

August 11, 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., August 11, 2015.

Members present: Mayor Robert T Wandrei; Councilman Tim Black; Councilman Robert D. Carson; Councilman Stacey L. Hailey; Vice Mayor Steve C. Rush; and Councilman James A. Vest

Members absent: Councilman Beckham A. Stanley

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 work session held on July 28, 2015, were approved as corrected and the minutes of a regular Council meeting held on July 28, 2015, were approved as distributed.

Town Manager Kolakowski reported on the following:

- The staff is very busy being examined this week: the auditors are here looking at the Finance Department; the State Accreditation Department is looking at the Police Department, and the DEQ is checking out the landfill operations.
- Last week there was a severe electric outage caused by a big oak tree coming down – he stated his appreciation to the Public Works Department, the Electric Department, and the Police Department for their efforts in handling that situation. Power was restored within about a five hour period.

Mr. Bryan Schley, 412 Bedford Avenue, Chair of the Design Committee for Bedford Main Street, Inc., said the first objective this year was to get as many members on this committee to reach out to the community. Mr. Schley recognized members of the committee. Mr. Schley reviewed projects that the committee has been involved with.

The Mayor added a Closed Session to the agenda to consult with legal counsel on a possible insurance claim.

The Town Manager read aloud the notice of public hearing:

### **PUBLIC HEARING NOTICE**

The Town Council of the Town of Bedford, Virginia on Tuesday, August 11, 2015 at 7:00 p.m. in the Town Council Chambers, Municipal Building, 215 East Main Street, Bedford, VA 24523, will hold a public

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hearing pursuant to Virginia Code Section 15.2-1800 concerning the sale and conveyance of real estate to Maestria, LLC for a price of \$19,000.00. The real estate to be sold and conveyed is a parcel of land containing approximately 1.24 acres, located on the east side of Grove Street and the south side of the Norfolk Southern Railway track, commonly known as the "Old City Shops" property, which is designated on the 2015 Bedford County Tax records as Tax parcel No. 195-A-40 T.

Information pertaining to the proposed sale is on file in the Town Manager's Office.

Interested parties may appear at such time and place and present their views.

Teresa Hatcher  
Clerk of the Council  
Town of Bedford, Virginia

Mayor Wandrei opened the public hearing at 7:09 p.m. As there were no comments, the Mayor closed the public hearing at 7:09 p.m.

Town Manager Kolakowski read aloud the following notice of public hearing:

### **PUBLIC HEARING NOTICE**

Notice is hereby given that the Town Council of the Town of Bedford, Virginia, at 7:00 PM on Tuesday, August 11, 2015, will hold a public hearing at the council hall in the Town municipal building at 215 E. Main Street, Bedford, Virginia, 24523 to consider a budget amendment for rollover of FY 2015 funds and re-appropriation of FY 2015 purchase orders into the FY 2016 Adopted Budget.

At the end of FY 2015, The Town had numerous projects which were not completed and/or were encumbered by a purchase order. The funds for these projects are needed in order to complete designated work and therefore must be re-appropriated to FY 2016. The cumulative total of FY 2015 rollover of funds is \$2,089,095.27 and the cumulative total of FY 2015 Purchase Orders is \$926,448.22. Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. This Code section

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applies to all locality funds, i.e., General Fund, Enterprise Fund, Capital Fund, etc. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

A copy of the detailed budget amendment request including an itemized list of FY 2015 rollover of funds and FY 2015 Purchase Order re-appropriations are available for inspection by the public in the Office of the Clerk of the Town Council, Town Manager's office, 215 E. Main Street, Bedford, Virginia 24523.

By Order of the Clerk of the  
Town Council

Mayor Wandrei opened the public hearing at 7:10 p.m.

As there were no comments, the Mayor closed the public hearing at 7:10 p.m.

Town Manager Kolakowski said the Town of Bedford in 1952 acquired real estate located at 1000 Grove Street on the south side of the Norfolk-Southern Railway tracks and on the east side of Grove Street. This real estate commonly is referred to as the "Old City Shops" property. After the new city Public Works building was constructed at the current site on Orange Street, the Old City Shops buildings have had little use other than a site for occasional miscellaneous storage. The Town Council earlier in the year discussed the possibility of finding a Purchaser who would put the site to better use. This would result in getting the property back on the tax rolls, generating revenue to the Town in the form of Real Estate business property and sales taxes. Development of the property also would benefit the general appearance of this area of the Town. As a result, the Town Manager issued a Request for Proposals for purchase and improvement of the property which was advertised in the Bedford newspaper.

Town Manager Kolakowski reported that after a review of the proposals that were submitted, the Town Council Property Committee chose a proposal by Maestria, LLC, a property development company created to promote growth by investing in vacant properties. Scott Elliott and Bryan Schley are partners in this company which started in 2003 with one employee and today has thirty two full-time employees. Maestria, LLC has agreed to purchase the property for \$19,000.00, subject to approval by the Council after a public hearing as required when public property is sold or conveyed. Maestria's proposal includes renovation to existing buildings at an estimated cost of \$240,000.00. The company plans to use one building for the location of a business being relocated in Bedford and the renovation of a second building for a new venture. The company intends to begin construction immediately upon purchase of the subject real estate. A public hearing has been advertised in the Bedford Bulletin as required by law, and the proposed ordinance approving the sale and conveyance has been posted as required by the Town Code. Mr. Kolakowski said that Council was requested to adopt the Ordinance

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approving the sale and conveyance of the property located at 1000 Grove Street pursuant to the contract between the parties.

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

Councilman Black stated he felt this was a fair price for the property and the proposal is a substantial investment that is needed in that part of town.

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	absent
Councilman Vest	aye
Mayor Wandrei	aye

The Ordinance follows as adopted:

**ORDINANCE NO. 15-19**

**AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE BY THE TOWN OF BEDFORD TO MAESTRIA, LLC. OF REAL ESTATE CONTAINING APPROXIMATELY 1.24 ACRES FRONTING ON PLUNKETT STREET BEING BEDFORD COUNTY TAX MAP 195-A-40T**

**WHEREAS**, the Town of Bedford owns a tract of land located on the east side of Plunkett Street, being Bedford County Tax Map 195-A-40T, which lies on the east side of Plunkett Street south of the Norfolk Southern Railroad tracks; and

**WHEREAS**, the Town of Bedford and MAESTRIA, LLC. have entered into a Purchase and Sales Agreement dated August \_\_, 2015 (the "Purchase Agreement") for the sale of the parcel to for a price of \$19,000.00, subject to approval by the Town Council; and

**WHEREAS**, the Town Council, pursuant to the statutes made and provided for approval of sales of real estate, has held a public hearing on August 11, 2015, after public notice of such hearing was advertised in the Bedford Bulletin in the edition of July 29, 2015, which was at least seven days prior to the date set for the hearing;

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

Section 1. The Town Council approves the sale of the hereinafter described real estate to MATESTIA, LLC. for a price of \$19,000.00, the real estate being more particularly described as follows, to-wit:

All that certain lot or tract of land in the Town of Bedford, in Bedford County, Virginia, describes as follows: BEGINNING at an iron pipe in the east line of the New Grove Street where the same is intersected by the south line of the right of way of the Norfolk & Western Railroad; thence along the right of way South 77 degrees 12 minutes East 271.8 feet to an iron; thence South 6 degrees 15 minutes West 20.1 feet; thence along right of way of the N. & W. Railroad and 47 feet from the center of the east bound track South 77 degrees 12 minutes East 184.5 feet to an iron; thence along Jno. Johnson's estate line South 75 degrees 11 minutes West 403.4 feet to an iron in the east line of the Standard Oil Company; thence along said line North 13 degrees 27 minutes West 87.3 feet to an iron; thence South 69 degrees 49 minutes West 100 feet to an iron in the east line of New Grove Street; thence along the same North 19 degrees 34 minutes East 184.4 feet to the BEGINNING, as shown on a plat of a survey entitles "F. H. Mitchell 'ICE PLANT' PROPERTY" made by S. S. Lynn, S. C. S., 24 February, 1928, of record in the Bedford County Clerk's office in Deed Book 152, page 172.

It being that parcel designated on the 2015 Bedford County Tax records as Tax Parcel No. 195-A-40T which was conveyed to the Town of Bedford by Cassco Corporation and others by deed dated November 15, 1952 and recorded in the Clerk's Office of the Circuit Court of Bedford County in Deed Book 243, at page 92.

Section 2. The Mayor and the Town Clerk are hereby authorized to execute a deed in form approved by the Town Attorney conveying the real estate by a deed with special warranty and substantially in accordance with a new plat to be prepared at the expense of the purchaser as set forth in the Purchase Agreement, and the Mayor is authorized to deliver the deed to MAESTRIA, LLC., upon payment to the Town of the purchase price, subject to such adjustments as are set forth in the Purchase Agreement.

Section 3. This Ordinance shall go into effect immediately upon adoption by the Town Council.

The Town Manager reported that at the end of each fiscal year, the Town has purchase orders which are outstanding representing work that has not been completed. These represent goods and services that have already been ordered but have not yet been received or any invoices that have not been paid as of June 30, 2015. Town staff is

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requesting the reappropriation of the funds that are outstanding on purchase orders as of June 30, 2015 to the budget for Fiscal Year 2016. Council has received a detailed list of the amounts requested by account number. The total of the requested FY 2015 purchase order appropriations is \$918,292.44. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required. The public hearing was held on August 11, 2015 during the regularly scheduled Town Council meeting for discussion regarding this budget amendment.

Mr. Kolakowski said Council was requested to approve the reappropriation of purchase orders per the list in the amount of \$918,292.44 to provide funds for incomplete local government projects. Council was also requested to designate \$918,292.44 to revenue account Prior Year Reserves 100091.441499 from FY 2015 fund balance to offset the increase in expenditures.

On motion by Councilman Carson, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council approved the reappropriation of purchase orders per the following list in the amount of \$918,292.44 to provide funds for incomplete local government projects and also designated \$918,292.44 to revenue account Prior Year Reserves 100091.441499 from FY 2015 fund balance to offset the increase in expenditures. Roll call vote follows:

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

The list follows:

<b>GENERAL FUND</b>			<b>RESPONSIBLE</b>
<b>ACCOUNT NUMBER</b>	<b>ACCOUNT NAME</b>	<b>P.O. AMOUNT</b>	<b>DEPARTMENT</b>
10033110 533117	Ammunition	5,489.80	Police
10033110 555000	Less Lethal Instructor Course	1,790.00	Police
10033110 555000	Training class for Firearms	830.00	Police
10044115 560178	Asphalt Paving	157,926.63	Public Works
10044120 560178	Street Pavement Line Painting	60,899.75	Public Works
50011261 581729	I.T. Penetration Testing	3,250.00	I.T
		<u>230,186.18</u>	

  

<b>ELECTRIC FUND</b>			<b>RESPONSIBLE</b>
<b>ACCOUNT NUMBER</b>	<b>ACCOUNT NAME</b>	<b>P.O. AMOUNT</b>	<b>DEPARTMENT</b>

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19981910 560071	Pressure Sensor	1,096.50	Electric
19981910 560093	Light Control Module	1,110.26	Electric
19981910 560170	Cable for Recloser	776.00	Electric
19981940 581985	ABL-American Lighting	2,875.00	Electric
19981940 560074	Cable 250 MCM Alum 600 Volt	2,218.00	Electric
19981940 560170	Stirrup #2-2/0 ACSR Mech Hubble	1,043.50	Electric
19981950 560170	Post Street Light Candle Stick	3,987.00	Electric
59981940 581531	Centerville Circuit #1 Phase 1	675,000.00	Electric
		<u>688,106.26</u>	

**TOTAL OF ALL OUTSTANDING PURCHASE ORDERS                    918,292.44**

Town Manager Kolakowski reported that at the end of Fiscal Year 2015, the Town had numerous projects which were not completed or encumbered by a purchase order. The funds for these projects are needed in order to complete designated work. After review of the requests for rollover of funds, the Town Manager has recommended that a list of projects be approved for rollover from Fiscal Year 2015 and reappropriated to Fiscal Year 2016. A detailed listing of the amounts requested by account number has been given to Council. The cumulative total of the FY 2015 appropriations itemized is \$2,089,095.27. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required. The public hearing was held on August 11, 2015 during the regularly scheduled Town Council meeting for discussion regarding this budget amendment.

Mr. Kolakowski said that Council was requested to approve the rollover and re-appropriation of funds in the amount of \$2,089,095.27 to provide funds for various local government projects per the following list. Council was also requested to designate \$2,089,095.27 to revenue account Prior Year Reserves 100091.441499 from FY 2015 fund balance to offset the increase in expenditures.

Vice Mayor Rush moved that Council approve the rollover and re-appropriation of funds in the amount of \$2,089,095.27 to provide funds for various local government projects per the following list and designate \$2,089,095.27 to revenue account Prior Year Reserves 100091.441499 from FY 2015 fund balance to offset the increase in expenditures. The motion was seconded by Councilman Black.

Discussion ensued regarding the effect this will have on the budget.

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

Councilman Hailey	aye
Vice Mayor Rush	aye

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Councilman Stanley	absent
Councilman Vest	aye
Councilman Black	aye
Councilman Carson	aye
Mayor Wandrei	aye

The list follows:

<b>ENDOWMENT FUNDS</b>			<b>RESPONSIBLE</b>
<b>ACCOUNT NUMBER</b>	<b>ACCOUNT NAME</b>	<b>REQUEST</b>	<b>DEPARTMENT</b>
40033110 560109	Donations - Various	20,738.54	Police Comm.
50044115 582943	Community Improvement Fund	100,000.00	Development Comm.
50088150 581933	Economic Development Fund	281,414.41	Development Comm.
50088150 582919	Enterprise Zone Maintenance	21,434.97	Development
		<b>423,587.92</b>	

<b>GRANT FUNDED ACTIVITIES</b>			<b>RESPONSIBLE</b>
<b>ACCOUNT NUMBER</b>	<b>ACCOUNT NAME</b>	<b>REQUEST</b>	<b>DEPARTMENT</b>
10033110 557266	DMV Grant 2015 - Alcohol Enforcement	4,549.00	Police
10033110 557267	DMV Grant 2015 - Occupant Protection	1,679.37	Police
10033110 557268	DMV Grant 2015 - Spped Enforcement	1,571.03	Police
10033210 556534	DFP Aid To Localities	18,131.76	Fire
50088150 581948	Centertown Improvement Project	524,680.00	Public Works
		<b>550,611.16</b>	

<b>UNBILLED ACTIVITIES AS OF 6/30/15</b>			<b>RESPONSIBLE</b>
<b>ACCOUNT NUMBER</b>	<b>ACCOUNT NAME</b>	<b>REQUEST</b>	<b>DEPARTMENT</b>
50044115 582916	GPS Utilities	12,657.00	Comm. Development
		<b>12,657.00</b>	

<b>VDOT FUNDED ACTIVITIES</b>			<b>RESPONSIBLE</b>
<b>ACCOUNT NUMBER</b>	<b>ACCOUNT NAME</b>	<b>REQUEST</b>	<b>DEPARTMENT</b>
10044115 560172	Materials & Supplies/Sidewalks	13,162.10	Public Works
10044120 533118	Guard Rail Replace/Maintenance	39,180.13	Public Works
10044120 560175	Materials & Supplies/Sign Shop	4,411.74	Public Works
10044121 533118	Guard Rail/Replacement Maintenance	2,980.00	Public Works

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10044121 560171	Materials & Supplies/Curbs	2,808.00	Public Works
10044121 560172	Materials & Supplies/Sidewalks	70,000.00	Public Works
10044121 560173	Materials & Supplies/Streets	11,122.98	Public Works
10044121 560175	Materials & Supplies/Sign Shop	15,289.43	Public Works
10044121 560178	Blacktop	74,793.80	Public Works
10044131 560195	Storm Drainage Projects	68,559.33	Public Works
50044115 582934	Crosswalk Improvements	146,140.45	Public Works
		<b>448,447.96</b>	

**INCOMPLETE WORK AS OF 6/30/15**

**RESPONSIBLE**

**ACCOUNT**

<b>NUMBER</b>	<b>ACCOUNT NAME</b>	<b>REQUEST</b>	<b>DEPARTMENT</b>
50011242 581732	Software Upgrade (CAFR & Fixed Assets)	37,563.00	Finance
50044115 581978	Walking Trail Overlay - Liberty Lake Park	1,381.00	Public Works
50044320 581976	Bank Stabilization - Liberty Lake Park	5,535.75	Public Works
50044320 581979	Replace Drinking Fountains - Liberty Lake Park	5,200.00	Public Works
50044340 581979	Replace Drinking Fountains - Municipal Bldg.	6,000.00	Public Works
59981910 581303	Radios	15,849.48	Electric
59981920 581441	Turbine Packing Box-Unit 4	21,706.00	Electric
59981920 581449	Refurbish Tail Gate	13,500.00	Electric
59981920 581450	FERC License Amendment	50,000.00	Electric
59981920 581451	Replace #5 Turbine Box	15,241.00	Electric
59981940 581446	Replace Poles - Mosely	75,000.00	Electric
59981940 581520	Motor Driven Reel Cart	16,000.00	Electric
59981940 582407	Harmony Village Infrastructure	175,000.00	Electric
59981940 582410	Line Rebuild - Cotton Mill Road	125,000.00	Electric
59981940 582414	Oakwood Villa Underground	75,000.00	Electric
59981940 582416	Voltage Regulators	15,815.00	Electric
		<b>653,791.23</b>	

**TOTAL OF ALL REQUESTED ROLLOVER FUNDS**

**2,089,095.27**

Town Manager Kolakowski reported that before reversion, the City of Bedford provided enforcement of all parts of the Virginia Uniform Statewide Building Code which is composed of Part One dealing with new construction, Part Two dealing with renovation and rehabilitation of existing buildings, and Part Three dealing with property maintenance of existing buildings. As part of the process of reverting to Town status, the City of Bedford entered into an agreement with Bedford County dated October 9, 2012,

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pursuant to which Bedford County agreed to provide building code enforcement services for Part One and Part Two of the Uniform Statewide Building Code within City limits. Under state law, all three parts of the Statewide Building Code are applicable to all jurisdictions, but state law provides that enforcement of the property maintenance code (Part Three) is left up to the election of the specific locality. Bedford County has not elected to enforce the property maintenance code.

The Town Manager said that under the provisions of state legislation and related regulations of the Virginia Board of Housing and Development, a locality that decides to enforce the property maintenance code must take official action authorizing enforcement. It is also necessary to designate the agency which will enforce the property maintenance code. The existing provisions in the Town Code do not meet the requirements since the Charter continued the former City Code in effect until new provisions are enacted, and the old provisions not longer meet the requirements for separate property maintenance code enforcement. The Town Attorney has drafted two ordinances for consideration by the Council in order to provide for enforcement of the property maintenance code in the Town. One ordinance provides for the Town Department of Planning and Community Development to be organized into four divisions, including a division of property maintenance code and zoning enforcement. The second ordinance provides for election by the Town to enforce the property maintenance code in respect to unsafe buildings and structures or when the code official receives a written complaint. It also provides that the Property Maintenance Code Official in the new Division of Property Maintenance Code and Zoning Enforcement in the Department of Planning is appointed as the Property Maintenance Code Official. The second ordinance further provides for a local Board of Zoning Appeals which is required under state laws and regulations. Another provision adopts procedures for repair and rehabilitation or demolition of unsafe structures. This provision is enacted pursuant to state laws that provide for a lien for the cost and expenses incurred by the Town in such cases. Mr. Kolakowski said that Council was requested to adopt the proposed ordinances pertaining to property maintenance code enforcement and administrative organization of the Department of Planning and Community Development.

Town Attorney Berry explained the amendments that had been made to the proposed ordinance amending Chapter 10 of the Town Code. He also said that typos will be corrected.

On motion by Vice Mayor Rush, seconded by Councilman Carson, and after discussion, Council adopted the amended ordinance dealing with Chapter 10 of the Town Code and the ordinance amending Section 2-99 of the Town Code. The motion was voted upon and carried by the following roll call vote:

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



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of the Virginia Uniform Statewide Building Code as promulgated by the Virginia Board of Housing and Community Development under the authority of Virginia Code Sections 36-99, 36-103, and 36-105. The Town has designated the Department of Planning and Economic Development as the agency within the local government responsible for such enforcement, and the Town has appointed the Property Maintenance Code Official in the Property Maintenance Code and Zoning Enforcement division of the Town Department of Planning and Community Development as the Code Official for enforcement.

Section 10-4. Enforcement procedures. The Town Property Maintenance Official shall institute and enforce the provisions of the Property Maintenance Code in accordance with the provisions for unsafe buildings and structures and when the Property Maintenance Code Official receives a written complaint that alleges a violation of the Code.

Section 10-5. Appeals. The Local Board of Building Code Appeals is hereby designated as the appeals board to hear appeals arising from the application of the provisions of the property maintenance code.

Section 10-6. Repair and rehabilitation, or demolition of unsafe structures.

(a) Duty to remove, repair or secure unsafe structure. It shall be unlawful and constitute a nuisance for the owner or occupant of any land or lot in the town to permit any structure, house or dwelling place thereon to be habitually kept, or which, in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. Owners of real property, agents of owners and/or persons in control of buildings, within the town shall remove, repair or secure any building, wall or any other structure or portion thereof which might endanger the public health or safety of other residents of the town.

(b) Unsafe structures; procedures. The following procedures shall apply with regard to unsafe structures if an owner fails to comply with his duty set forth above:

(1) Notice to owner and lienholder. When the building official identifies any unsafe structure, he may give written notice to the owner, agent of the owner, or person in control of such building, and any lienholder of record, of his obligations under this section. This notice shall require the owner, agent for the owner or person in control of such

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building within a stated time to complete improvements or demolish or remove the building, structure or portion thereof. For purposes of this section, reasonable notice shall include a written notice:

- (a) Sent by certified mail, return receipt requested, to the last known address of the property owner, and
- (b) Published once a week for two successive weeks in a newspaper having general circulation in the town.

(2) Time limit for action by owner. No action shall be taken by the building official to remove, repair or secure any building, wall or any other structure for at least 30 days following the later of the return of the receipt or newspaper publication.

(3) Procedure when owner fails to comply. If the owner, agent for the owner, or person in control of such buildings has failed to comply with all requirements of the notice and this section, then the town through its own agents or employees may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town. Repair of the structure may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.

(4) Costs and expenses recoverable. In the event the town, through its own agents or employees removes, repairs or secures any building, wall or any other structure pursuant to this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes and levies are collected.

(5) Lien of charges authorized by this section. Every charge authorized by this section with which the owner of any unsafe structure shall have been assessed and which remains unpaid, whether or not reduced to judgment, shall constitute a lien against the parcel on which the unsafe structure is situated, which such lien shall rant in parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (Code of Virginia 58.1-3940 et seq.) and 4 (Code of Virginia 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended.

Section 10-7. Penalty. Except as otherwise specifically provided, a violation of any provision of this chapter shall constitute a misdemeanor punishable by fine or not more than \$2,500.00;

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additionally, if the violation concerns a residential unit and if the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction.

Section 10-8. Building code not superseded. Nothing herein shall be construed to limit the authority of the town or of its building official as set out in general law or in the Uniform Statewide Building Code.

Section 10-9. Liabilities of persons enforcing building code. The building official and any officer or employee charged with the enforcement of the building code, acting in good faith and without malice for the town in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or other town officer or employee, because of such act or omission performed by him in the enforcement of any provisions of the building code, shall be defended by the town attorney until final termination of the proceedings.

Section 10-10. Right of entry of building official; authority to cut off electricity and to disconnect wiring. The building official and his designated representatives, in the discharge of their official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour, in compliance with all applicable provisions of law; and they shall have the authority to cause the turning off of all electricity and cut or disconnect, in cases of emergency, any wire where such electricity is dangerous to life or property.

Section 2. Severability: Should any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Effective date: This ordinance shall become effective at 12:01 AM., following the date of its adoption.

The second ordinance follows as adopted:

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**ORDINANCE NO. 15-21**

**AN ORDINANCE AMENDING SECTION 2-99 PERTAINING TO  
ORGANIZATION OF THE DEPARTMENT OF PLANNING  
AND COMMUNITY DEVELOPMENT**

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

Section 1. Section 2-99 of the Town Code is amended and re-enacted as follows:

Sec. 2-99. Department of Planning and Community Development

(a) The Department of Planning and Community Development shall be under the immediate supervision of the Town Manager, who shall exercise general control over the entire department not inconsistent with the applicable permissions of the charter and permissions of this code.

(b) The Department of Planning and Community Development shall be organized into the following divisions: (i) Information Technology; (ii) Property Maintenance Code and Zoning Enforcement; (iii) Project Management; and (iv) Planning and Zoning.

Section 2. This ordinance shall be effective upon enactment.

Vice Mayor Rush moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(7) of the Code of Virginia of 1950, as amended for consultation with legal counsel concerning possible litigation. Councilman Hailey seconded the motion. The motion was voted upon and carried by the following roll call vote:

Councilman Stanley	absent
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 7:33 p.m. The following non-council members attended: Town Manager Kolakowski, Town Attorney W. W. Berry, IV, and Assistant Town Manager, Barrett Warner

Council reconvened into open session at 7:48 p.m.

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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 Councilman Black, 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
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	absent
Mayor Wandrei	aye

Mayor Wandrei stated that Council members had received a copy of an article from the magazine *American Public Power* concerning Community Solar Gardens. The Mayor said he thought the article was very informative. The Mayor said he also found another article in the *Richmond Times Dispatch* which was primarily concerning Dominion Power going forth with putting out more solar power in Virginia. The Town Manager will forward the article to members of Council.

Mayor Wandrei adjourned the meeting at 7:50 p.m.