

September 14, 2011

A called meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 6:00 p.m., September 14, 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.; and Councilman James A. Vest

Members absent: Vice Mayor Robert T. Wandrei

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.

The Mayor said the purpose of the meeting was to consider a resolution regarding a proposed agreement with Bedford County.

Mayor Tharp stated that he had received a reply from Governor McDonnell regarding unfunded mandates and that Council members had been given a copy of the letter.

The Mayor explained that the City Manager would give a short presentation on the transition process and the proposed agreement (regarding the City's reversion to town status). He said there would not be an opportunity for questions or comments at this meeting. The Mayor said that there would be a more detailed presentation at the City School Board meeting on Monday, September 19, at 7:00 p.m. at the Municipal Building. Another public presentation of the proposal will be held on September 22 at 7:00 p.m. at the Municipal Building. There will be an opportunity for questions and comments from the public at that time. Additional presentations shall be held as needed.

Mayor Tharp said a copy of the voluntary agreement will be available for review on line at the City website at www.bedfordva.gov. A hard copy of the document will be available for review at the Municipal Building and at the Bedford Public Libraries. Hard copies of the agreement will be available for a fee.

City Manager Kolakowski said the City and County have been meeting for three years regarding the City making a transition to town status within Bedford County. The City Manager reviewed the process for the reversion: adoption by the City and County of the agreement entitled Voluntary Settlement of Transition to Town Status and Other Related Issues Between the City of Bedford and the County of Bedford; review by the Virginia Commission on Local Government; and review by a three-judge panel. Mr. Kolakowski said the process would take 18 months and the tentative date of reversion would be July 1, 2013.

The City Manager explained the services that will be provided by the town and the services that will be provided by the County. Mr. Kolakowski also explained the benefits to the town and to the County.

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City Manager Kolakowski stated that the staff recommends approval of the proposed resolution.

The Clerk of the Council read aloud the proposed resolution.

Councilman Vest moved that the resolution be adopted as presented. The motion was seconded by Councilwoman Flood.

Members of Council expressed their reasons for being in favor of the reversion:

- Councilman Vest – only solution to keep the real estate taxes from sharply increasing
- Councilwoman Flood – improve economic stability and maximize resources
- Councilman Stanley – win-win situation for the County and the City; educational system; increase in school funding
- Councilman Murray – noted all of the benefits reviewed earlier by the City Manager
- Councilman Rush – increased benefit of economic development and elimination of duplication of services

The Mayor said that Vice Mayor Wandrei was not available to attend the meeting. Mayor Tharp stated that the Vice Mayor was on the reversion committee and has been a strong proponent of the reversion.

- Mayor Tharp gave kudos to the City and County staffs for working hard and negotiating a deal that is in the best interest of both jurisdictions and the citizens of both jurisdictions. The Mayor noted his reasons for being in favor of the reversion: increase in school funding and having only one school district; economic development; and growth.

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

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

The resolution follows as adopted:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA (1) APPROVING A VOLUNTARY SETTLEMENT AGREEMENT BETWEEN THE CITY AND BEDFORD COUNTY, (2) REQUESTING A REVIEW OF THE AGREEMENT BY THE COMMISSION ON LOCAL GOVERNMENT PURSUANT TO SECTIONS 15.2-3400 AND 15.2-2907 OF THE

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CODE OF VIRGINIA (1950), AS AMENDED, AND (3) STATING THE INTENTION OF THE CITY COUNCIL TO READOPT THE AGREEMENT AND TO PETITION THE CIRCUIT COURT OF BEDFORD COUNTY, SUBSEQUENT TO THE COMMISSION'S REVIEW, TO APPROVE THE AGREEMENT AND TO GIVE IT FULL FORCE AND EFFECT.

WHEREAS, the City of Bedford, Virginia, and the County of Bedford, Virginia, have entered into negotiations by which the City will make a transition to town status within Bedford County; and

WHEREAS, the City and the County are now prepared to enter into a voluntary settlement, which provides for the transition of the City to town status within the County, the allocation of governmental services following that change in governmental structure, the transfer of certain properties to the County, the payment of certain revenues to the town, the adjustment of the boundaries of the town, a limited waiver of certain annexation rights, and other terms and conditions;

WHEREAS, Chapter 34 of Title 15.2 of the Code of Virginia (1950), as amended, requires that the Commission on Local Government review such a voluntary settlement; and

WHEREAS, the Rules of the Commission on Local Government require that the parties to such a voluntary settlement adopt a resolution requesting review of the agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Bedford, Virginia, at a special meeting of the City Council held on September 14, 2011:

1. That the City Council hereby approves the Voluntary Settlement of Transition to Town Status and Other Related Issues Between the City Bedford and the County of Bedford (the "Agreement"), a copy of which is attached hereto, and hereby authorizes and directs its Mayor to execute the Agreement on behalf of the City Council;
2. That the City Council hereby requests the Commission on Local Government to review the Agreement pursuant to Sections 15.2-3400 and 15.2-2907 of the Code of Virginia (1950), as amended;
3. That the City Manager and the City's legal counsel are hereby directed to refer the Agreement, together with all necessary data and materials, to the Commission and to take all other actions as may be required to accomplish the Commission's review of the Agreement;
4. That the City Council hereby designates Carter Glass IV, Troutman Sanders LLP, P.O. Box 1122, Richmond, Virginia 23218-1122, and William W. Berry IV, City Attorney, P.O. Box 526, Bedford, Virginia 24523, as its contact persons for communications with the Commission regarding the review of the Agreement;

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5. That it is the intention of the City Council, subsequent to the Commission's review, to readopt the Agreement and thereafter to petition the Circuit Court of Bedford County to affirm and validate the Agreement and to give it full force and effect; and

6. That upon receipt of the Commission's report, and prior to the final adoption of the Agreement, the City Council shall advertise its intention to approve the Agreement at least once a week for two successive weeks in a newspaper having general circulation in the City and shall hold at least one public hearing on the Agreement, pursuant to Section 15.2-3400 of the Code of Virginia (1950), as amended.

The Mayor said a public presentation on the reversion will be held on Thursday, September 22 at 7:00 p.m. in the Council Chambers.

Mayor Tharp adjourned the meeting at 6:45 p.m.