

May 13, 2014

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., May 13, 2014.

Members present: Mayor Robert T Wandrei; Councilman Robert D. Carson; Councilman Stacey L. Hailey; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; and Vice Mayor James A. Vest

Members absent: Councilman W. D. Tharp

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 April 22, 2014, were approved as distributed.

Town Manager Kolakowski reported on the following:

- The “Click It or Ticket” enforcement will be observed beginning next week and will continue the following week.
- The 2nd annual Job Fair sponsored by the Bedford Chamber of Commerce will be held on May 14 at Central Virginia Community College.
- Several upcoming events and activities in the area are: Crawfish Boil; patriotic concert at the D-Day Memorial; and the events for the 70th Anniversary of D-Day

Councilman Rush said that the report on the school system will be announced on May 15 at Bedford Elementary School at 7:00 p.m.

Vice Mayor Vest, Chairman of the Finance Committee, said the committee met earlier in the evening and the committee will have another meeting on May 21. The committee reviewed the AMP electric.

The Clerk of Council read aloud the following Public Hearing Notice:

PUBLIC HEARING NOTICE

Notice is hereby given that the Town of Bedford, Virginia, will hold a public hearing on the proposed conveyance of .009 acres real estate and temporary construction easements to the Commonwealth of Virginia, Department of Transportation for construction of a new street in the Town between the westbound lanes of US Route 460 and the intersection of Old Turnpike Drive and Sword Beach Drive. The Town Council public hearing will be held in the Council Chambers of the Town Municipal

May 13, 2014

Building, 215 E. Main Street, Bedford, Virginia, on Tuesday, May 13, 2014 at 7:00 P.M.

The deeds and plats are on file and available in the office of the Town Manager at 215 E. Main Street, Bedford, Virginia. Any person interested in the conveyances may appear at the public hearing and present his or her views.

By the Town Council of
the Town of Bedford

Mayor Wandrei opened the public hearing at 7:07 p.m. As there were no comments, the Mayor closed the public hearing at 7:07 p.m.

Town Manager Kolakowski said that in partnership with Bedford Hospice Care, the National D-Day Memorial is planning the “We Honor Veterans” 5K for Armed Forces Day, on Saturday, May 17, 2014, at 8:00 a.m. The initiative is designed to pay tribute to veterans by supporting two worthy non-profit organizations. They are requesting permission for a road closure on Tiger Trail from 7:45 a.m. to 9:30 a.m.

On motion by Councilman Rush, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council approved the road closure on Tiger Trail for Saturday, May 17, 2014, from 7:45 a.m. to 9:30 a.m. for the “We Honor Veterans” 5K. Roll call vote follows:

Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	absent
Vice Mayor Vest	aye
Mayor Wandrei	aye

The Town Manager reported that on June 30, 2014, there will a vacancy on the Central Virginia Community College Board, which is a four-year term. Ms. Ellen Wandrei has indicated her willingness to serve on the board if appointed by Council. The vacancy has been advertised in the local newspaper, and no other citizens have volunteered to serve.

On motion by Vice Mayor Vest, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council appointed Ms. Ellen Wandrei to a four-year term on the Central Virginia Community College Board, said term to expire June 30, 2018. Roll call vote follows:

Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	absent
Vice Mayor Vest	aye
Councilman Carson	aye
Mayor Wandrei	abstained

May 13, 2014

Town Manager Kolakowski said that the terms of Ms. Vicki Esposito, Ms. Jennie Foreman, Mr. Eddie Harmony and Mr. Jim Revell on the Keep Bedford Beautiful Commission expire on June 30, 2014. These members have expressed a willingness to serve another term on the Commission, which will be a three-year term, if reappointed by Council. Ms. Sherry Revell has also expressed an interest in serving on the Commission. The vacancies have been advertised in the local newspaper, and no other citizens have volunteered to serve.

On motion by Councilman Carson, seconded by Councilman Stanley, voted upon and carried by roll call vote, Council reappointed Ms. Vicki Esposito, Ms. Jennie Foreman, Mr. Eddie Harmony and Mr. Jim Revell to serve a three-year term on the Keep Bedford Beautiful Commission, said terms to expire June 30, 2017, and appointed Ms. Sherry Revell to the Commission, said term to expire June 30, 2017. Roll call vote follows:

Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	absent
Vice Mayor Vest	aye
Councilman Carson	aye
Councilman Hailey	aye
Mayor Wandrei	aye

The Town Manager reported that improvements to the Route 460 West corridor include a new entrance road from Route 460 to reach the Super 8 Motel and other businesses on Ole Turnpike Drive. Presently access is provided by the portion of Ole Turnpike Drive which runs north from Route 460 between the State Police Headquarters and the Golden Corral Building. The new entrance will leave at 460 West of the present entrance and will run along an unimproved portion of the Ole Salem Turnpike that is located between the State Police Headquarters lot on the south and parcels on the north owned by Allen Persinger and Carter & Carter, and by Express Enterprises LLC (Super 8 property).

Mr. Kolakowski said the construction requires acquisition of the fee in the Old Lynchburg-Salem Turnpike right-of-way and a small parcel from the owners who border the old right-of-way of the Motel property and acquisition of construction easements from the same parties. The VDOT right-of-way staff had advised the Town that prior to construction it was the responsibility of the Town to obtain ownership of the fee interest and of the construction easements. Accordingly in December 2013 the Town obtained necessary deeds from Express Enterprises LLC and Allen Persinger and Carter & Carters as requested by VDOT. VDOT now has advised the Town that VDOT must own all of these rights and that it will be necessary for the Town re-convey the rights that it obtained to VDOT.

The Town Manager said a public hearing had been advertised as required by state law in order for the Town Council to authorize the transfer of real estate interests from the Town to VDOT. An appropriate Ordinance has been drafted by the Town Attorney by which the Town accepts the conveyance from the two owners by the Town in the December deed and authorizes the re-conveyance of such rights to VDOT. Ordinances must be posted for one week prior to adoption, unless an emergency is declared. The proposed

May 13, 2014

ordinance includes an emergency provision in view of VDOT's request to expedite the acquisition so that construction can begin.

Town Manager Kolakowski requested that Council adopt the Ordinance accepting the deeds from the owners and authorizing the re-conveyance of the rights obtained by the Town to VDOT in order for construction of the new roadway to proceed.

On motion Vice Mayor Vest, seconded by Councilman Hailey, voted upon and carried by roll call vote, Council adopted the Ordinance accepting the deeds from the owners and authorizing the re-conveyance of the rights obtained by the Town to VDOT in order for construction of the new roadway to proceed. Roll call vote follows:

Councilman Stanley	aye
Councilman Tharp	absent
Vice Mayor Vest	aye
Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

ORDINANCE NO. 14-6

**AN ORDINANCE APPROVING AND ACCEPTING
CONVEYANCES OF A SMALL PARCEL FROM X-PRESS
ENTERPRISES LLC AND CONSTRUCTION EASEMENTS
FROM X-PRESS ENTERPRISES LLC AND ALLEN
PERSINGER AND CARTER & CARTER WHICH ARE
REQUIRED FOR THE CONSTRUCTION OF A
NEW ROADWAY OVER UNIMPROVED PORTIONS
OF THE OLD LYNCHBURG-SALEM TURNPIKE LYING
ON THE NORTH SIDE OF THE STATE POLICE HEADQUARTERS
AND AUTHORIZING RE-CONVEYANCE TO VDOT**

WHEREAS, in connection with improvements being made on the Route 460 West corridor, in December 2013, X-Press Enterprises LLC by a deed dated December 16, 2013 and recorded in the Clerk's office of the Circuit Court of Bedford County as Instrument No. 130013932, and Allen F. Persinger, individually, and Carter & Carter by a deed dated December 16, 2013 and recorded as Instrument No. 130013931 conveyed to the Town of Bedford their respective interest in a portion of the Old Lynchburg-Salem Turnpike which was no longer improved together with construction easements and X-Press Enterprises LLC conveyed the fee interest in a small parcel of land for the construction; and

May 13, 2014

WHEREAS, Town Council desires to confirm and ratify the acceptance and recordation of such deeds of conveyance; and

WHEREAS, at the request of the Virginia Department of Transportation (VDOT) the Town Council desires to authorize the re-conveyance of such rights to VDOT; and

WHEREAS, in order to convey Town owned real estate, the Town Council is required to hold a public hearing thereon after advertisement of such hearing once in a newspaper of general circulation in the Town and passage of an ordinance authorizing such conveyance approved by a three-fourths vote of the present and voting at a Town Council meeting, and the Town Code requires that all ordinances be posted at three or more places within the Town for a period of one week prior to passage, unless an emergency is declared; and

WHEREAS, Town Council has held a public hearing on May 13, 2014 after the required newspaper advertisement has been made, and Town Council approves the such re-conveyances to VDOT;

NOW, THEREFORE, BE IT ORDANED by the Town Council of the Town of Bedford, Virginia:

Section 1. The Town Council approves and ratifies the acceptance of the conveyances from Allen F. Persinger and Carter & Carter by the deed recorded as Instrument No. 130013931 and the conveyances by X-Press Enterprises LLC, in the deed recorded as Instrument No. 130013932.

Section 2. The Town Council approves the re-conveyance of the rights described in said deeds to the Virginia Department of Transportation.

Section 3. The Mayor and the Town Clerk are hereby authorized to execute a deed in accordance with this ordinance in a form approved by the Town Attorney conveying the said real estate and easements without any warranties of title, and the Mayor shall be authorized to deliver the deed to VDOT .

Section 4. The Town Council declares that an emergency exists and that this Ordinance shall be in force and effect immediately without the necessity of prior publication or posting.

Town Manager Kolakowski announced that the Town of Bedford has received a DCJS Byrne Justice Assistance Grant 14-N1191LO13 for \$3,338 for Traditional Police Equipment. The Grant monies will be used to purchase new TASER's, a less than lethal force alternative. The new TASER's will replace older versions that are not supported

May 13, 2014

and cannot be repaired. Mr. Kolakowski said this is a reimbursement grant and there is an in-kind match of \$371, which will come from the Police Department's line item budget for uniforms and equipment.

On motion by Councilman Hailey, seconded by Councilman Carson, voted upon and carried unanimously by a roll call vote, Town Council appropriated (\$3,338) to the Revenue Account 100033.433157 and appropriated (\$3,338) to the Expenditure Account 10033110.557264. Roll call vote follows:

Councilman Tharp	absent
Vice Mayor Vest	aye
Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Mayor Wandrei	aye

The Town Manager said Council had received copies of an ordinance which readopts and reenacts §34-2 of the Town Code, incorporating by reference current provisions of the Code of Virginia dealing with traffic laws and motor vehicle operation. Failure to adopt this ordinance would mean that offenders would have to be charged under the State law rather than the Town law. Any fines collected would then be payable to the State rather than to the Town. The ordinance has been posted in three locations in the Town, in accordance with §2-54 of the Town Code.

Vice Mayor Vest moved that the ordinance be adopted. The motion was seconded by Councilman Rush.

The Vice Mayor said this ordinance is adopted each year and asked Town Attorney Berry if there would be some way to change this so it would not have to be voted on every year.

Mr. Berry stated he would check into this matter.

The motion was then voted upon and carried by roll call vote as follows:

Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	absent
Vice Mayor Vest	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

May 13, 2014

ORDINANCE NO. 14-7

**AN ORDINANCE TO READOPT AND REENACT
SECTION 34-2 OF THE TOWN CODE INCORPORATING
BY REFERENCE CURRENT PROVISIONS OF THE
CODE OF VIRGINIA DEALING WITH
TRAFFIC LAWS AND MOTOR VEHICLE OPERATION**

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

Section 1. Sec. 34-2 of the Town Code is hereby readopted and re-enacted as follows:

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 in Article 9 (Sec. 16.1-278 et seq) of Chapter 11 of Title 16.1, and in Article 2 (Sec. 18.2-266 et seq) of Chapter 7 of Title 18.2, of the Code of Virginia, except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the Town, are hereby adopted and incorporated herein by reference and made applicable within the Town. References to "Highways of the State" contained in such provisions and requirements hereby adopted, shall be deemed to refer to streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this Chapter as fully as those set forth at length herein, and it shall be unlawful for any person, within the Town, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 9 of Chapter 11 of Title 16.1 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, which are adopted by this Section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under such titles of the Code of Virginia.

Section 2. This Ordinance shall become effective on July 1, 2014, upon publication one time, immediately following its passage, in some newspaper published in the Town or upon posting at three or more public places in the Town for one week, as required by Section 19 of the Town Charter.

Mayor Wandrei adjourned the meeting at 7:17 p.m.