

May 10, 2016

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 10, 2016.

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 Deputy Clerk of the Council Debra Anderson

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 Council work session held on April 26, 2016, were approved as distributed.

Mayor Wandrei declared that the minutes of a regular Council meeting held on April 26, 2016, were approved as distributed.

Town Manager Kolakowski reported on the following:

- Upcoming events: the Bedford Area Chamber of Commerce semi-annual Job Fair will be held on May 11; the ribbon cutting for the Bedford Urban Garden will be held on May 11 on Jackson Street; the Farmer's Market opened last week and was very successful

Sara Smith, Bedford Main Street, Inc., spoke about the following: on behalf of the governing board, partners, and friends she expressed appreciation to Council for investing in Main Street and for allocating additional funding for promotion and marketing. Ms. Smith reviewed two fund raisers currently going on: "Bedford Remembers" flags or garden flags and a fund raiser for the hanging baskets (Bedford Blooms). She stated she would be attending the Main Street America Conference in Wisconsin. Ms. Smith reported that Main Street is applying for a Commonwealth of Virginia Community Business Launch Grant.

Councilman Black asked Ms. Smith to give an update of the visit of Kathy LaPlante.

Ms Smith said Ms. LaPlante, Program Officer with the Main Street America organization, visited Bedford recently for a two day retreat with Main Street's board members, committee members, and other leaders in the community. She said the retreat brought forth a lot of new ideas and new projects.

Mayor Wandrei stated a closed session would be added to the agenda concerning personnel matters.

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Vice Mayor Rush reported that the Secretary of Transportation was in Bedford last Thursday at the Welcome Center. He said the big issue was having a train stop in town.

Mayor Wandrei stated there would be a ceremony at the D-Day Memorial on May 14 for the National Guard that is going to be departing.

Town Manager Kolakowski reported there are presently vacancies on the Industrial Development Authority (IDA). Judy Rush, Courtney Holdren, Jonathan Buttram, and John Putney have expressed an interest to serve on the Authority if appointed by Council. The vacancies have been advertised in the local newspaper, and no other citizens have volunteered to serve. Mr. Kolakowski said that Council was requested to appoint Judy Rush, Courtney Holdren, Jonathan Buttram and John Putney to serve on the Industrial Development Authority, said terms as listed below:

Terms: November 30, 2017 - John Putney
 November 30, 2017 - Jonathan Buttram
 November 30, 2018 - Courtney Holdren
 November 30, 2019 - Judy Rush

Mayor Wandrei said that Mr. Putney, Mr. Buttram, and Mr. Holdren will be considered first.

Councilman Black moved that Council appoint Courtney Holdren (term ending November 30, 2018), Jonathan Buttram (term ending November 30, 2017), and John Putney (term ending November 30, 2017), to the Industrial Development Authority. Councilman Hailey seconded the motion.

Councilman Vest stated he felt that the entire Council should be a part of the selection process for the IDA and not just the Economic Development Committee. He said he had no problem with the people who have agreed to serve on the IDA. Mr. Vest also questioned when the vacancies for the IDA were advertised in the newspaper.

Town Manager Kolakowski said the positions for all boards are advertised at least twice a year, usually around August and again in January.

A brief discussion ensued.

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

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

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On motion by Councilman Hailey, seconded by Councilman Black, voted upon and carried by a roll call vote, July Rush was appointed to the Industrial Development Authority for a term expiring on November 30, 2019. Roll call vote follows:

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

The Town Manager reported that the Virginia General Assembly passed legislation changing the manner in which funding is provided for the employee pension program administered by the Virginia Retirement System (VRS). In summary, participating localities are required to transfer five percent of the pension funding that they were previously providing over to the employees with the caveat that employees are to be held harmless for the financial impact of doing so. All localities are required to implement this five percent change over the course of five years. Mr. Kolakowski said the Town of Bedford has opted to phase in the transfer by one percent over a five year period. As such, the Town is required to give an annual report to VRS of its progress by means of adopting a resolution. The proposed resolution is in the format provided by VRS and reflects that for the 2016-2017 fiscal year, the Town will cease its contribution of the funding required by the General Assembly while employees will accept full responsibility for the five percent required by the General Assembly. This action represents the last remaining step for the Town's full compliance with the directive. Council was requested to approve the proposed resolution concerning the Town's contributions to the Virginia Retirement System.

On motion by Vice Mayor Rush, seconded by Councilman Hailey, voted upon and carried unanimously by a roll call vote, Council approved the proposed resolution concerning the Town's contributions to the Virginia Retirement System. 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 resolution follows as adopted:

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**RESOLUTION OF THE
TOWN COUNCIL OF THE TOWN OF BEDFORD
CONCERNING MEMBER CONTRIBUTIONS BY SALARY REDUCTION
TO THE VIRGINIA RETIREMENT SYSTEM**

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

WHEREAS, the Town of Bedford (Employer Code 55364) employees who are Virginia Retirement System (VRS) members who commence or recommence employment on or after July 1, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Town of Bedford employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the Town of Bedford may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2016, to each such employee in service on June 30, 2016, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the percentage increase of the member contribution paid by such pursuant to this resolution (For example, if the member contribution paid by the employee increases from two to three percent pursuant to this resolution, the employee must receive a one percent increase in creditable compensation.)

BE IT THEREFORE RESOLVED, that the Town of Bedford does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2016:

PLAN 1	Percent
Employer Paid	0%
Member Contribution	
Employee Paid	5%

PLAN 2	Percent
Employer Paid	0%
Member Contribution	
Employee Paid	5%

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Member Contribution	
Total	5%

Member Contribution	
Total	5%

AND BE IT FURTHER RESOLVED that such contributions, although designated as member contributions, are to be made by the Town of Bedford in lieu of member contributions; and

BE IT FURTHER RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED that members contributions made by the Town of Bedford under the pick up arrangement shall be treated for all purposes other than income taxation, but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Town of Bedford directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Town of Bedford shall be reduced by the amount of member contributions picked up by the Town of Bedford on behalf of such employee pursuant to the foregoing resolutions; and

BE IT FURTHER RESOLVED that in accordance with the Appropriate Act, no salary increases that were provided solely to offset the cost of required member contributions to the Virginia Retirement System under §51.1144 of the Code of Virginia will be used to certify that the salary increases required by the Appropriations Act have been provided.

NOW, THEREFORE, the officers are hereby authorized and directed in the name of the Town of Bedford to carry out the provisions of this resolution, and said officers are authorized to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Town of Bedford for this purpose.

Town Manager Kolakowski said the Town of Bedford entered into a License Agreement with Bedford Central Recreation Association (BCRA) granting that organization occupation and use of Town owned facilities at Liberty Lake Park (including the Administration building as well as the picnic shelters and pavilions located therein). The agreement went into effect September 1, 2014, and includes a termination date of June 30, 2017. He stated that under the terms of the license, BCRA pays no rent or fees associated with the organization's use of the facilities. The use was given to BCRA as an accommodation with no monetary consideration, but is revocable at any time by the Town subject to 30 days' notice.

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The Town Manager reported that another party has approached staff indicating its interest in using the Administration Building, including its willingness to assume responsibility for the cost of utility service to the facility (which is estimated to be \$6,500 on an annual basis). There have been some operational concerns related to the current use of the facility by the BCRA, primarily related to an apparent underutilization of the Administration Building. Town staff discussed these matters with Mr. Shawn Robey, President of the BCRA Board of Directors, in December 2015 and indicated at that time that the Town was interested in exercising its right to terminate the license agreement based on the interest of the other party. At that time Mr. Robey indicated that continued occupation of the facility by BCRA would not be critical to the organization's function or mission. Mr. Kolakowski stated that in order to facilitate further discussion with the other interested party, staff recommends that the Town exercise its rights under Section 3 of the License Agreement by informing BCRA of the termination of the agreement effective June 15, 2016. A statement of this intent was sent to April Robey, Supervisor for BCRA, via e-mail on May 5, 2016, accompanied by a copy of the proposed resolution. The Town Manager stated that Council was requested to approve the proposed resolution terminating the License Agreement between the Town and the Bedford Central Recreation Association.

Vice Mayor Rush moved that Council approve the proposed resolution terminating the License Agreement between the Town and the Bedford Central Recreation Association. Councilman Hailey seconded the motion.

Councilman Black indicated that he spoke with the Assistant City Manager and April Robey about this matter and would like to make sure that Council continues to work with the Bedford Central Recreation Association even if Council terminates the license agreement. He said he thought that Council should make sure they have a place to schedule their board meetings, to handle their signups, and have a place to store equipment. Mr. Black said the BCRA has been renting the picnic shelters on behalf of the Town and collecting the fee for that, which is part of their funding mechanism.

Assistant Town Manager Warner said that the staff is looking for Council's guidance on the issue of having discussions with someone when someone else has the rights to the facility. Mr. Warner said he was not of the opinion that the Town necessarily has to have a license agreement with BCRA to allow them the activities that are described. He said that the Town does give BCRA preference for field use which is not covered in the agreement and their administration of the shelter policy is also not included in the agreement. Mr. Warner said he thought those things could be address operationally without being tied to the agreement.

Per a question by Vice Mayor Rush, the Public Works Director said that his department handles the cleanup and maintenance of the shelter.

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

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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	aye

The resolution follows as adopted.

**RESOLUTION OF THE
TOWN COUNCIL OF THE TOWN OF BEDFORD
TERMINATING THE LICENSE AGREEMENT BETWEEN THE TOWN
AND BEDFORD CENTRAL RECREATION ASSOCIATION, INC.**

WHEREAS, the Town of Bedford (“Town”) entered into the attached License Agreement with the Bedford Central Recreation Association, Inc. (“BCRA”) effective September 1, 2014; and

WHEREAS, under the terms of said agreement the Town granted the BCRA a license to occupy and use the Administration Building at Liberty Lake Park and the Picnic Shelters and Pavilions with access and use over streets and parking areas serving such structures; and

WHEREAS, Section 3 of said agreement defines the duration of the license to exist on a month to month basis until June 30, 2017, subject to earlier termination by either party’s giving written notice of the intention to terminate not less than 30 days after such notice is given;

NOW THEREFORE BE IT RESOLVED, that the Town of Bedford hereby exercises its rights under Section 3 by terminating the License Agreement effective June 15, 2016 with the adoption of this Resolution serving as the effective notice as specified.

The Town Manager stated that Council had received a copy of a proposed 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. He said that Council was requested to adopt the ordinance, readopting and reenacting code provisions dealing with traffic laws.

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On motion by Vice Mayor Rush, seconded by Councilman Carson, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance, which readopts and reenacts code provisions dealing with traffic laws. Roll call vote follows:

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

The ordinance follows as adopted:

ORDINANCE NO. 16-8

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

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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, 2016, 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.

Town Manager Kolakowski said the month of May 2016 has been designated as Business Appreciation Month in Virginia, in recognition of the many benefits to Virginia communities derived from their industries. He stated that in appreciation of our local industries, Council is being requested to adopt a Resolution declaring Business Appreciation Month in the Town.

The Town Manager read aloud the proposed resolution:

BUSINESS APPRECIATION MONTH 2016

WHEREAS, Governor Terence R. McAuliffe has recognized the month of May 2016, as **BUSINESS APPRECIATION MONTH** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and,

WHEREAS, the Town of Bedford encourages all of its businesses and supports entrepreneurship to create a vibrant, sustaining small business community; and

WHEREAS, the citizens of the Town of Bedford benefit from the positive business climate, economic growth, and job opportunities that are the contributions of businesses; and

WHEREAS, Bedford has joined the Commonwealth in creating long-term economic revitalization by embracing diversity in its business community, fully integrating technology into business practices, and preserving the economic well-being and safety for its citizens; and

WHEREAS, businesses in the Town of Bedford play a significant role in moving Bedford forward by positively impacting our healthy economy; and

WHEREAS, Business Appreciation Month increases public awareness of the valuable contributions that businesses make in our community.

NOW, THEREFORE, the Town Council of the Town of Bedford does hereby recognize the month of May 2016, as **BUSINESS APPRECIATION MONTH** in the Town of Bedford, and call this observance to the attention of all our citizens.

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On motion by Councilman Stanley, seconded by Councilman Carson, voted upon and carried unanimously by a roll call vote, Council adopted the resolution in support of Business Appreciation Month. Roll call vote follows:

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

Vice Mayor Rush moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(1) of the Code of Virginia of 1950, as amended, to discuss personnel matters. Councilman Hailey seconded the motion. The motion was 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	aye
Mayor Wandrei	aye

Council adjourned into closed session at 7:31 p.m.

Council reconvened into open session at 7:35 p.m.

The Deputy 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 Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye

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Councilman Stanley	aye
Councilman Vest	aye
Councilman Black	aye
Mayor Wandrei	aye

Mayor Wandrei adjourned the meeting at 7:37 p.m.