

September 24, 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 24, 2013.

Members present: Mayor Robert T Wandrei; Councilman Robert D. Carson; 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 September 10, 2013, were approved as distributed.

Town Manager Kolakowski reported on the following:

- the introduction of the new Executive Director of Bedford Main Street will be done at the next regular Council meeting.
- Introduced the new Finance Director Sonia Jammes.
- The annual “Centerfest” will be held on Saturday, September 28.

Vice Mayor Vest, Chairman of the Finance Committee, said the Committee met earlier in the evening and welcomed the new Finance Director; had a closed session; and the Town Manager gave the Committee a proposed budget schedule, which is a lot different from past schedules. The Vice Mayor said that according to the schedule, the budget will be adopted in February 2014 rather than in May or June.

The Mayor asked members of Council to notify the Town Manager’s Administrative Assistant if they plan to attend the NAACP Banquet.

The Town Manager read aloud the Notice of Public Hearing:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the Town Council at 7:00 p.m. on Tuesday, September 24, 2013 at the Town Municipal Building, Council Hall, 215 E. Main Street for the following purpose:

To consider abandonment of a Town right-of-way adjacent to tax map parcels 174-7-1; 174-7-2, 174-7-3, 174-7-4, 175-1-5, 175-1-6, 175-1-7, 175-1-8, 175-1-9 on Hampton Ridge; 174-A-17 & 174-A-18 on Elm Street, Bedford, VA 24523.

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The request is being made by Sue Hillsman Woods, property owner, 1215 Hampton Ridge, Bedford, VA 24523.

Anyone who is in favor of or opposed to this request will have an opportunity to express his or her view at this hearing.

By the Authority of the Town Council of the Town of Bedford

The Public Hearing was opened at 7:04 p.m.

Mr. Henry Clarke, County resident, stated he filed the petition for vacating the portion of the plat and the Planning Commission had approved it.

As there were no further comments, the Mayor closed the Public Hearing at 7:05 p.m.

Mr. Bryan David, Executive Director, Economic Development Council, Region 2000, presented the Region 2000 Annual Report and reviewed activities of the past year.

Mr. Gary Christie, Executive Director, Local Government Council, Region 2000, presented the Local Government Council's Annual Report and reviewed highlights of the report.

Town Manager Kolakowski stated that a plat creating a subdivision along the 1200 block of Hampton Ridge was recorded in 1924. Part of this plat includes a proposed dedication of a fifteen-foot alleyway to the Town of Bedford. The plat predates the current subdivision ordinance, is not signed by a Town official, and does not contain language indicating that the landowners freely consent to a dedication of the fifteen foot alley to the Town. Furthermore, Town staff has been unable to discover any historical action taken by elected officials of the Town to exercise any right of dedication since the recording of the plat.

Mr. Kolakowski said that at the request of an adjacent property owner, Sue Hillsman, the Planning Commission conducted a Public Hearing at its regular meeting on September 5, 2013. By a vote of four votes in favor with three members absent, the Planning Commission recommended that the Town Council vacate the portion of the plat related to the proposed alley and that the vacated property become part and parcel of the adjacent properties located within the area of the plat. Town Council is requested to approve the proposed ordinance vacating the portion of the plat which references the proposed alley.

On motion by Vice Mayor Vest, seconded by Councilman Hailey, voted upon and carried unanimously by a roll call vote, Council adopted the Ordinance. Roll call vote follows:

Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye

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Councilman Tharp	aye
Vice Mayor Vest	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

Ordinance No. 13-20

**AN ORDINANCE VACATING A PAPER STREET OR ALLEY
ADJOINING THE REAR OF LOTS LOCATED ON THE
WESTERN SIDE OF HAMPTON RIDGE**

WHEREAS, a fifteen (15) foot wide alley (paper street) running along the rear or western boundaries of lots located on the west side of Hampton Ridge (formerly Locust Street) was created by recordation of a plat of survey entitled "Map of Locust Street Lots," dated March 18, 1924, made by S. S. Lynn, and recorded in the Clerk's office of the Circuit Court of Bedford County, Virginia, in Deed Book 144, at page 118; and

WHEREAS, Sue P. Hillsman (also known as Sue P. Hillsman Woods) is the fee simple owner of one of the lots of real estate which is located within the original boundaries of the "Map of Locust Street Lots," being Lot No. 5 on the original plat and designated on the tax maps of the Town of Bedford and Bedford County, as tax parcel number 175-1-5 and commonly referred to as 1215 Hampton Ridge; and

WHEREAS, Sue P. Hillsman has petitioned the Town Council of the Town of Bedford, pursuant to Virginia Code, Section 15.2-2272 to vacate the portions of the plat which are designated as a fifteen (15) foot alley running along the rear of Lots 2 - 9; and

WHEREAS, the town of Bedford Planning Commission after holding public hearings recommended to the Town Council that it vacate the portion of the plat showing the alley and that the vacated property become part and parcel of the adjacent properties pursuant to the statutes made for such cases; and

WHEREAS, the Town Council has held a hearing on September 24, 2013 at which time any person could object to the proposed vacation, after public notice of the public hearing was given pursuant to Virginia Code Section 15.2-2204 in the issues of the Bedford Bulletin published on September 11, 2013 and September 18, 2013; and

WHEREAS, the Town Council finds that the vacation of the paper street or alley will not alter drainage or access for any lot owners and will cause no inconvenience or irreparable damage to the owners of any lot shown on the plat; and

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WHEREAS, the Town Attorney has advised the Town Council that the recordation of the plat in 1924 created only rights of passage over the alley and did not vest title to the alley, itself, in the Town; that due to the fact that the 8 lots adjoining the alley all lie on the periphery of the plat, the fee simple interest in the alley vested in the respective owners of such lots; and it is his opinion upon vacation of the portion of the plat designated as an alley, fee simple title under the laws of Virginia, including Virginia Code Section 15.2-2274, for the entire width of the alley remains in or is vested in the respective adjoining lots of the subdivision.

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

Section 1. The Town Council, pursuant to Virginia Code Section 15.2-2272 hereby vacates such portions of the plat of survey entitled “Map of Locust Street Lots” prepared by S.S. Lynn, dated March 18, 1924, and recorded in the Clerk’s office of the Circuit Court of Bedford County, Virginia, in Deed Book 144, at page 118, which are designated on said plat as a 15 foot alley running along the rear or western boundaries of Lots 2 - 9 on said plat.

Section 2. The Town Council recommends that the tax maps and land book be amended to combine the portions of the alley adjacent to each of Lots 2-9 with such lots without requiring a new plat of survey.

Section 3. This ordinance shall be in effective from and after the date of adoption, and the Clerk of the Town Council shall cause a certified copy of this ordinance to be recorded in the Clerk’s Office of the Circuit Court of Bedford County, Virginia if no appeal of the adoption of the ordinance is filed within 30 days of adoption or if the ordinance is upheld on appeal; provided however, that Sue P. Hillsman has paid the Town for all costs and fees, including reimbursement of advertising costs and the costs of recordation.

The Town Manager asked that the proposed ordinance regarding discharge of weapons be discussed at this meeting, posted with any changes, and that the ordinance be considered for adoption at the October 8, 2013, meeting.

Vice Mayor Vest thanked the Committee members for their work in developing the ordinance.

Councilman Rush reviewed suggested changes to the ordinance.

Mayor Wandrei said the ordinance will be prepared in the appropriate format, posted, and be considered for adoption at the October 8 meeting.

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The Mayor made a suggestion regarding removing a section of the ordinance that is redundant as it is part of the State Code: people having permission of an owner while engaged in a hunting activity.

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