for highway maintenance. City staff is requesting an additional appropriation for blacktop to allow staff to use the funds that have already been received from VDOT. Staff is requesting an additional appropriation of \$185,560 from the general fund contingency to expense account 10044120.560178.

On motion by Councilman Vest, seconded by Councilman Rush, voted upon and carried unanimously by a roll call vote, Council appropriated \$185,560 from the general fund contingency to expense account 10044120.560178 for paving and milling of City streets. Roll call vote follows:

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

Mayor Tharp adjourned the meeting at 7:38 p.m.