

July 24, 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 24, 2012.

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; and Deputy Clerk of the Council Debra B. Anderson

Staff absent: 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 July 10, 2012, were approved as distributed.

City Manager Kolakowski reported on the following:

- A very bad storm forecast for Bedford this evening did not occur.
- There is a request for a closed session for a very short update.
- The Notice for the Public Hearing on the Voluntary Settlement Agreement with Bedford County will be published in the newspaper on July 25 and August 1, 2012. The Public Hearing is scheduled for August 14, 2012. Bedford County has scheduled its public hearing for August 13.
- Noted that members of Council had been given a reformatted list of rollover requests from fiscal year 2012.

The Mayor stated that a closed session will be held for discussion concerning a prospective business where no previous announcement has been made.

The City Manager said that at the end of each fiscal year, the City has purchase orders which are outstanding and have not been completed. These would include goods and services that have already been ordered, but not yet received or invoices that have not been paid by June 30th. City staff is requesting the reappropriation of the funds that are outstanding on purchase orders as of June 30, 2012, to the budget for Fiscal Year 2013. Members of Council have received a detailed list of the amounts requested by account number. City Council is requested to approve the reappropriation of purchase orders per the list.

Councilman Murray moved that Council reappropriate the funds. The motion was seconded by Vice Mayor Wandrei.

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Councilman Vest said this convolutes the City's budget process and it is very hard to keep everything straight.

The City Manager said the prime construction period coincides with the fiscal year beginning, which is the explanation for 90% of the rollovers.

The motion was then voted upon and carried unanimously by a roll call vote, Council reappropriated the funds. Roll call vote follows:

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

The List of Purchase Orders Outstanding at 6-30-12 follows as approved:

PURCHASE ORDERS OUTSTANDING AT 6-30-12

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT AT 6-30-12
10011222 531308	Wellness Services	2,210.62
10011261 531404	Professional Services - IT	500.00
10033110 533110	Auto Repair - Outside Garage	2,163.00
10033110 533117	Training Facility Maintenance	621.00
10033110 560110	Uniforms	2,220.94
10033210 557254	Firefighters Grant - FY 2012	8,805.02
10033210 560045	EMS Supplies	1,358.00
10033210 560147	ISO Equipment	1,194.98
10044115 560171	Materials & Supplies - Curbs	48,197.09
10044115 560172	Materials & Supplies - Sidewalks	152,181.86
10044120 533118	Guardrail Replace/Maintenance	29,900.00
10044120 560173	Materials & Supplies - Streets	12,233.90
10044120 560178	Blacktop	142,446.29
10044120 560179	Milling	25,568.30
10044131 560195	Storm Drainage Projects	29,246.50
10044132 551100	Electric	25,000.00
10044240 531401	Groundwater Monitoring - Old	3,470.35
10044240 559010	Corrective Measures - Old Landfill	11,635.03
10044340 533100	Building & Grounds Maintenance	2,569.89
GENERAL FUND TOTAL		\$ 501,522.77

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50011261 581724	Firewall/Web Management	2,605.00
50044340 582930	ADA Improvements	50,330.92
50066211 581824	A/C Upgrade - Computer Lab - BMS	11,328.00

GENERAL CAPITAL PROJECTS FUND TOTAL **\$ 64,263.92**

17964240 531402	Groundwater Monitoring - New	6,498.37
17964240 533300	Tire Disposal	631.00

SOLID WASTE FUND TOTAL **\$ 7,129.37**

18974430 533113	Repairs & Maintenance - Plant	815.94
18974440 560190	Water Line Construction	7,000.00
18974450 533113	Repairs & Maintenance - Plant	6,800.00
18974450 533115	Repair/Maint - Pump Station #10	1,400.00
18974450 560174	Materials & Supplies - Chemicals	5,616.17
18974460 533101	Inflow & Infiltration Rehab	13,870.49
18974460 560170	Materials & Supplies	2,945.00
18974460 560191	Sewer Line Construction	52,907.91

WATER & SEWER FUND TOTAL **\$ 91,355.51**

58974430 581973	Replace Roof - River Pump Station	9,821.00
58974430 582921	Stoney Creek Reservoir	81,443.45
58974440 560190	Water Line Construction	29,289.63
58974450 581974	Replace Roof - Digester Building	14,897.00
58974460 533101	Inflow & Infiltration Rehab	69,330.97
58974460 560191	Sewer Line Construction	32,526.62
58974460 581967	Southern Rivers Project	2,278.00

WATER & SEWER CAPITAL PROJECTS FUND TOTAL **\$ 239,586.67**

19981920 531404	Professional Services	3,200.00
19981920 560071	Maintenance Supplies - Hydro Plant	3,580.00
19981920 560081	Fuel - Peaking Generator	2,770.80
19981930 560170	Materials & Supplies - Substations	5,353.00
19981940 560074	Wire & Cable	16,430.00
19981940 560078	Poles	10,416.00
19981940 560170	Materials & Supplies - Trans & Distr	310.00

ELECTRIC FUND TOTAL **\$ 42,059.80**

59981940 581437	Macon St Substation Upgrades	62,446.80
59981980 581512	Meter Reading Truck	16,944.50

\$ 79,391.30

TOTAL OF ALL OUTSTANDING PURCHASE ORDERS

\$ 1,025,309.34

City Manager Kolakowski stated that at the end of Fiscal year 2012, the City has numerous projects which were not completed or encumbered by a purchase order. The funds for these projects are needed in order to complete the various projects. After review of the requests for rollover of funds, the City Manager has recommended that the list of projects be approved for rollover from Fiscal Year 2012 and reappropriated to Fiscal Year 2013. Members of Council have received a detailed listing of the amounts requested by account number. The City Manager said that Council was requested to approve the rollover and reappropriation of funds per the list they have received.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council approved the rollover and reappropriation of funds. 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

The list follows as approved:

ROLLOVER REQUESTS FROM FISCAL YEAR 2012

Acct #	Account Name	Amount Available for Rollover	
SUMMARY:			
	Grants	79,257.51	1
	VDOT Highway Maintenance Funds	257,190.45	2
	Non-discretionary Funds	237,932.59	3
	Accumulated Funds	439,627.45	4
	Incomplete Projects	127,091.82	5
	Discretionary Funds	36,000.00	6
	TOTALS BY CATEGORY	\$ 1,177,099.82	

TOTALS BY FUND:

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100033 424051	Regional Crash Team Revenue 2012	(17,832.19)	1
100033 433152	DMV Grant 2012	(2,375.95)	1
10033110 557251	Regional Crash Team Grant 2012	16,041.32	1
10033110 557252	DMV Grant 2012	274.33	1
10033110 560103	Asset Forfeiture Expenditures	14,579.77	3
10011261 533130	Fiber Maintenance	6,335.76	3
10044115 560172	Materials & Supplies - Sidewalks	2,110.94	2
10044120 533118	Guardrail Replace/Maintenance	20,100.00	2
10044120 560173	Materials & Supplies - Streets	114,093.06	2
10044131 560195	Storm Drainage Projects	110,886.45	2

GENERAL FUND TOTAL **\$ 264,213.49**

50011261 582915	Cooling System - Server Room	3,000.00	6
50033110 581303	Radios	25,000.00	3
50033110 581968	Security Enhancements	4,000.00	6
50033210 581303	Radios	32,000.00	3
50033210 582938	Restroom Installation	6,000.00	6
50044115 581960	Stormwater Drainage	10,000.00	2
50044115 582916	GPS - Utilities	12,657.00	4
50044115 582934	Crosswalk Improvements	83,150.00	1
50044120 581143	Fuel Card System	12,000.00	6
50066211 582939	Building Improvements - BMS	30,000.00	3
50077111 581909	Paving - Activity Place	8,000.00	6
50077111 581971	Repair Nature Trail - LLP	2,000.00	6
50088150 581933	Economic Development Fund	194,753.75	4
50088150 582919	Enterprise Zone Maintenance	22,295.63	4

GENERAL CAPITAL PROJECTS FUND TOTAL **\$ 444,856.38**

57964240 581972	Security Cameras	1,000.00	6
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SOLID WASTE CAPITAL PROJECTS FUND TOTAL **\$ 1,000.00**

18974430 531406	Water & Sewer Study	77,652.96	3
18974440 560190	Water Line Construction	7,900.00	4

WATER & SEWER FUND TOTAL **\$ 85,552.96**

58974430 581969	Paint 1.0 MG Helm St. Tank	44,000.00	4
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58974430 582912	460 West JEDA Water Line	52,364.10	3
58974440 560190	Water Line Construction	25,848.45	4
58974440 581954	Low Volume Water Areas	120,000.00	4
58974440 582922	South St Waterline	10,000.00	5
58974450 581141	Motor Control Center	60,000.00	5
58974460 560191	Sewer Line Construction	1,552.66	4
WATER & SEWER CAPITAL PROJECTS FUND TOTAL		\$ 313,765.21	
59981940 581437	Macon Street Station Upgrades	57,091.82	5
ELECTRIC CAPITAL PROJECTS FUND TOTAL		\$ 57,091.82	
40033110 560109	GREAT Donations	10,619.96	4
GREAT FUND TOTAL		\$ 10,619.96	
TOTALS		\$ 1,177,099.82	

City Manager Kolakowski said the City of Bedford has had a deer management program for several years to help in controlling the deer population. Vehicle accidents involving deer and property damage caused by deer continue, although at a somewhat decreased rate from past years. The Virginia Department of Game and Inland Fisheries established an urban archery season during 2002 to assist towns and cities across the Commonwealth with urban deer management issues. The objective of the urban archery season is to reduce human/deer conflicts in urban areas by concentrating archery-hunting pressure in urban areas. Archery deer hunting is an effective, quiet method for harvesting deer in urban settings and when used in conjunction with other deer management programs, helps to lessen human/deer conflicts. The City Manager said that Council was requested to approve the ordinance restricting the use of bows and arrows within the City and providing for urban archery as part of a deer management program.

Councilman Murray moved that the ordinance be approved. Vice Mayor Wandrei seconded the motion.

The Vice Mayor spoke of items in the proposed ordinance that seem to be redundant.

City Attorney Berry asked which of the two proposed Urban Archery Ordinances was meant to be approved.

Councilman Murray, who made the motion, indicated that he was referring to the amended proposed Urban Archery Ordinance.

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

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

The Ordinance follows as adopted:

ORDINANCE NO. 12-9

**AN ORDINANCE RESTRICTING THE USE OF
BOWS AND ARROWS WITHIN THE CITY AND
PROVIDING FOR URBAN ARCHERY AS PART OF
A DEER MANAGEMENT PROGRAM**

WHEREAS, the City Council in December 2011 amended the Bedford Code, Section 30-82 which dealt with discharge of various weapons, specifically creating new regulations for the use of pneumatic guns in accordance with state legislation, and all reference to the use of bows and arrows in the City were removed in anticipation of adoption of an urban archery ordinance; and

WHEREAS, the City Council deems it proper to enact a new ordinance restricting the use of bows and arrows and crossbows in the City and providing for an urban archery program;

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

Section 1. That the Code of the City of Bedford is amended by adding a new section, Section 30-82.1 as follows:

SEC 30-82.1. Use of Bows and Arrows or Crossbows

(a) No person shall discharge an arrow from a bow or crossbow within the City except as provided in this Section.

(b) This section shall not apply to the use of a bow ten (10) pounds or less of draw rate with a blunt rubber-tipped arrow.

(c) This section shall not apply to properly located and constructed archery ranges approved by the Chief of Police.

(d) No minor under eighteen (18) years shall discharge an arrow from a bow or crossbow except upon a properly located, constructed, and

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approved archery range, and then only under the immediate supervision of an adult.

(e) Deer may be hunted within the City with bows and arrows or crossbows in accordance with the City's Urban Archery Program under the supervision of the Chief of Police and subject to the following conditions:

1. Hunters must abide by all applicable sections of the Virginia State Code, Virginia Hunting Regulations, and local ordinances.

2. Only antlerless deer may be taken.

3. Hunting with bow and arrow is permitted on any parcel which consists of three (3) acres or more, or parcels with concurrent boundaries which in combination equals three acres or more.

4. In addition to the urban archery season, archery deer hunting is also allowed during the early archery season, the general firearms deer season, and during the late archery season (i.e. from the first Saturday in October through the first Saturday in January).

5. It is unlawful to hunt except from a stand elevated a minimum of twelve (12) feet above the ground.

6. It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons, except as allowed under state law.

7. The hunter must obtain written permission from the landowner before hunting and shall carry a copy of the written permission at all times while hunting.

8. The property owner must obtain an annual Urban Archery permit from the Bedford Police Department.

9. No person shall discharge a bow from, over or across any street, sidewalk, alley, or public place, or towards any building or dwelling in such a manner that the arrow may strike it.

10. A hunter discharging a bow shall use reasonable care to ensure the arrow does not cross any property line and enter any property on which the hunter does not have permission to hunt. The discharge of an arrow across or over the boundaries of a property for which no permission has been given by the property owner shall create a rebuttable presumption that the use of the bow and arrow was not conducted with reasonable care.

11. Discharge of an arrow is permitted only in order to take a deer. No discharge of an arrow shall be made toward any animal other than a deer.

12. The hunter is responsible for the disposition of the deer carcass.

13. If a deer which has been shot with an arrow leaves the property on which the hunter has permission to hunt, the hunter shall obtain permission from any property owner over which he/she must travel to retrieve the deer.

14. No person shall hunt deer in the City by use of dog or dogs.

(f) Any person who violates the provisions of this ordinance shall be guilty of a class 3 misdemeanor.

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Section 2. This ordinance includes a penalty for its violation, and the Clerk is directed to cause the ordinance to be published one time immediately after its passage in some newspaper published in the City or posted at three or more public places in the City for one week in accordance with Section 19 of the City Charter, and this ordinance shall be effective upon completion of such publication or posting.

Councilman Stanley moved that Council adjourn into closed session pursuant to 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. Vice Mayor Wandrei seconded the motion. The motion was voted upon and carried by the following roll call vote:

Councilman Stanley	aye
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 7:10 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 7:20 p.m.

The Deputy 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 Councilman Murray, seconded by Vice Mayor Wandrei, 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	aye
Mayor Tharp	aye

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Mayor Tharp adjourned the meeting at 7:22 p.m.