

January 27, 2015

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., January 27, 2015.

Members present: Mayor Robert T. Wandrei; Councilman Tim Black; Councilman Robert D. Carson; Councilman Stacey L. Hailey; Vice Mayor Steve C. Rush; Councilman Beckham A. Stanley; and Councilman 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 called Council meeting held on January 13, 2015, were approved as distributed, and the minutes of a regular Council meeting held on January 13, 2015, were approved as corrected.

Mayor Wandrei presented service awards to the following Town employees:

- 35 years of service: Cheryl Martin, Michael Smith; 25 years of service: Brian L. Alexander, Debbie Patterson; 20 years of service: Troy Bowyer, Marg Cameron; 15 years of service: Danny Adkins, Jeff Furr, Ross Mitchell, Donnie Shifflett; 10 years of service: Randall Fletcher; 5 years of service Frances Johnson, David Key, Kelly Mitchell, Perry Overstreet

The Mayor said there will be a meeting on February 9 at the Bower Center. Bedford Science and Technology Center will present the Bower Center with computers that have been rehabbed.

Councilman Vest asked the Town Manager to schedule a meeting of the Finance Committee at Vice Mayor Rush's convenience.

Councilman Stanley asked for another round of applause for the dedicated Town employees. He said that the Town obviously has a very committed staff and expressed his thanks.

Councilman Black thanked the Council members who attended the joint Bedford County Board of Supervisors and Bedford Council School Board meeting where hopefully they are beginning to make some progress on the Middle School project.

The Town Manager said, for the record, that five members of Council will be in Richmond on January 28 to meet with legislators for Virginia Municipal League Day. The Council members will be talking with the legislators and hearing from the Governor and his staff on issues affecting localities and no business will be transacted, but it was recommended that a public notice be announced if more than a quorum of the Council is going to be in a certain location.

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

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the Town Planning Commission at 5:30 p.m. on Thursday, January 8, 2015 and by the Town Council at 7:00 p.m. on Tuesday, January 27, 2015 at the Town Municipal Building, Council Hall, 215 E. Main Street for the following purpose:

- To consider rezoning Tax Map #234-2-2-T from PRD, Planned Residential District, to M-1, Manufacturing. The request is made by Walter Siehien, DBA Blue Ridge Optics LLC, Bedford VA 24523.
- To consider rezoning Tax Map #213-7-2-T, from PRD, Planned Residential District, to M-1, Manufacturing. The request is made by the Town of Bedford Department of Planning and Community Development.
- To consider an amendment to Article III and Article VI, Section 611.02 of the Town of Bedford Land Development Regulations. The request is made by the Town of Bedford Department of Planning and Community Development.

Information regarding these rezonings and amendment is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to these requests will have an opportunity to express their view at this hearing.

By the Authority of the
Planning Commission and
Town Council of the Town of
Bedford

The Mayor opened the public hearing at 7:15 p.m.

Councilman Carson reported that he talked to the neighbors who will be immediately affected by this. He said their only concern was how the rezoning would affect their property. Councilman Carson said he talked with the Assistant Town Manager and he assured the neighbors there would not be any effect on their property. The neighbors are fine with the rezoning, and other people he talked to hope that nothing happens to discourage this project.

As there were no further comments, the Mayor closed the public hearing at 7:16 p.m.

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The Town Manager reported that Mr. Walter Siehien, owner of Blue Ridge Optics, has purchased a property adjacent to Edmund Street identified as Tax Parcel 234-2-2T. The property is currently zoned PRD, Planned Residential. Mr. Siehien would like to construct a new facility for Blue Ridge Optics and expand his business on this property, which would require a rezoning. Unfortunately the property is surrounded by other parcels zoned PRD and consideration of his property alone would give rise to concerns of “spot zoning.”

Town Manager Kolakowski said the Bedford Science and Technology Center is immediately west of Mr. Siehien’s property. It is also currently zoned PRD, but it is adjacent to other property to the west which is zoned M-1, Commercial. In order to consider Mr. Siehien’s request and to abate concerns related to “spot zoning” the BSTC property (Tax Parcel 234-7-2T) is included in the rezoning action to provide a “bridge” of contiguously zoned M-1 property. The Planning Commission met on Thursday, January 8, 2015, and those present unanimously recommended approval of rezoning both parcels. The Town Manager said Council was requested to adopt the ordinance rezoning Tax Parcels 213-7-2T and 234-2-2T from PRD, Planned Residential to M-1, Manufacturing.

Councilman Carson moved that Council adopt the ordinance rezoning Tax Parcels 213-7-2T and 234-2-2T from PRD, Planned Residential to M-1, Manufacturing. The motion was seconded by Councilman Hailey.

Vice Mayor Rush stated that he had this property listed, his wife sold it, and the property was closed prior to this ordinance being requested.

Councilman Vest asked Mr. Warner if there were any comments made at the Planning Commission Public Hearing. Mr. Warner said there was one gentleman who came from Roberts Lane to speak but he was specifically interested in any impact in his property. Mr. Warner said when the gentleman was advised that was not involved in the rezoning he said he had no objection. Mr. Vest asked if Council could add something in the ordinance that would provide for trees, etc. Mr. Warner said there are landscaping rules contained within the M-1 district as well as rules related to noise and odors.

The motion to adopt the ordinance was then voted upon by a roll call vote and carried unanimously, as follows:

Councilman Black	aye
Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

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ORDINANCE NO. 15-1

**AN ORDINANCE CHANGING THE ZONING MAPS
FOR THE TOWN OF BEDFORD
BY REZONING FROM PRD TO M-1
CERTAIN PARCELS ON EDMUND STREET**

WHEREAS, the Planning Commission of the Town of Bedford held a public hearing on January 8, 2015; and

WHEREAS, the Town Council held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204; and

WHEREAS, it is found that the public necessity, convenience, general welfare, and good zoning practice are best served by changing the zoning district boundaries;

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

Section 1. The Zoning Map of the Town of Bedford is amended by rezoning from Planned Residential District (PRD) to Manufacturing (M-1) the following tax parcels:

213-7-2 T and 234-2-2 T.

Section 2. This ordinance is effective upon enactment.

Town Manager Kolakowski said this request is directly related to the proposed rezoning of Tax Parcels 213-7-2T and 234-2-2T and contingent upon approval of such. The Bedford Science and Technology Center (BSTC) is located on Tax Parcel 213-7-2T. If that parcel were to be rezoned M-1, then the school would effectively become a grandfathered, nonconforming use. In order to avoid such nonconforming status, and also based on the finding that career and technical schools are a use which should be logically considered within an employment-driven zoning category such as M-1, staff is proposing that this specific use be defined and included as a permitted use within the M-1 district. The Planning Commission met on Thursday, January 8, 2015, and those present unanimously recommended approval of the proposed amendment. Mr. Kolakowski stated that Council was requested to adopt the ordinance enacting Section 302.183 and amending Section 611.02 of the Land Development Regulations to permit career and technical schools within the M-1, Manufacturing District.

Vice Mayor Rush moved that Council adopt the ordinance enacting Section 302.183 and amending Section 611.02 of the Land Development Regulations to permit career and

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technical schools within the M-1, Manufacturing District. The motion was seconded by Councilman Carson.

Councilman Vest asked if there were any comments made at the Planning Commission Public Hearing. Mr. Warner said there were no comments made. Councilman Vest asked Mr. Warner to include a synopsis of who spoke or did not speak in favor of or opposed to something for the Planning Commission.

Councilman Black asked if career or public technical schools are defined as a secondary school or like a for-profit technical school and asked if that should be clarified any further. He said it really is a secondary school right now.

Mr. Warner said the zoning language used was recommended by the American Planning Association. He said there was not a distinction drawn towards identifying it as secondary education, but that clarification could be made.

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

Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Councilman Black	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

ORDINANCE NO. 15-2

**AN ORDINANCE AMENDING THE TOWN OF BEDFORD LAND
DEVELOPMENT REGULATIONS**

WHEREAS, the Planning Commission of the Town of Bedford held a public hearing on January 8, 2015; and

WHEREAS, the Town Council held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204; and

WHEREAS, it is found that the public necessity, convenience, general welfare, and good zoning practice are best served by changing the M-1, Manufacturing zoning district regulations;

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

Section 1. Section 302.183 of the Land Development Regulations is enacted as follows:

302.183 Career and Technical School. School, institution, and/or educational program that specializes in the skilled trades, applied sciences, modern technologies, and career preparation.

Section 2. Section 611.02 of the Land Development Regulations of the Town of Bedford, Virginia, which lists permitted uses in the M-1, Manufacturing district, is amended by inserting the following proposed language:

- y. Career and technical schools.

Section 3. This ordinance is effective upon enactment.

The Town Manager reported that at a previous meeting, a revision to the Standing Committees was discussed to reflect operational realities within the Public Service Department and also within the needs for the Town. The change would consolidate the Solid Waste Committee with the Streets Committee – operationally handled by the same Department Head. A Community Development Committee would then be created, which would allow for more discussion of different proposals and different issues involving community and economic development within the Town and give a little more priority and involvement in that particular issue by Council. Town Council requested the Town Attorney to prepare an ordinance amending Section 2-56 (Standing Committees, Appointments, Composition, Term). Council was requested to adopt the ordinance amending Section 2-56 (Standing Committees, Appointments, Composition, Term) effective February 1, 2015.

On motion by Vice Mayor Rush, seconded by Councilman Hailey, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance amending Section 2-56 (Standing Committees, Appointments, Composition, Term) effective February 1, 2015. Roll call vote follows:

Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Councilman Black	aye
Councilman Carson	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

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ORDINANCE NO. 15-3

**AN ORDINANCE AMENDING SECTION 2-56 (STANDING COMMITTEES;
APPOINTMENTS; COMPOSITION; TERM)**

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

Section 1. Section 2-56 of The Code of the Town of Bedford, Virginia is amended and re-enacted as follows:

Sec. 2-56 Standing committees; appointment; composition; term.

The Town council shall, on the recommendation of the mayor, within ten days after entering upon the discharge of the duties of office, appoint the following standing committees, to consist of two or more members each, which shall continue during the term of council:

(1) Committee on Finance. A committee on finance, to which may be referred all matters relating to the finances, debts, revenues and assets of the town, and the proper management, regulation and control thereof, and any other matters specially referred to them.

(2) Committee on community development. A committee involving economic development and community improvement, to which may be referred all matters connected with economic development and community improvements.

(3) Committee on streets and solid waste. A committee on streets and solid waste, to which may be referred all matters pertaining to the streets and culverts, landfills, and solid waste collection and disposal and the improvements and expenditures connected therewith.

(4) Committee on electric. A committee on electric, which may be referred all matter relating to the town electrical system.

(5) Committee on public safety. A committee on public safety, to which may be referred all matters relating to the safety of the town, the protection of its citizens and their property from fire and other causes of danger.

(6) Committee on property. A committee on property, to which may be referred all matters relating to town buildings, real estate, and other public property of the town.

Section 3. This Ordinance shall go into effect as of February 1, 2015.

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Councilman Stanley	aye
Councilman Vest	nay
Councilman Black	aye
Councilman Carson	aye
Councilman Hailey	aye
Mayor Wandrei	aye

Councilman Hailey moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(29), of the Code of Virginia of 1950, as amended for discussion of the award of a public contract and the terms or scope of the contract where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; and pursuant to Section 2.2-3711(a)(7) of the Code of Virginia of 1950, as amended, for discussion of Council and briefing by staff pertaining to possible litigation.

Councilman Stanley seconded the motion. The motion was voted upon and carried by the following roll call vote:

Councilman Stanley	aye
Councilman Vest	aye
Councilman Black	aye
Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Mayor Wandrei	aye

Council adjourned into closed session at 7:35 p.m. The following non-council members attended: Town Manager Kolakowski, Town Attorney W. W. Berry, IV, Assistant Town Manager Barrett Warner, and Public Works Director D. W. Lawhorne.

Council reconvened into open session at 7:52 p.m.

The Clerk of Council read aloud the following resolution:

BE IT RESOLVED that the Council of the Town 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 Vice Mayor Rush, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Councilman Vest	aye
Councilman Black	aye
Councilman Carson	aye

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Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Mayor Wandrei	aye

Mayor Wandrei stated there was one final item added to the agenda: Solid Waste Bids that were submitted.

Vice Mayor Rush moved the Council reject the bids that were submitted. The motion was seconded by Councilman Hailey, voted upon and carried unanimously by the following roll call vote:

Councilman Black	aye
Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Mayor Wandrei	aye

Mayor Wandrei adjourned the meeting at 7:53 p.m.