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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., March 24, 2015.

Members present: 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: Mayor Robert T Wandrei

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

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

The minutes of a regular Council meeting held on March 10, 2015, were approved as distributed.

Town Manager Kolakowski reported on the following:

- Pointed out that some of the new Board members of Bedford Main Street were in attendance at the meeting. Amanda Adams, Executive Director, introduced the Board members.
- April 18 at 10:00 a.m. is the Spring Cleanup sponsored by the Keep Bedford Beautiful Commission – encouraged everyone to participate.

Mr. Kolakowski introduced the proposed FY 2015-16 budget and asked Council to authorize advertising the budget. The Town Manager stated that Councilman Vest described the budget as the worse budget he had dealt with in twenty-one years. He said this was an extremely difficult budget, with a lot of difficult choices made by the staff and by Council. Town Manager Kolakowski said Council and staff are looking to maintain an adequate level of service for public safety, economic development, solid waste, and the electric utility while also trying to control and limit the impact on rates and tax rates for the businesses and residents of the Town. A two cent increase in the real estate tax rate, from thirty cents to thirty-two cents is requested. Curbside recycling will be reinstated, also with the reinstating of the four dollar a month per unit. Mr. Kolakowski said at this point Council is not looking at an additional increase in the electric rates. The staff has told Council that an additional rate increase may have to be revisited later in the year. Costs continue to increase, in particular transmission and capacity charges over which the Town has very little, if any control. The Town Manager said there will be continuous review of the budget.

Councilman Carson moved that Council authorize the staff to advertise the budget and the proposed fees and tax rates. The motion was seconded by Councilman Hailey.

Councilman Vest stated he did not think the real estate tax should be raised. Mr. Vest said he thought Council and staff could find sufficient cuts in the budget to not have to raise taxes. Mr. Vest said he would not support raising the tax rate.

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Councilman Black said that a two cent increase in real estate taxes generates about \$88,000. Mr. Black said he thinks Council is spending wisely and are making some investments in the future of the Town – investing in the employees and capital expenditures. Councilman Black said he believes the two cent increase is reasonable at this time and he will support it.

Councilman Carson said hopes that everyone understands that Council has to do what must be done. He stated he thought this is something that Council should have been addressing a long time ago.

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

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

The City Manager said the Public Hearing on the budget will be held on April 14 which is the next regular Council meeting.

Councilman Vest, Chairman of the Finance Committee, stated the committee met regarding the budget. Mr. Vest said that when the budget was first reviewed, none were pleased with the five cent increase in the real estate tax and a four percent increase in the electric rates. He thanked the staff and the department heads for working diligently to get the budget to this point.

Councilman Vest stated that at the budget work shop he made a motion that Council freeze all hiring for the budget year FY 2015-16 with the exception of the advertised position for Director of Public Services and any position that needs to be filled from the loss of any current Town of Bedford employees. He clarified that his motion was for all hiring, not just the Police Department.

The Town Manager reported that in 1996 the City of Bedford, Bedford County, Amherst County and the City of Lynchburg entered into an interjurisdictional agreement in order to establish a regional emergency communications system to be managed by a communications board. The City of Bedford in 1997 entered into agreements with U.S. Cellular corporations that had constructed or were constructing communications towers on Helm Street, within the City of Bedford and on No Business Mountain in Bedford County. Under these agreements the City acquired specified rights to attach antennas to the communication towers owned by the U.S. Cellular entities. The City as a member of the interjurisdictional communications board allowed the communications board to use the City antenna locations as part of its regional communications operation.

Town Manager Kolakowski stated that effective January 1, 2012, the member jurisdictions decided to change the manner in which the emergency communications system operated. This resulted in a Regional Communications Agreement with Virginia's Region 2000 Local Government Council (The Regional Planning Commission) which provided that the local

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government council would operate and manage the system for the jurisdictions. Mr. Kolakowski said in order to formalize the agreement between the parties, the Town Attorney has prepared an agreement for use of attachment locations (Helm Street and No Business Mountain communication towers), which the local government council has agreed to execute. The proposed agreement contains more specific language about the use of the Helm Street tower location which is on property owned by the Town and also provides that the local government council will maintain insurance with the Town as an additional insured on its policies covering both tower operations. The Town Manager and staff request that the Town Council, by appropriate motion, approve execution of the proposed agreement.

On motion by Councilman Hailey, seconded by Councilman Black, and after a brief discussion, the motion was voted upon and carried by a roll call vote, Council approved the execution of the proposed agreement. Roll call vote follows:

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

Town Manager Kolakowski said that Mayor Wandrei and other Town Council members have received reports and have on many occasions seen drivers who park their vehicles in clearly designated handicapped parking spaces and in fire lanes. This appears to be a particular problem at the post office and in the fire lanes at the Wal-Mart shopping center. The existing parking ordinances appear to set a fine of \$100 for illegal parking in a parking space marked for disabled parking; whereas, the prepaid penalty under state law appears to be \$150. The existing parking ordinances for other violations, such as parking in a designated fire lane, call for a \$10 ticket. Mr. Kolakowski reported that the Town Attorney has prepared an ordinance which clarifies many matters in the existing code and which will result in a minimum fine of \$150 for illegally parking in a handicap parking space and a minimum fine of \$50 for parking in a designated fire lane. The ordinance has been posted as required by the Town Code. Council was requested to adopt the proposed ordinance.

On motion by Councilman Black, seconded by Councilman Hailey, voted upon and carried, Council accepted the increases in the ordinance for illegal and handicap parking spaces and fire lanes. 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	absent

The ordinance follows as adopted:

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ORDINANCE NO. 15-7

AN ORDINANCE AMENDING AND RE- ENACTING THE PROVISIONS OF THE BEDFORD TOWN CODE PERTAINING TO PENALTIES FOR PARKING VIOLATIONS INCLUDING INCREASED PENALTIES FOR ILLEGALLY PARKING IN AREAS DESIGNATED AS FIRE LANES AND IN PARKING SPACES FOR PERSONS WITH DISABILITIES

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

Section 1. Sec. 34-41 of the Town Code is amended and re-enacted as follows:

(a) No person shall park a vehicle or permit it to stand, except in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within 15 feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet from the intersection of curblines or, if none then within 15 feet of the intersection of property lines at an intersection of highways;
- (7) Within 20 feet of a crosswalk at an intersection; provided, that where there is no crosswalk at an intersection, within 20 feet of the curblines or, if none then within 15 feet of the intersection of property lines;
- (8) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of any roadway;
- (9) Within 15 feet in either direction of the entrance to a fire station, or within 15 feet of the entrance to a building housing rescue squad equipment or ambulances provided such building is plainly designated;
- (10) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic or force vehicles traveling in that direction to cross into the opposite lane or over the centerline into the oncoming traffic lane;
- (11) On the roadway side of any vehicle parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a street or highway or within a tunnel;

- (13) At any place where official signs prohibit parking or where the curbs are painted yellow;
- (14) In any public alley. The term “public alley” shall mean a public right-of-way through the middle of a block to give access to the rear of lots or buildings;
- (15) At any place designated as disabled parking. Vehicles parking in these places shall display a disabled vehicle license plate, placard or other markings approved by the state;
- (16) Within any area upon public or private property designated as a fire lane by the Chief of Police and marked in accordance with the requirements of this sub-section 16:
 - (a) Designation. The Chief of Police, after consultation with the Fire Chief or his designee and the Town Director of Planning, shall designate fire lanes upon public streets and public parking lots and upon those private parking lots which are open to the public and where parking lanes are required by law or requested by the owner and the Chief of Police determines that such fire lanes are necessary to insure access to buildings and structures for firefighters and rescue apparatus.
 - (b) Signs, Markings and Barriers. Signs, marking and barriers to delineate fire lanes, as designated by the Chief of Police, after consultation with the Fire Chief, shall be provided, installed and maintained at the expense of the owner, or his agent, of the property involved.
 - (c) Penalties. If owner of the premises fails to delineated the fire lanes by signs, markings and barriers within Thirty (30) days after designation by the Chief of Police, then owner be subject to a fine of not less than \$50 and nor more than \$500. After the expiration of the time allowed for such signs, markings and barriers to be made, they may be made by the Town and the costs thereupon be chargeable to and be collected from the owner of the premises in question, as taxes and levies are or may be collected.
- (17) Within streets, roadways, alleys, spaces or lots in violation of markings or official signs posted to regulate such parking;
- (18) Within a street or roadway when such parking would obstruct or interfere with the orderly flow of traffic;
- (19) Within 50 feet of the nearest rail or railroad grade crossing;
- (20) Between a safety zone and the adjacent curb or within 30 feet of points on

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the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings;

(21) Parallel to the left edge of the street or roadway in such a manner that the front of the vehicle is facing opposite the direction of travel for the adjacent traffic lane;

(22) Reserved.

(23) In such a manner that more than one marked parking space is used unless the vehicle is too large for one space or is towing a trailer.

(24) In a location in violation of any temporary sign or restriction legally authorized by the town council, the town manager, the chief of police, public works or authorized contractor employed by the town.

(b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.

Section 2. All provisions of Section 1-16 of the Town Code pertaining to Parking Violations are repealed.

Section 3. Section 34-53 of the Town Code is and re-enacted as follows:

(a) It shall be the duty of the police department to enforce parking regulations and each police officer or parking enforcement officer is charged with the duty of ticketing any vehicle found to be in violation. Each such officer shall attach to or place on each such vehicle's windshield a ticket giving notice to the owner thereof that such vehicle has been parked in violation. The ticket shall advise the violator of the applicable fine as set forth below, that the fine may be paid at the treasurer's office in person or by mail, and that failure to comply within five days may result in filing a case in the applicable court.

(b) Vehicles remaining parked in violation of parking regulations, including all areas posting a time limit, shall be considered illegally parked each additional hour they remain parked in that particular location and shall receive successive tickets one hour after issuance of each prior ticket.

(c) The penalty for parking tickets shall be as follows:

(1) A fine of not less than \$150 nor more than \$500 for illegal parking in a space reserved for persons with disabilities;

(2) A fine of not less than \$50 nor more than \$250 for parking within any designated fire lane for each hour or fraction thereof during which such vehicle is unlawfully parked;

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(3) A penalty fine for all other parking violations of \$10 per ticket and \$20 for each successive ticket received on the same day.

(d) Any person receiving a parking violation notice may contest the violation by notifying the treasurer's office. The treasurer shall certify on an appropriate form of the person's intent to contest the violation. The treasurer shall forward the completed form to the clerk of general district court. The treasurer shall forward a copy of the form to the police department.

(e) Parking tickets may be prepaid in the applicable amounts for specific local parking violations paralleling state statutes as set forth in the Uniform Fine Schedule (Rule 3B:2 of the Rules of the Supreme Court) or other court designated rules, and in other cases in the minimum amount set forth in paragraph (c) hereinabove. Payment may be made between the hours of 8:30 a.m. and 5:00 p.m. except on Saturdays, Sundays and holidays. Costs shall be paid in accordance with the Code of Virginia or any rules and regulations promulgated thereunder.

(f) If payment is not received in the treasurer's office within five days of issuance, an additional penalty of \$10 will be added to each ticket and the office of the treasurer shall notify the violator by mail at the address shown for such violator on the records of the state department of motor vehicles advising the violator that he may pay the fine allotted for uncontested payment of parking tickets within 5 days of receipt of such notice or receive a summons to appear in court. The note to the violator required by the provisions of this section shall be contained in an envelope bearing the words "law enforcement notice" stamped or printed on the face thereof in type at least one-half inch in height.

(g) If payment of a parking ticket is not received by the office of the town treasurer within five days after receipt of a notification of violation by mail, the office of the treasurer shall notify the officer who issued the parking ticket that the violator has failed to pay such fine within such time. Upon such notification, after the mailing of such notice by the town treasurer and upon failure of the violator to pay the uncontested fine within five days of receipt of such notice, the appropriate law-enforcement officer may issue or cause to be issued a summons or warrant in the appropriate court.

(h) Any person convicted in court of violating the provisions of this article or any other parking violations shall be punished by a fine of not less nor more than the fine enumerated in paragraph (c). The schedule for prepayment does not restrict the fine a judge may impose for an offense for which there is a court hearing.

(i) Upon his finding that an error has been made in the issuance of any parking ticket, the chief of Police may void such ticket and notify the treasurer's office in writing of his action and reason for it. Under no circumstances shall the chief of police void a ticket after a warrant or summons has been issued regarding such ticket.

(j) The town council may authorize the issuance of parking vouchers, suspend the enforcement of timed parking violations during events, promotions or other activities or place additional temporary restrictions on parking during events, parades, promotions or other activities as needed.

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(k) The town manager or the chief of police may authorize the temporary suspension of parking regulations or temporarily place additional restrictions on parking not to exceed two business days for the following:

- (1) Minor construction or projects;
- (2) To facilitate safety and the movement of traffic due to construction, traffic crashes, or related incidents;
- (3) To facilitate the movement of machinery, furnishings or other large items from structures or property;
- (4) To assist in the managing of funerals, auctions or other events.

(l) The town council, the town manager or the chief of police, when granting any request under subsection (k) of this section or may place any necessary restrictions needed to ensure the safety of pedestrian and vehicle traffic within the area.

(m) In order to facilitate the movement of traffic, insure the safety fo the public or to protect the scene for investigative purposes, any police officer may temporarily restrict or suspend parking regulations in a specific area when responding to or investigating an accident.

(n) Unless posted, a police officer shall request the operator or owner of any vehicle parked in violation of the order to move the vehicle. It shall be unlawful for any person to refuse to move such vehicle. Refusal shall result in the issuance of a parking ticket or summons. If the owner operator further refuses to move the vehicle, the vehicle may be towed, at the owner's expense.

Section 4. This ordinance includes a penalty for its violation, and the Clerk is directed to cause the ordinance to be published one time immediately after its passage in some newspaper published in the town or posted at three or more public places in the Town for one week in accordance with Section 19 of the town Charter, and this ordinance shall be effective upon completion of such publication or posting.

Town Manager Kolakowski said the staff and Council have been reviewing various provisions of the Town Code due to the fact that many of the provisions no longer accurately reflect actual policies that have changed from time to time over the years since the original code was enacted in 1968. The Town Attorney in coordination with the Finance Committee has drafted a revision of the Town Code Section dealing with the various duties of the Town Attorney and the manner in which the Town Attorney is compensated. The proposed ordinance has been posted in accordance with the requirements of the Town Code. The Manager said that Council was requested to adopt the proposed ordinance.

On motion by Councilman Hailey, seconded by Councilman Carson, voted upon and carried by a roll call vote, Council adopted the proposed ordinance regarding the various duties of the Town Attorney and the manner in which the Town Attorney is compensated. Roll call vote follows:

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

The Ordinance follows as adopted:

ORDINANCE NO. 15-8

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 2-332
(COMPENSATION FOR TOWN ATTORNEY)**

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

Section 1. Section 2-332 of The Code of the Town of Bedford, Virginia is amended and re-enacted as follows:

(a) The town attorney shall be paid a salary for the performance of the following enumerated duties:

- (1) Management, charge and control of all law business of the town;
- (2) Providing legal advice to the town council and town manager, on a general day to day basis;
- (3) Review of legal matters with the town manager on a daily or weekly basis and attendance at regular town staff meetings when requested by the town manager;
- (4) Review of all ordinances and resolutions to be acted upon by town council;
- (5) Attendance at all meetings of town council and any town council committee meetings when necessary or requested.
- (6) Upon request of individual councilman, providing of advice and written opinions concerning Conflict of Interest issues pursuant to Code of Virginia Section 2.2-3121C.

(b) The town attorney shall be entitled to additional compensation to be paid on an hourly rate for special legal services as hereinafter set forth:

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- (1) Providing legal advice to department heads and other town officials upon request by the town manager;
- (2) Attendance, upon request of town manager or town council, meetings of other town advisory commissions, boards and agencies;
- (3) Preparation of, or officially pass upon, all bonds, deeds, obligations, contracts, leases, conveyances, and other legal instruments of whatsoever nature, and towards that end, to research and examine any and all records or titles necessary therefor;
- (4) Appearing, defending and advocating the rights and interests of the town, or any of its officers or employees, in any suit or legal proceeding;
- (5) Preparation of ordinances when requested by the town manager or town council;
- (6) Providing written opinions to the town council and town manager regarding subjects involving questions of law in which the town is interested;
- (7) Providing legal services on specific projects requested by the town council or town manager;
- (8) Performing such other special legal services as are or may be required by town council.

Section 2. This Ordinance shall go into effect the first day of the month following enactment.

Vice Mayor Rush adjourned the meeting at 7:25 p.m.