

September 10, 2013

A regular meeting of the Council of the Town of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., September 10, 2013.

Members present: Mayor Robert T Wandrei; Councilman Robert D. Carson (arrived at 7:17 p.m.); Councilman Stacey L. Hailey; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; Councilman W. D. Tharp; and Vice Mayor James A. Vest

Members absent: None

Staff present: Town Manager Charles P. Kolakowski; Town Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Wandrei opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Wandrei declared that the minutes of a regular Council meeting held on August 27, 2013, were approved as distributed.

Town Manager Kolakowski reported on the following:

- Debbie Roberts, Deputy Treasurer, will give a report later in the meeting on uncollected taxes

Assistant Town Manager Bart Warner gave a power point presentation on the formation of the Bedford Central Recreation Association (BCRA). Mr. Warner explained there will be a Board of Directors heading the Association and there is a need to attract members. Mr. Warner said the Association is a separate non-profit outside agency.

Vice Mayor Vest noted that June 6-8, 2014, will be a celebration of the 70th Anniversary of D-Day at the National D-Day Memorial: on Friday, June 6, there will be a commemoration ceremony at 11:00 a.m.; Saturday, June 7, there will be a 1940s parade and that evening there will be a performance by a Jimmy Dorsey type band; Sunday, June 8, at 11:00 a.m. there will be an authentic WWII field chapel service. The Vice Mayor said he will keep the Council informed as to the celebration.

Mayor Wandrei said there was a very good article in the August issue of *Virginia Business* about the Town of Bedford and how it became a town.

The Mayor stated there was one revision to the agenda: Discussion of a draft of a letter to the Bedford Regional Water Authority concerning some of the problems that have been brought to Council's attention.

The Clerk of Council read aloud the following notice:

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NOTICE OF PROPOSED ORDINANCE

The Council of the Town of Bedford, Virginia, hereby gives notice that on Tuesday, September 10, 2013, it will consider passage of an ordinance amending and re-enacting Section 30-77 of the Town Code (Discharge of Firearms) to allow the firing of firearms in private firearm ranges that have been approved by the Chief of Police and to allow hunting with shotguns on 5 acre parcels that are not within 100 yards of buildings, dwellings, streets, schools, ponds, or public land or public places.

A copy of the full text with proposed changes is on file and available to view at the Office of the Town Manager.

Councilman Carson arrived at 7:17 p.m.

Mayor Wandrei said the proposed ordinance deals with hunting in the Town of Bedford and is not gun control. The Mayor said it addresses the question of the Town getting larger tracts of land that became part of the Town as a result of the reversion.

The following individuals spoke about the proposed ordinance amending and re-enacting Section 30-77 of the Town Code:

- Dan Harmony, 2185 Magnolia Drive: reviewed options that Council could consider: 1. Any land annexed greater than 5 acres is grandfathered with no new hunting restrictions or 2. Any land annexed with: A) A minimum of 5 acres but less than 10 acres, hunting is allowed by archery and shotgun only. No shooting within 100 yards of a building, dwelling, street, school, pond, public land or public place. B) A minimum of 10 acres but less than 20 acres hunting is allowed by archery, shotgun and muzzleloader. No shooting within 100 yards of a building, dwelling, street, school, pond, public land or public place. C) Any parcel 20 acres or more hunting is allowed and governed under current Department of Game and Inland Fisheries under State Code Section 29.1. In addition, no shooting within 100 yards of a building, dwelling, street, school, pond, public land or public place. Mr. Harmony reviewed statistics regarding hunting incidents. Mr. Harmony asked Council review this and to use some common sense in its judgment as far as restricting the liberties that people had prior to the reversion.

Mayor Wandrei said he did not think Council could discriminate between property that is in the area that has been annexed and property that is already within the Town limits. The Mayor said he thinks all residents of the Town have to be treated equally.

- Scott Thomas, 1957 Krantz's Corner Road: said that he and his father have had hunting rights on Rebecca Allison's 133 acre farm for the past 15 years. Mr. Thomas said the farm is a working farm with large fields and wooded area. He said the farm has an abundance of wildlife including those that are nuisances. He

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spoke about the restrictions on hunting since the City reverted to town status. Mr. Thomas spoke of a shooting range adjacent to the farm that is operating with no restrictions. Mr. Thomas said that the property should be grandfathered in allowing hunting.

- Chuck Allison, from Goode, Va., said that Scott Thomas was referring to his family farm, which is 1683 East Lynchburg-Salem Turnpike, across from Lowes. Mr. Allison asked Council to look at a graduated approach. He said he sent an email on September 9 referring to the fact that he understands Council's concern and limitations on firearms on 5 acres; however, he did not see where the limitations that would apply to a 5 acres tract would necessarily equally apply to a 50 or a 100 acre tract.
- Russell Stevens, 1251 Dickerson Mill Rd., spoke about hunting on his land and how he did not understand why the hunting issue has to change.
- Matt Knox, Department of Game and Inland Fisheries, explained hunting rules and various types of firearms.
- Franklin E. Harmony, III, 516 Longwood Avenue: said he is opposed to any hunting within the Town limits other than the areas that were outside of the original City. Mr. Harmony said he did not understand why the ordinance would be changed for the people who lived outside the City before reversion. He expressed concern of endangering children's lives if hunting is allowed within the previous City limits. Mr. Harmony said he is opposed to the discharge of firearms within the Town limits unless it is done by trained personnel.
- Mr. Dan Harmony asked what will happen to working farms protecting livestock if the discharge of firearms within the Town is prohibited.

Mayor Wandrei closed the public hearing at 7:40 p.m.

The Consent Agenda consisted of the following item: a request from the Bedford Fire Department that Council authorize blocking the following streets for an Antique Fire Truck Parade on Saturday, October 5, 2013, from 1:00 p.m. until 2:30 p.m. to celebrate the Fire Department's 125th Anniversary:

- Bedford Avenue from 4th Street to Jackson Street
- North Bridge Street from Jackson Street to South Bridge Street
- West Main Street from Bridge Street to 4th Street
- 4th Street from Main to Bedford Avenue

Following the parade, participating apparatus will be on static display at the Bedford Recreation Field. A free concert at 8:00 p.m. will conclude the celebration. In order to provide a pedestrian safe, vehicle-free area, the Fire Department is requesting the following street be closed from 12:00 noon until 10:00 p.m.:

- Bedford Avenue from Mountain Avenue to College Street

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On motion by Vice Mayor Vest, seconded by Councilman Hailey, and carried unanimously, the Consent Agenda was adopted.

Discussion ensued with members of Council expressing their opinions on the proposed ordinance regarding discharge of weapons:

- Councilman Stanley said he is opposed to hunting in the Town and asked why the annexed property cannot be grandfathered
- Vice Mayor Vest agreed with Councilman Stanley.

The Town Attorney said that the state legislation authorizing cities, counties, and towns is fairly complex. Mr. Berry said that some localities have made that distinction.

- Councilman Rush said that he opposes it in a sense, but is in favor of someone who has 5 acres or more in Town being able to use a shotgun or a muzzleloader. Councilman Rush said he lives in Town, but at the edge of the County, and has seen two coyotes in the last 30 days.
- Councilman Carson said he could not understand how Council can change a tradition that has been going on for years simply by moving a marker. He said he would be opposed to guns in the Town, whether on 5 acres or 10 acres.
- Councilman Hailey said he did not agree with guns inside the Town limits (old City limits) and spoke in favor of grandfathering the former County residents.

Mayor Wandrei asked the Town Attorney if the Town can discriminate against people that are in the previous City limits as opposed to the people in the new Town limits.

Town Attorney Berry said that the grandfathering method has been done in other jurisdictions and he would tend to think that it can be done. He said that the ordinance could be drawn up with exceptions.

After a brief discussion, Mayor Wandrei appointed an Advisory Committee on Hunting within the Town Limits consisting of the members of the Public Safety Committee: Councilman Hailey and Councilman Rush.

The Mayor suggested that the members of the committee consult with the people that spoke today, prepare a proposed ordinance within four weeks, and disseminate it through the Town Manager's Office.

Debbie Roberts, Deputy Treasurer, presented the following report on uncollected taxes:

REAL ESTATE TAX STATUS AS OF AUGUST 14, 2013

| TAX YEAR | ASSESSMENT | UNCOLLECTED | COLLECTED |
|-----------------|-------------------|--------------------|------------------|
| 2008-2009 | \$3,290,147.02 | \$12,381.09 | 99.62% |
| 2009-2010 | \$3,537,167.64 | \$34,392.50 | 99.02% |

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|-----------|----------------|-------------|--------|
| 2010-2011 | \$3,675,433.18 | \$ 4,736.23 | 98.87% |
| 2011-2012 | \$3,705,108.57 | \$42,654.84 | 98.84% |
| 2012-2013 | \$3,686,212.96 | \$40,701.96 | 98.89% |

PERSONAL PROPERTY TAX STATUS AS OF AUGUST 14, 2013

| | | | |
|------|----------------|-------------|--------|
| 2008 | \$1,104,911.01 | \$7,433.39 | 99.32% |
| 2009 | \$1,186,639.03 | \$6,909.24 | 99.41% |
| 2010 | \$1,166,053.58 | \$7,584.10 | 99.34% |
| 2011 | \$1,174,495.32 | \$8,391.12 | 99.28% |
| 2012 | \$1,205,990.30 | \$15,938.14 | 98.67% |

State Relief Annual Reimbursement is \$280,647.01

Mrs. Roberts explained the procedures for collecting delinquent taxes. She also spoke about bank liens, rent liens, and set-off debts and how these will be handled with Bedford County. Mrs. Roberts explained the new procedure for tax tickets that is in place due to the reversion of the City to a town.

The Town Manager said there is confusion as to the amount of taxes being owed. Mr. Kolakowski said he will talk with Mrs. Roberts and the person from the County and find out why they cannot determine what the tax is.

Mayor Wandrei thanked Mrs. Roberts for her usual excellent job every year.

Mayor Wandrei said the next item was a letter that was drafted for the signatures of the members of Council dated September 10, 2013, addressed to the Board of Directors of the Bedford Regional Water Authority. The Mayor said there have been a number of complaints that have been registered by people who are now purchasing water from the Authority. Mayor Wandrei said this letter addresses some of those concerns.

Vice Mayor Vest asked about why the letter was given to Council at tonight's meeting.

Town Manager Kolakowski apologized and said he met with the staff of the Authority earlier in the day on some of the issues to try to clarify exactly which issue would need to be addressed in the letter. Mr. Kolakowski said that some of the issues were being clarified and hopefully would be brought up at the Authority's Board meeting next week.

Members of Council reviewed the letter.

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The Town Manager said that charging property owners a deposit for opening a utility account is part of the statute. Mr. Kolakowski said the members of the Authority agree that this should not be done and the Town may need to request legislation from the representatives in Richmond. The Town Manager said the “deposit” was a result of legislation passed which involved the placing of liens and also placing certain requirements on it, and it did not differentiate owner-occupied properties and rental properties.

The Town Manager said the deposits charged by the Authority were significantly higher for certain categories, in particular for small commercial. It was set up in a fashion which did not take into account the type of business, the size of the meter. Mr. Kolakowski said the committee set up by the Authority to look at the issue recognized that and requested staff to come up with deposits that take into account the size of the meter and other considerations such as the type of business and any historical data they may have as to the level of usage at that particular property. The Town Manager said the letter is a reflection of the concern of Council and the support of Council in adopting those type changes and taking those things into consideration.

It was the consensus of Council to send the letter which was signed by all members of Council.

Mayor Wandrei adjourned the meeting at 8:29 p.m.