

October 9, 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., October 9, 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 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 September 25, 2012, were approved as distributed.

City Manager Kolakowski reported on the following:

- Centerfest was very successful – expressed appreciation for all the volunteers, the Public Works Department, the Police, the Main Street people, the business people, and the residents who took part in it.
- On October 11 there will be a “National Night Out” from 6:00 p.m. to 8:30 p.m. at the Farmer’s Market – there will be music, vendors, the Police Department, and other agencies in the area talking about how to be safe, how to keep children safe, and how to keep homes and businesses safe and secure.
- There is some activity around the area: dirt being turned over and building frames going up along Rt. 460, Independence Boulevard, and throughout the City. It is good to see some businesses popping up, construction activity, and a number of permits being taken out for construction. Staff has been fielding a number of calls from businesses that are looking to expand and some that are looking to locate in the area.
- The final public hearing on the Voluntary Settlement involving reversion will be held by the three-judge panel on December 18, 2012, at 11:00 a.m. in Bedford Circuit Court.

Mayor Tharp suggested that members of Council attend the public hearing to show Council’s solidarity for the reversion process.

Councilman Vest, Chairman of the Finance Committee, reported that the Committee met earlier in the evening and said that costs as were budgeted are under control and hopefully after the first quarter taxes come in the income will improve somewhat.

The City Manager said that as part of the Voluntary Settlement between the City and County, the parties agreed that after reversion to town status, the county shall enforce within the Town boundaries all state mandated building codes and the County’s Erosion

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and Sediment Control Ordinance. Jimmy English, the City Building Code Administrator, retired on September 2, 2012. The parties have agreed that immediate implementation of the provisions dealing with building code enforcement and erosion and sediment control programs, prior to actual reversion will allow more efficient and economical use of existing resources by the political subdivisions.

City Manager Kolakowski said the City Attorney has drafted an Agreement to be executed by the City and by the County setting forth the agreements of the parties. The Agreement calls for enforcement of Part A and Part B of the Uniform Statewide Building Code and of the State Erosion and Sediment Control Program by the County officers within the jurisdiction of the City and its successor Town. The Agreement shall begin on November 1, 2012 and continue until December 31, 2013 and thereafter on a yearly basis until terminated pursuant to the provisions of the Agreement. The Agreement provides that the Town may terminate the Agreement on any December 31 after giving at least six months prior written notice to the County. All fees will be the same charged to county residents and shall be paid to the County. Mr. Kolakowski recommended that Council pass the Resolution which has been prepared authorizing the execution of the Agreement on behalf of the City of Bedford.

On motion by Councilman Rush, seconded by Councilman Murray, voted upon and carried by a roll call vote, Council adopted the resolution authorizing the execution of an Agreement for Bedford County to provide building code and soil and sediment control administration within the City or Town limits. 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 resolution follows as adopted:

**RESOLUTION APPROVING AGREEMENT FOR BUILDING CODE  
AND SOIL AND SEDIMENT CONTROL ADMINISTRATION AND  
ENFORCEMENT BY BEDFORD COUNTY**

**WHEREAS**, the City and the County have entered into an agreement dated August, 2012, entitled "Voluntary Settlement of Transition to Town Status and Other Related Issues Between the City of Bedford and the County of Bedford," which was approved by an ordinance, adopted at a duly called meeting of the Board of Supervisors on August 13, 2012, and by an ordinance adopted at a duly called meeting of the City Council of the City of Bedford, on August 14, 2012; and

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**WHEREAS**, the parties have petitioned the Circuit Court of Bedford County to approve the Voluntary Settlement Agreement which, upon approval by a three judge Court, is proposed to take effect on July 1, 2013; and

**WHEREAS**, under Section 6.6 of the Voluntary Settlement Agreement, entitled "Building Code Enforcement and Zoning," the parties agree that after the reversion to town status, the County shall enforce, within the Town boundaries, all State mandated building codes and the County's Erosion and Sediment Control ordinance; and

**WHEREAS**, the City's building code administrator retired on September 2, 2012; and

**WHEREAS**, in view of the proposed changes in enforcement of these provisions after the reversion of the City to Town status on July 1, 2013, and in view of the fact that the County has a well trained and capable staff that has offered to provide these services by agreement to the City prior to the City's reversion to Town status, the parties agree that the early implementation of the provisions of the Voluntary Settlement Agreement dealing with building code enforcement and erosion and sediment control programs will allow a more efficient and economical use of existing resources by the two political subdivisions.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Bedford as follows:

1. The City Council approves the execution of the "Agreement for Bedford County to Provide to the City of Bedford and Its Successor Town Services Related to the State Building Code and to the Erosion and Sediment Control Program," and authorizes the Mayor to execute the Agreement on behalf of the City and the City Clerk to affix the seal and attest to it.

2. This Resolution shall take effect immediately.

City Manager Kolakowski said that City Council at a duly called meeting on July 10, 2012, by ordinance, approved the conveyance of sale of a lot to Anthony Hubbard and Daryl Hubbard and authorized the execution and delivery of a quitclaim deed conveying the property. The Hubbards have requested that the property be conveyed with special warranty of title and the City Attorney has recommended execution and delivery of such a deed. The City Manager requests that Council, by proper motion, adopt the resolution authorizing conveyance of the lot under special warranty deed.

On motion by Councilman Stanley, seconded by Councilman Rush, voted upon and carried unanimously by a roll call vote, Council adopted the resolution authorizing conveyance of the lot under special warranty deed. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION AUTHORIZING EXECUTION OF  
A SPECIAL WARRANTY DEED TO  
ANTHONY HUBBARD AND DARYL HUBBARD**

**WHEREAS**, the City Council at a duly called meeting on July 10, 2012, by ordinance approved the conveyance of sale of a lot to Anthony Hubbard and Daryl Hubbard and authorized the execution and delivery of a quitclaim deed conveying the property; and

**WHEREAS**, the Hubbards have requested that the property be conveyed with special warranty of title and the City Attorney has recommended execution and delivery of such a deed;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Bedford as follows:

1. The City Council approves the execution of a deed conveying the real estate described in the ordinance of July 10, 2012, to Anthony Hubbard and Daryl Hubbard with special warranty of title and authorizes the Mayor to execute the deed on behalf of the City and the City Clerk to affix the seal and attest to it.

2. This Resolution shall take effect immediately.

Councilman Vest moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(11) of the Code of Virginia of 1950, as amended, for consultation with legal counsel. Councilman Murray 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

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Council adjourned into closed session at 7:07 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 7:25 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 Councilman Murray, seconded by Councilman Vest, 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 7:26 p.m.