



**Town Council  
Regular Council Meeting Minutes  
May 12, 2020**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, May 12, 2020 at 7:00 p.m. in the Council Chambers of the Town Municipal Building at 215 East Main Street, Bedford, Virginia.

**Town Council members present:**

Mayor Steve Rush, Vice Mayor Tim Black, Councilman Stacey Hailey, Councilman Bruce Johannessen, Councilman Bryan Schley, Councilman Darren Shoen, and Councilman C. G. Stanley

**Town Council members absent:**

None.

**Town Staff present:**

Town Manager Barrett Warner; Assistant Town Manager Sonia Jammes; Town Attorney William W. Berry, IV; Economic Development Coordinator Mary Zirkle; Engineering Services Coordinator Wayne Hale; and Recording Secretary Julia Peters

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

### **APPROVAL OF MINUTES**

Mayor Rush declared that the minutes of the Called Council Meeting held on April 23, 2020 were approved as presented.

### **REPORT OF TOWN MANAGER**

Town Manager Barrett Warner reported:

- The Chamber of Commerce annual dinner had been rescheduled to August 14, 2020.

- The Town recently executed the agreements to purchase power for the summer months of 2021 at the rate of \$33.63 per megawatt hour and for December 2021 at a price of \$31.50 per megawatt hour. Both of the transactions are well below the target price of \$36.00 which was approved by the Council at last month's regular meeting.
- The Planning Commission has reviewed four responses to its request for qualifications related to review and possible revision of the zoning ordinance. The Commission has directed staff to pursue further discussions with the two qualified respondents who gave the Town the lowest relative quotes but it will be coming to the Council also for review.
- Regarding the Bedford Middle School Project, Dave McCormack has submitted the items to amend his conditional use permit which will come before the Planning Commission on June 4, 2020, and will come before the Council on June 9, 2020. There is a Public Hearing required to consider the changes he is suggesting, specifically, removing the auditorium use from the project and replacing it with ten additional apartment units. Mr. Warner expects that the Administration's doors will be open to the public by those two meetings so citizens can participate in the hearings directly.

Mayor Rush asked about whether Mr. McCormack gave a rough estimate of re-doing the auditorium and Mr. Warner said that if Mr. McCormack was to rebuild the auditorium, it would add an estimated \$3 million to the cost of the project. He did advise Mr. McCormack that the Town does not have that kind of money and consequently, he thinks that is the impetus behind the change request.

Councilman Shoen asked about the clean-up of the property and if Mr. McCormack is waiting for Council's decision on the changes, it might take a while. Mr. Warner responded that Mr. McCormack is waiting for the decision on his zoning application, but once he receives a definitive answer about the proposed changes in scope, he will proceed with clean-up. The construction activity related to Old Yellow will take place simultaneously as well. Mr. McCormack is trying to schedule everything at one time, both in terms of clean-up and construction but he wants to understand the scope of the project before he commences clean-up and therefore will probably begin clean-up once he gets an answer from the Council on June 9. The nature of the clean-up depends on whether he would have to replace the auditorium versus changing the scope which would allow him to do things a little quicker. Mr. Warner stated that everything was contingent on zoning at this point. Councilmembers questioned whether there was a way to speed up the process but consensus noted it would not be possible with required public hearings and required revisions to the contract and performance agreements to be completed by Mr. Lockaby. Mayor Rush said that June would be a busy month for the Council because the budget will need to be finalized as well as making decisions about the Bedford Middle School Project.

#### **APPEARANCES BEFORE COUNCIL**

None.

## **COUNCIL COMMENTS**

Mr. Johannesson said the costs for the Town flower baskets that are paid for with contributions from area citizens including Councilmembers are almost covered and he will take care of the balance.

## **REPORT OF COUNCIL COMMITTEES**

None.

## **REVISIONS TO AGENDA**

None.

## **PUBLIC HEARINGS**

None.

## **CONSENT AGENDA**

### **Appointment of Member– Economic Development Authority**

There currently is a vacancy on the Economic Development Authority. Ms. Jenee Welsh has expressed a willingness to serve on the Authority, if appointed by Council.

### **ACTION REQUESTED:**

Council is requested to appoint Ms. Jenee Welsh to the Economic Development Authority, said term to expire November 30, 2021.

Mr. Stanley moved, seconded by Mr. Hailey, to appoint Ms. Jenee Welsh to serve on the Economic Development Authority, with a said term to expire November 30, 2021.

Mayor Rush noted that Ms. Welch is a Town resident and a business owner in downtown Bedford.

Voted upon and carried by a roll call vote. Roll call as follows:

Vice Mayor Black	aye
Councilman Hailey	aye
Councilman Johannessen	aye
Councilman Schley	aye
Councilman Shoen	aye
Councilman Stanley	aye
Mayor Rush	aye

The motion carries with seven members voting aye.

**OLD BUSINESS**

None.

**NEW BUSINESS:**

**Resolution – Business Appreciation Month 2020**

The month of May 2020 has been designated as Business Appreciation Month in Virginia in recognition of the many benefits to Virginia communities derived from their businesses. In appreciation of our industries, small businesses and entrepreneurs, Council is asked to adopt a Resolution declaring May to be Business Appreciation Month in the Town.

**ACTION REQUESTED:**

Town Council is requested to adopt a Resolution in support of Business Appreciation Month.

Mr. Hailey moved, seconded by Mr. Black, to adopt the Resolution declaring the month of May 2020 as Business Appreciation Month.

Voted upon and carried by a roll call vote. Roll call as follows:

Councilman Hailey	aye
Councilman Johannessen	aye
Councilman Schley	aye
Councilman Shoen	aye
Councilman Stanley	aye
Vice Mayor Black	aye
Mayor Rush	aye

The motion carries with seven members voting aye.

The adopted resolution is as follows:

## **BUSINESS APPRECIATION MONTH 2020**

**WHEREAS**, the month of May 2020 is recognized as **BUSINESS APPRECIATION MONTH** in the **COMMONWEALTH OF VIRGINIA**; and,

**WHEREAS**, the Town of Bedford supports its businesses and their spirit of entrepreneurship to create a vibrant and sustaining community, recognizing the struggles and resilience of the business owners; and

**WHEREAS**, the citizens of the Town of Bedford benefit from the positive business climate, economic growth, and job opportunities that result from 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 providing opportunities that support the economic well-being and ensuring safety for its citizens; and

**WHEREAS**, businesses in the Town of Bedford are integral in moving Bedford forward by contributing their presence and energy to our robust 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 2020, as **BUSINESS APPRECIATION MONTH** in the Town of Bedford, and call this observance to the attention of all our citizens.

**Ordinance - Readopting and Reenacting Code Provisions Dealing with Traffic Laws**

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

**ACTION REQUESTED:**

Town Council is requested to adopt the ordinance readopting and reenacting code provisions dealing with traffic laws.

Mr. Hailey moved, seconded by Mr. Shoen, to adopt the ordinance that readopts and reenacts code provisions dealing with traffic laws.

Voted upon and carried by a roll call vote. Roll call as follows:

Councilman Johannessen	aye
Councilman Schley	aye
Councilman Shoen	aye
Councilman Stanley	aye
Vice Mayor Black	aye
Councilman Hailey	aye
Mayor Rush	aye

The motion carries with seven members voting aye.

The ordinance is as follows:

**ORDINANCE NO. 20-6**

**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 reenacted as follows:

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

Section 2.

This Ordinance shall become effective on July 1, 2020, 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.

## **Realignment of Burks Hill Road From Four (4) Lanes to Three (3) Lanes**

This action is a follow-up to the conversations about constructing a sidewalk connecting Liberty Lake Park to the rest of Town across Route 460. The intent is to use VDOT revenue sharing grant funds for this purpose. Back in the Fall, there was a proposal to construct a crossing from one side of Burks Hill Road to the other at the park but there were concerns about safety, given the width of the road and nature of the traffic. Staff asked VDOT to revisit the issue and what is presented is the result.

VDOT is asking that the Town consider using a road diet design for the proposed Burks Hill Road Sidewalk Project that runs from the Bedford Visitors Center to Liberty Lake Park.

This would require that the existing four (4) lane section of road be reduced to a three (3) lane road with one (1) travel lane north and one (1) travel lane south and a shared left turn lane running down the center north and south.

This is requested due to safety concerns at the proposed pedestrian crossing near the Word of Life Evangelical Church entrance driveway. This would decrease the pedestrian crossing from four (4) lanes of traffic to two (2) lanes of traffic. There will be a safety island installed in the center turn lane.

There will also be accommodations for five (5) foot bike lanes on each side of Burks Hill Road.

### **ACTION REQUESTED:**

Town Council is asked to consider the basic concept of the changes on Burks Hill Road and authorize Staff to direct VDOT to proceed with the plan and develop cost estimates. The intent is to keep the project within the originally funded revenue sharing grant, but if the costs were to increase based on the changes; the Town would proceed with other sidewalk projects, mainly Peaks Street and Independence included in the grant and look at other funding for Burks Hill Road.

Discussion followed. Mr. Wayne Hale, Engineering Services Coordinator, answered some clarifying questions about the changes. He said the plan would alleviate traffic backing up while cars are turning into the park and Mr. Warner noted it may also help drivers maintain the posted speed limit through the area. Mr. Hale said the paving and line painting have already been planned, so additional expenses should only be the sidewalks and concrete island and maybe some flashing lights or rumble strips. He felt the design should work out well and the bike lanes are a nice addition. Mr. Warner told the Council the final design would be brought back to Council to make sure it meets their expectations but if costs are within the original revenue sharing funds, they would like to proceed with this concept. Chief of Police Todd Foreman said the only issue he knows about is at Industrial and Burks Hill, but the new center turn lane will help by giving vehicles somewhere to go when turning out of Industrial and sees no other problems. Mayor Rush stated that the Town has waited for years to get this sidewalk and wanted something safe for the pedestrians so this project needs to get done.

Mr. Johannessen moved, seconded by Mr. Shoen, to approve of the VDOT recommended road diet design concept for the proposed Burks Hill Road sidewalk and pedestrian crossing running



from the Bedford Visitors Center to Liberty Lake Park; and proceeding within the existing funding parameters.

Voted upon and carried by a roll call vote. Roll call as follows:

Councilman Schley	aye
Councilman Shoen	aye
Councilman Stanley	aye
Vice Mayor Black	aye
Councilman Hailey	aye
Councilman Johannessen	aye
Mayor Rush	aye

The motion carries with seven members voting aye.

### **Discussion on the Bedford Business Support Program – Phase 2**

Ms. Zirkle reported that to date, the Town had received 26 applications. She still needs to confirm two of those applicants meet the definitions for being “for profit” and “retail”.

Mayor Rush noted that the parameter of ten employees could make some small businesses or restaurants ineligible if they have 15 employees but all or several are part-time and he wanted to correct this discrepancy. Mr. Schley noted that the total number of employees was not specified in the current application and therefore no changes needed to be made to existing applicants but discussion could be entertained in the Phase 2 of the program.

In response to a question from Mr. Shoen regarding the timeframe for disseminating the grants to the existing applicants, Ms. Zirkle said the EDA will have a meeting on May 22. They will take action on the applications received at that time and working with the Finance Department, they will work to release the funds as quickly as possible. Ms. Zirkle estimates the turnaround will be no later than the end of the month.

Mayor Rush said that in moving to Phase 2 of this project, some parameters and deadlines need to be set, and what types of businesses would be eligible.

Mr. Schley stated that the application process seemed to be a smooth process, and applicant turnout has been good but not overwhelming, so the Phase 2 could be opened up to other businesses.

Discussion followed regarding non-essential and essential businesses, professional and personal services, eligible individuals, revising criteria for eligibility, revising uses of funds, changing individual grant amounts, and adding another \$150,000 to the program.

Ms. Zirkle said the same process will apply as in Phase 1. The Council will take action and pass it to the EDA for ratification at their meeting on May 22. The EDA will handle the Phase 1 applications first, close them out and then move on to the Phase 2. She will have a new application ready for the EDA to review, answer any questions and address any unforeseen issues.

Applicants can turn in their applications via U.S. mail, email to Ms. Zirkle, online through Google, or the Town dropbox, which is picked up twice a day, once in the morning and once in the afternoon.

The agreed consensus after discussion on changes for Phase 2 of the program were:

- An additional \$150,000 would be added to the remaining available balance of funds after Phase 1 grants are awarded. Funding sources are:

Current EDA funds	\$ 37,500
\$0.05 of FY2020 meals tax	\$ 37,500
Unrestricted fund (surplus)	\$ 37,500
Electric utility fund	<u>\$ 37,500</u>
	\$150,000

- Individual grant amounts would remain at \$5,000.
- Only owners of a business with ten employees or less or ten full-time equivalent, locally-owned, non-franchise, for-profit, brick and mortar businesses are eligible and only one grant per individual can be awarded.
- The business owner must show proof of a 50% reduction in sales.
- The length of time in business remains at 6 months before March 1, 2020 (same as Phase 1).
- Businesses must be located in the Town of Bedford (same as Phase 1).
- Funding ends July 1 or when funds are depleted. Awarded on a first-come, first-serve basis (same as Phase 1).
- Funds can be used for any of the following business purposes:
  - Rent or mortgage payments for March, April, May, June or July 2020
  - Utilities (electric, water/sewer, internet) for March, April, May, June or July 2020
  - Inventory needed to re-start a business (including disinfecting supplies and PPE)
  - Marketing – advertising efforts to promote the business re-start or to implement online sales presence.

Mr. Schley moved, seconded by Mr. Hailey to approve Phase 2 of the Bedford Business Support Program with the eligibility criteria and parameters as discussed and agreed to by consensus.

Voted upon and carried by a roll call vote. Roll call as follows:

Councilman Shoen	aye
Councilman Stanley	aye
Vice Mayor Black	aye

Councilman Hailey	aye
Councilman Johannessen	aye
Councilman Schley	aye
Mayor Rush	aye

The motion carries with seven members voting aye.

**ADJOURNMENT:**

8:15 p.m.

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Steve Rush, Mayor

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Debra Anderson, Clerk of the Council