

February 22, 2011

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., February 22, 2011.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Guy E. Murray, Jr.; 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 (arrived at 7:20 p.m.); 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 February 8, 2011, were approved as distributed.

The City Manager stated there were two matters to be discussed in closed session later in the meeting.

City Manager Kolakowski reported that City staff and the principal of Greater Independence Development LLC have had numerous discussions related to the City's monitoring of groundwater adjacent to its former landfill facility on Orange Street. As part of these discussions, staff has communicated the City's desire to acquire direct interest in certain tracts on Orange Street adjacent to the former landfill facility that are currently owned by Greater Independence Development LLC. The City Manager said in response, the principal of Greater Independence Development LLC has communicated his desire to acquire ownership of City-owned property within the City of Bedford identified as Tax Parcel Number 197-A-9. As a result of these discussions, the two parties have agreed to an exchange of the properties in question.

City Manager Kolakowski indicated this matter was continued from the last City Council meeting. All parties, including lien holders, now have agreed to the detailed agreements, although necessary signatures by one lien holder and by one member of the LLC have not been received.

The City Manager said that Council was requested to adopt the amended ordinance approving the exchange of the properties in question between the City of Bedford and Greater Independence Development LLC. The ordinance authorizes the City Manager to execute the Agreement on behalf of the City upon certification of the City Attorney that the document has been executed by all lien holders and by all members of the LLC.

On motion by Councilman Stanley, seconded by Vice Mayor Wandrei, voted upon and carried by a roll call vote, Council adopted the ordinance authorizing the City Manager to execute the Agreement on behalf of the City upon certification of the City Attorney that the document has been executed by all lien holders and by all members of the LLC. Roll call vote follows:

February 22, 2011

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

The ordinance follows as adopted:

Ordinance No. 11-1

**AN ORDINANCE AUTHORIZING AN EXCHANGE
OF PROPERTY BETWEEN THE CITY OF BEDFORD AND
GREATER INDEPENDENCE DEVELOPMENT LLC**

WHEREAS, the City of Bedford and the principal of Greater Independence Development LLC have had numerous discussions related to the City's monitoring of groundwater adjacent to its former landfill facility on Orange Street;

WHEREAS, City staff communicated the City's desire to acquire direct interest in certain tracts on Orange Street adjacent to the former landfill facility that are currently owned by Greater Independence Development LLC;

WHEREAS, the principal of Greater Independence Development LLC communicated his desire to acquire ownership of the City-owned property within the City of Bedford identified as Tax Parcel Number 197-A-9; and

WHEREAS, the two parties have agreed to an exchange of the properties in question.

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

The City Council deems it to be in the best interest of the City of Bedford to enter into an exchange of lands with Greater Independence Development LLC pursuant to which Greater Independence LLC will convey to the City certain tracts on Orange Street adjacent to the City's former landfill facility and the City will convey to Greater Independence Development LLC the property identified as Tax Parcel Number 197-A-9, the properties identified on a map that is on file with the City Engineering office.

This ordinance is effective and the City Manger is authorized to execute the Agreement for exchange of real estate upon certification by the City

February 22, 2011

Attorney that the document has been executed by all lien holders and by all members of the LLC.

City Manager Kolakowski stated that bids for the Stoney Creek Reservoir project have been received by the City's engineering firm, Thompson & Litton. A total of four bids were received. The bids have been reviewed by Thompson & Litton and they have made a recommendation to the City to award the contract to Morgan Corporation. The bid did come in within the approved budget amount and below the engineering firm's original pre-bid estimate. The City Manager said that Council was requested to approve the City Manager to issue the Notice to Proceed to Morgan Corporation for the Stoney Creek Reservoir project.

On motion by Councilman Murray, seconded by Vice Mayor Wandrei, voted upon and carried unanimously by a roll call vote, Council authorized the City Manager to issue the Notice to Proceed to Morgan Corporation for the Stoney Creek Reservoir project. Roll call vote follows:

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

Councilman Murray moved that Council adjourn into closed session pursuant to Section 2.2-3711 (a) (7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation and Section 2.2-3711 (a) (5) of the Code of Virginia of 1950, as amended, for discussion concerning a prospective business where no previous announcement has been made. Councilman Stanley seconded the motion. The motion was voted upon and carried by the following roll call vote:

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

Council adjourned into closed session at 7:15 p.m. The following non-council members attended: City Manager Kolakowski, City Attorney Berry, and Assistant City Manager Warner.

Councilman Vest left the meeting at 7:45 p.m.

February 22, 2011

Council reconvened into open session at 7:50 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 Vice Mayor Wandrei, seconded by Councilman Murray, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

Mayor Tharp adjourned the meeting at 7:51 p.m.