

May 8, 2012

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., May 8, 2012.

Members present: Mayor W. D. Tharp; 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: Councilwoman Mary L. Flood

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 April 24, 2012, were approved as distributed.

City Manager Kolakowski reported on the following:

- “Second Friday” in Centertown Bedford will be held on May 11 – there is a whole array of special events going on
- “Centertown Cruzin” will be held on May 19 from 4:00 p.m. – 8:00 p.m. – there will be a car show and different vendors
- A budget work session will be held on May 16.
- May 14 – the Commission on Local Government will take a tour of the City; in the afternoon there will be hearing by the Commission at the Bedford Science & Technology Center (BSTC); and a public hearing will be held at 7:00 p.m. at BSTC on the proposed Voluntary Settlement Agreement between the City and the County. May 15 – the Commission will be meeting in the Council Hall for its regularly scheduled meeting

Mayor Tharp said that Dr. Ronald L. Plamondon, Executive Director, Elks National Home is retiring June 1. The Mayor asked the staff to prepare a proclamation for Dr. Plamondon for what he has done and what the Elks Home continues to do for the Bedford community.

The City Manager said in February 2011, City Council adopted a resolution formally requesting the Virginia Department of Transportation (VDOT) to give highest priority to the highway improvement projects on U.S. Highway 460 in the western portion of the City. To expedite that request, staff has been advised that Council needs to request reallocation of funds in specific accounts to the established budget for the specific project number referencing this activity. The language of the proposed resolution was drafted by VDOT staff to accomplish this objective. The City Manager said that Council was requested to adopt the proposed resolution requesting VDOT to transfer all available funding allocations to the highway improvement projects on U.S. Highway 460.

The Clerk of Council read aloud the proposed resolution:

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**RESOLUTION OF THE  
CITY COUNCIL OF THE CITY OF BEDFORD  
TRANSFERRING VDOT FUNDING ALLOCATIONS**

**WHEREAS**, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by council resolution be made in order that the Department program an urban highway project in the City of Bedford; now

**THEREFORE BE IT RESOLVED**, that the Council of the City of Bedford, Virginia, requests the Virginia Department of Transportation to transfer urban system allocations under Section 33.1-44 from State Project # 0122-141-105, P101, R201, C501, UPC 76401 to the primary road project, State Project # 0460-009-141, P101, R201, M501, UPC 67529 for the improvement of U.S. 460 from 0.38 miles West of Old Turnpike Road to 0.09 miles East of Old Turnpike Road, a distance of approximately 0.49 miles.

**BE IT FURTHER RESOLVED**, that the Council of the City of Bedford hereby agrees to pay its share of the total cost of the urban system allocated portion for preliminary engineering, right of way and construction of project UPC 67529 in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City of Bedford subsequently elects to cancel project UPC 67529, the City of Bedford hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs of the urban system allocated portion expended by the Department through the date the Department is notified of such cancellation.

On motion by Councilman Murray, seconded by Councilman Rush, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

City Manager Kolakowski said that as part of its review of the City's petition for reversion, the Commission on Local Government has requested a copy of the City's future land use map. As a matter of practice, the zoning map serves in this capacity, although that has never been formalized as a matter of policy. The current Comprehensive Plan (as amended in April) calls for the formal designation of the zoning

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map to serve as the City's future land use map. Council is requested to adopt the proposed resolution designating the zoning map to function concurrently as the City's future land use map.

On motion by Councilman Stanley, seconded by Councilman Vest, voted upon and carried by a roll call vote, Council adopted the resolution designating a future land use map. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION OF THE  
CITY COUNCIL OF THE CITY OF BEDFORD  
DESIGNATING THE OFFICIAL ZONING MAP  
TO FUNCTION CONCURRENTLY  
AS THE CITY'S FUTURE LAND USE MAP**

**WHEREAS**, the Commission on Local Government recently submitted an inquiry requesting the City's future land use map; and

**WHEREAS**, City Council approved the amendment of the Comprehensive Plan at its regular meeting on April 10, 2012; and

**WHEREAS**, the current Comprehensive Plan calls for the formal designation of the zoning map to serve as the City's future land use map;

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Bedford hereby designates the official zoning map to serve concurrently as the future land use map.

The City Manager said Council had received a proposed ordinance which readopts and reenacts §34-2 of the City Code, incorporating by reference current provisions of the Code of Virginia dealing with traffic laws and motor vehicle operation. Failure to adopt this ordinance would mean that offenders would have to be charged under the State law rather than the City law. Any fines collected would then be payable to the State rather than to the City. The ordinance has been posted in three locations in the City, in accordance with §2-54 of the City Code.

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Councilman Vest moved that the ordinance readopting and reenacting code provisions dealing with traffic laws be adopted. The motion was seconded by Councilman Rush. After a brief discussion, 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	absent
Councilman Murray	aye
Mayor Tharp	aye

The ordinance follows as adopted:

**ORDINANCE NO 12-3**

**AN ORDINANCE TO READOPT AND REENACT  
SECTION 34-2 OF THE CITY CODE  
INCORPORATING BY REFERENCE CURRENT  
PROVISIONS OF THE CODE OF  
VIRGINIA DEALING WITH TRAFFIC LAWS  
AND MOTOR VEHICLE OPERATION**

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

Section 1. Sec. 34-2 of the City Code is hereby readopted and re-enacted as follows:

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 in Article 9 (Sec. 16.1-278 et seq) of Chapter 11 of Title 16.1, and in Article 2 (Sec. 18.2-266 et seq) of Chapter 7 of Title 18.2, of the Code of Virginia, except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the City, are hereby adopted and incorporated herein by reference and made applicable within the City. References to "Highways of the State" contained in such provisions and requirements hereby adopted, shall be deemed to refer to streets, highways and other public ways within the City. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this Chapter as fully as those set forth at length herein, and it shall be unlawful for any person, within the City, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 9 of Chapter 11 of Title 16.1 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, which are adopted by this Section;

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provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under such titles of the Code of Virginia.

Section 2. This Ordinance shall become effective on July 1, 2012, upon publication one time, immediately following its passage, in some newspaper published in the City or upon posting at three or more public places in the City for one week, as required by Section 19 of the City Charter.

City Manager Kolakowski reported that the week of June 4 - 8, 2012, "The Year of the Entrepreneur" has been designated as Business Appreciation Week in Virginia, in recognition of the many benefits to Virginia communities derived from their industries. In appreciation of our local industries, Council is being requested to adopt a Resolution declaring Business Appreciation Week in the City.

The Clerk of Council read aloud the following proposed resolution:

### **BUSINESS APPRECIATION WEEK 2012**

**WHEREAS**, Governor Robert F. McDonnell has recognized June 4 - 8, 2012, "The Year of the Entrepreneur" as **BUSINESS APPRECIATION WEEK** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and,

**WHEREAS**, the City of Bedford encourages all of its businesses and supports entrepreneurship to create a vibrant, sustaining small business community; and

**WHEREAS**, the citizens of the City of Bedford benefit from the positive business climate, economic growth, and job opportunities that are the contributions of businesses; and

**WHEREAS**, Bedford has joined the Commonwealth in creating long-term economic revitalization by embracing diversity in its business community, fully integrating technology into business practices, and preserving the economic well-being and safety for its citizens; and

**WHEREAS**, businesses in the City of Bedford play a significant role in moving Bedford forward by positively impacting our healthy economy; and

**WHEREAS**, Business Appreciation Week increases public awareness of the valuable contributions that businesses make in our community.

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**NOW, THEREFORE**, the City Council of the City of Bedford does hereby recognize June 4 - 8, 2012, "The Year of the Entrepreneur" as **BUSINESS APPRECIATION WEEK** in the **City of Bedford**, and call this observance to the attention of all our citizens.

On motion by Councilman Stanley, seconded by Councilman Rush, 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	absent
Councilman Murray	aye
Councilman Rush	aye
Mayor Tharp	aye

Councilman Murray moved that Council adjourn into closed session pursuant to Section 2.1-344 (a) (5) of the Code of Virginia of 1950, as amended, for discussion concerning a prospective industry 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 Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	absent
Councilman Murray	aye
Councilman Rush	aye
Councilman Stanley	aye
Mayor Tharp	aye

Council adjourned into closed session at 7:20 p.m. The following non-council members attended: City Manager Kolakowski, City Attorney Berry, and Assistant City Manager Warner.

Council reconvened into open session at 7:40 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.

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On motion by Councilman Murray, seconded by Vice Mayor Wandrei, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

Mayor Tharp adjourned the meeting at 7:40 p.m. until May 16, 2012, at 5:30 p.m. in the Council Hall for a Budget Work Session.