

July 10, 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., July 10, 2012.

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

Members absent: Councilman C. G. Stanley, Jr.

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 June 12, 2012, and the minutes of a called meeting held on June 19, 2012, were approved as distributed.

City Manager Kolakowski reported on the following:

- An unprecedented storm that occurred on June 29 – expressed appreciation and admiration for the efforts done by the City utility employees, public works employees, and public safety employees for their work in restoring power and services, keeping the roads clear, and making sure the City could keep functioning. The storm was described very accurately as a hurricane with two hours warning and thirty minutes of duration. He also expressed appreciation to agencies throughout the area, churches, and businesses that went above and beyond in offering assistance to the residents and to each other, and to the residents themselves who helped each other out – it showed the best of what this area has to offer.
- The Commission on Local Government had its regular meeting on July 9 in Richmond at which time it unanimously approved the Voluntary Settlement Agreement between the City of Bedford and the County of Bedford. The next step of the process will be a public hearing and a vote by City Council and the Board of Supervisors after which the report will go to the three-judge panel.

Councilman Vest stated he also attended the Commission on Local Government meeting. Mr. Vest thanked the members of Council and the staff for their hard work in getting this process to the point it is today. Councilman Vest read aloud the concluding comment from the [Draft Report on the City of Bedford - County of Bedford Voluntary Settlement Agreement, Commission on Local Government, Commonwealth of Virginia, July 2012](#), as follows:

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CONCLUDING COMMENT

The Commission on Local Government acknowledges the considerable effort devoted by officials of the City of Bedford and Bedford County to negotiate the agreement before us. The agreement reflects a notable commitment by the leadership of both jurisdictions to address in a collaborative fashion the concerns of their localities and the needs of their residents. We commend the officials of the two jurisdictions for their public leadership, for the interlocal agreement which they have negotiated, and for putting the needs of their citizens ahead of personal and political gain.

Councilman Vest, Chairman of the Finance Committee, said the Committee did not meet and that members of Council had been given the May financial reports. Mr. Vest said if Council members had any questions about the reports to contact the City Manager.

Councilman Vest suggested that a letter of thanks be sent to the people who helped support the 4th of July fireworks.

Mayor Tharp acknowledged Police Chief Day and his department for everything he does to make the community safer; he exhibited strong leadership, integrity, devotion to the City, to its residents, and said that Council is one hundred percent behind the Chief. The Mayor said that all acknowledge that there is a perception and when you are dealing with perceptions in the public it is tough. He said that Council would like to work with the department, with the City, with whomever it needs to work with to try to address those perceptions and to address those individual instances in a way that would erase those negative thoughts. Mayor Tharp stated that everyone in the community should be as proud of the Police Department as City Council is.

Vice Mayor Wandrei said that there is also a question it could be a problem and until it is looked at Council cannot tell if it is a problem or whether it is just a perception of a problem. Mr. Wandrei said it is a disservice to people who have actually raised criticism and Council should look at this and find out and address the situation.

Councilman Rush said that he was probably one of the most qualified people on City Council and in the City to evaluate the Chief with his experience and education and thirty-one years in criminal justice. Mr. Rush thanked the Chief and told him to keep up the good work.

On motion by Councilman Murray, seconded by Councilman Vest, voted upon and carried, the following item was added to the agenda:

Closed session pursuant to Section 2.2-3744(a)(5) of the Code of Virginia of 1950, as amended, for discussion concerning a prospective business where no previous announcement has been made.

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Mayor Tharp opened the Public Hearing regarding the sale and conveyance of a lot on Railroad Avenue at 7:06 p.m.

The Public Hearing Notice follows:

NOTICE OF PUBLIC HEARING

The City Council of Bedford, Virginia, on Tuesday, July 10, 2012, at 7:30 P.M. in the City Council Chambers, Municipal Building, 215 East Main Street, Bedford, Virginia 24523 will hold a public hearing pursuant to Virginia Code Section 15.2-1800 concerning the sale and conveyance of certain property to Anthony Hubbard and Daryl Hubbard for a price of \$20,000.00. The real estate to be conveyed is located at the intersection of Railroad Avenue and F. Street and is identified on the Bedford City Tax map as parcel # 195-5-A. A copy of the Contract of Purchase is available in the City Manager's Office.

By Order of the Bedford City Council
Teresa W. Hatcher, City Clerk

As there were no comments, the Mayor closed the public hearing at 7:06 p.m.

City Manager Kolakowski reported that the City of Bedford owns a small triangular lot bounded on the east by Quarles Street, on the west by F. Street, and on the south by Railroad Avenue. Anthony Hubbard and Darryl Hubbard have entered into a contract for purchase of property from the City of Bedford, subject to approval by the City Council, for use in their business, Darton Environmental, which processes cooking oil to separate out basic materials used in the creation of fuels for motor vehicles.

The City Manager said the City's title to the lot is derived from a common law dedication of the lot when Greenwood Land Company on August 15, 1889, recorded a plat for the development of a large tract of land north of the Rubatex properties. The lot was designated on the plat as "Park" and has been carried on the tax records as City property as long as government-owned properties have been shown on the land books (1979). The City has treated the property as its own and rented the property to Rubatex for a parking lot for its employees for a period of time beginning 1988.

Mr. Kolakowski said the contract which has been executed between the City Manager and the purchasers, subject to approval by the City Council, provides that the City will sell the property to the purchaser for a price of \$20,000 and will convey the lot by quitclaim deed without warranty, that the City will provide a new plat and a commitment for title insurance for the purchasers, and that the purchasers have a 30 day period after approval of the sale by the City Council to determine that the property is feasible for their intended uses.

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City Manager Kolakowski reported as required by state law, a public hearing concerning the proposed conveyance was advertised in the Bedford Bulletin notifying that the public hearing would be held at the Council meeting on July 12, 2012. The proposed ordinance authorizing the sale has been posted in accordance with the provisions of the City Code. The City Manager requested that Council, by proper motion, approve execution of the proposed ordinance authorizing conveyance of the lot.

Councilman Vest moved that the proposed ordinance be adopted. The motion was seconded by Councilman Murray.

Vice Mayor Wandrei stated he would abstain from voting as he represents the Hubbards. The Vice Mayor said that the plat attached to the proposed ordinance was not the correct plat.

City Attorney Berry passed the correct plat to members of Council for review and apologized for the mistake.

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	absent
Councilman Vest	aye
Vice Mayor Wandrei	aye
Mayor Tharp	aye

The ordinance follows as adopted:

Ordinance No. 12-8

**AN ORDINANCE AUTHORIZING THE SALE
AND CONVEYANCE OF THE REAL ESTATE
LOCATED AT THE INTERSECTION OF
RAILROAD AVENUE AND F. STREET
TO ANTHONY HUBBARD AND DARYL HUBBARD**

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

Section 1. That the City Council approves the sale of the real estate located at the intersection of Railroad Avenue and F. Street, identified on the Bedford City tax map as parcel #195-5-A to Anthony Hubbard and Daryl Hubbard for a price of \$20,000.00 pursuant to a contract between the parties dated June 6, 2012.

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Section 2. Upon payment of the consideration by the purchaser, the Mayor and the City Clerk are hereby authorized to execute and deliver a quitclaim deed conveying the said real estate to Anthony Hubbard and Daryl Hubbard.

Section 3. This Ordinance shall take effect immediately.

City Manager Kolakowski said the City has received a copy of the Central Virginia Community Services Fiscal Year 2013 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 2012-2013 budget, the City has appropriated \$6,825 for provision of the services provided by the contract. A copy of the Performance Contract is available for review in the City Manager's office. The City Manager said that Council was requested to approve the Central Virginia Community Services 2013 Performance Contract with the condition that the City's tax appropriation for services provided under the contract shall not exceed \$6,825.

On motion by Vice Mayor Wandrei, seconded by Councilman Rush, voted upon and carried by a roll call vote, Council approved the Central Virginia Community Services 2013 Performance Contract with the condition that the City's tax appropriation for services provided under the contract shall not exceed \$6,825. Roll call vote follows:

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

The City Manager stated that the City's written position on Equal Opportunity needs to be updated on a regular basis. When approved by City Council, the signed written statement is posted on the City's Legal Posting Board in the Municipal Building. Legal counsel has reviewed and approved the proposed updated Equal Opportunity Statement. Mr. Kolakowski said Council was requested to approve the proposed written statement as the City's position on Equal Opportunity.

On motion by Councilman Murray, seconded by Vice Mayor Wandrei, voted upon and carried by a roll call vote, Council approved the City of Bedford Equal Opportunity Employer Statement. Roll call vote follows:

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

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Councilman Murray	aye
Mayor Tharp	aye

The City of Bedford Equal Opportunity Employer Statement follows as adopted:

City of Bedford Equal Opportunity Employer Statement

The City of Bedford is an Equal Opportunity Employer, and hereby affirms that it is the policy of the City to maintain and promote equal opportunity and diversity for all employees, applicants for employment and contractors in accordance with the relevant federal and State Laws.

The City will not discriminate on the basis of race, religion, color, national origin, sex, age, disability, marital status, veteran status, sexual orientation, ancestry, or citizenship status.

In support of a diverse workforce, decisions as to hiring, promotion and other aspects of the employment relationship will be based solely upon job related qualifications.

The City will not tolerate any kind of harassment of employees or retaliation against an employee who brings a complaint forward. Allegations of harassment will be taken seriously, promptly investigated, and appropriate action taken depending on the severity of the situation.

Councilman Vest moved that Council adjourn into closed session pursuant to Section 2.2-3744(a) (5) of the Code of Virginia of 1950, as amended, for discussion concerning a prospective business where no previous announcement has been made. Vice Mayor Wandrei seconded the motion. The motion was voted upon and carried by the following roll call vote:

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

Council adjourned into closed session at 7:14 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 7:29 p.m.

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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 Vest, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

Mayor Tharp adjourned the meeting at 7:30 p.m.