



**Town Council  
Regular Council Meeting Minutes  
August 9, 2022**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, August 9, 2022, 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 Tim Black, Vice Mayor C. G. Stanley, Councilman Bob Carson, Councilman Stacey Hailey, Councilman Bruce Hartwick, Councilman Bruce Johannessen, Councilman Darren Shoen

**Town Staff present:**

Town Manager Bart Warner, Town Attorney Michael Lockaby, Finance Director Anne Cantrell, Director of Planning and Community Development Mary Zirkle, Clerk of Council Debra B. Anderson, and Recording Secretary Julia Peters

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Mayor Black called the meeting to order and led all those present in reciting the Pledge of Allegiance to the Flag.

### **APPROVAL OF MINUTES**

Mayor Black declared that the minutes of the regularly scheduled Council meeting on July 26, 2022 were approved as presented.

### **REPORT OF TOWN MANAGER**

Mr. Warner reported that he was still working on details of the police station design project with Wiley Wilson. He was optimistic that they would have a contract for Council's review by the next Town Council meeting.

## **APPEARANCES BEFORE COUNCIL**

None.

## **COUNCIL COMMENTS**

Councilman Shoen said that he has had a few citizens ask him about the dog park and he wondered if Mr. Warner had looked into how other counties or towns have handled the matter. He did not know enough about the subject to weigh the pros and cons.

Councilman Hailey noted that the dog park issue has been going on for several years. There have been several spots available but it boils down to either the citizens clean up after their animals or the Town cleans up after the animals.

Councilman Johannessen stated that his wife has looked into how other localities handle dog parks and most of the time the owners clean up after their own animals and most of the parks use mulch with no grass, so there is very little maintenance. He knows there are grants available for these types of parks. The dog parks really help with socialization of the animals and it is a project worthy of the Council's consideration. He does not know, however, about the insurance needed and how much it would impact the Town.

Mr. Carson stated that when the dog park was discussed in the past, everyone was onboard to have one but the problem was finding a location that was accessible, especially to people traveling.

Mr. Hartwick thought the dog park was a great idea and he had no problem with a private organization that may come along and want to build it or getting a grant to build it. Then it would be at no expense to the taxpayers. He also would like to see the building at Liberty Lake Park utilized more as a conference center and they should market it more.

Mayor Black felt the dog park was a good subject for discussion when Council gets down to next year's budget and strategic planning. He gave a shout out to the police department for the successful National Night Out. It was a good turnout and they did a good job with it. He also said the Anxious for Nothing, a skateboard ministry in Town, had a back-to-school event Sunday night at Westgate which was a nice event. Both were good community-building events and he hoped to see them continue in the future.

## **REPORT OF COUNCIL COMMITTEES**

Councilman Hartwick attended the Property Committee meeting earlier in the evening. The committee reviewed a list of items they are considering doing and making sure all the i's are dotted and t's are crossed before they announce anything.

## **REVISIONS TO AGENDA**

Mayor Black requested that under **NEW BUSINESS**, a Closed Session be added, pursuant to Section 2.2-3711 (a) (3) for the disposition of real property, where discussion in an open meeting would adversely affect the Town's bargaining position. There were no objections.

## **PUBLIC HEARINGS**

None.

## **CONSENT AGENDA**

None.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

### **FY22-23 Budget Amendment – Personnel Allocation**

As part of his initial work plan upon joining the leadership team of the Town, Police Chief Ronnie Lewis is seeking to reallocate the human resources of the Police Department in a manner that improves efficiency of the operation as well as the morale of officers by providing greater opportunities for expansion of their personal skills. One aspect of the overall plan is the reactivation of the Captain position within the department and plans to promote both existing Lieutenants to that rank. In order to affect this action, Council has to approve the allocation of the Captain position within the appropriate portion of the FY22-23 budget. The revenue for the costs associated with this change will be provided through Prior Year Reserves.

Chief Lewis presented his plan to the Public Safety Committee on July 26, 2022 and the members of the committee unanimously recommended that this be placed on tonight's agenda for consideration and approval by the full Council.

### **ACTION REQUESTED:**

Town Council is requested to amend the Position Allocation section of the Fiscal Year 2022-2023 budget by inserting the position of Police Captain at Grade 16 and allocating funds appropriately.

Mr. Hailey moved, seconded by Mr. Hartwick, to amend the budget to allow for the personnel allocation in the Police Department to add the two Captain positions.

Discussion followed. Mr. Stanley noted that this was discussed at the Public Safety Committee meeting on July 26, 2022. Mayor Black said the Captain positions had been in the Pay Grade Schedule previously, but were not there currently, which is why it was a budget amendment and Council needs to add them back in as a pay grade. One Captain would be in charge of Operations and the other Captain would be in charge of Administration. Prior year reserves were already appropriated and there will be a slight rollover attached to the positions, but the positions need to be created now. Mr. Warner noted that Lieutenants are not eligible for certain training under the International Association of Chiefs of Police where this training is limited to Deputy Chiefs and Captains.

Voted upon and carried by the following roll call vote.

Councilman Carson	aye
Councilman Hailey	aye
Councilman Hartwick	aye
Councilman Johannessen	aye
Councilman Shoen	aye
Vice Mayor Stanley	aye
Mayor Black	aye

The motion carried with seven members voting aye.

### **Bedford Otter Bus Project – Department of Rail and Public Transportation Grant Master Agreement**

In January 2022, staff provided a draft application to Town Council for their support prior to submitting a request to the Virginia Department of Rail and Public Transportation (DRPT) for a “demonstration” grant to run the Bedford Otter Bus for a year. The Town was awarded the grant, which was approved by the Virginia Commonwealth Transportation Board. This award requires the Town enter into a Master Agreement with DRPT for the grant. Once signed, DRPT will provide a simpler contract on the specifics of how the grant will be managed for the Town to review and enter into. The Town Attorney has reviewed the Master Agreement and discussed what is needed with staff. The Attorney will review the contract when received as well. The grant contemplated an arrangement with the Bedford Community Health Foundation as operator. After the contract is signed, the Town will be able to formally procure an operator.

#### **ACTION REQUESTED:**

The Town Council is requested to authorize staff to sign the Master Agreement (Attachment 1) and the contract that will be drafted from that Agreement immediately after DRPT receives the signed Agreement.

Mr. Johannessen moved, seconded by Mr. Hartwick to approve the Master Agreement from the DRPT.

In response to a question regarding whether the Town was taking over the operation of the Otter Bus, Mr. Warner noted that the Bedford Community Health Foundation will continue to operate the bus but the Town will apply the grant money to the Foundation to run the bus. The State will fund up to 80% of the operations and the Foundation funds the 20% remainder at least for the first year. It was also noted that ridership of the bus continues to grow and it is a much-needed service.

Voted upon and carried by the following roll call vote.

Councilman Hailey	aye
Councilman Hartwick	aye
Councilman Johannessen	aye
Councilman Shoen	aye
Vice Mayor Stanley	aye
Councilman Carson	aye
Mayor Black	aye

The motion carried with seven members voting aye.

The resolution follows.

## **RESOLUTION**

### **AUTHORIZING STAFF TO SIGN REQUIRED DOCUMENTS FOR DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION DEMO GRANT**

**WHEREAS**, with a letter of support from the Town Council on January 25, 2022, the Town of Bedford applied for a demonstration grant from the Virginia Department of Rail and Public Transportation to operate the Bedford Otter Bus for one year; and

**WHEREAS**, the Town was awarded the grant through action of the Commonwealth Transportation Board in June 2022; and

**WHEREAS**, the grant program requires the Town to administer the grant through a Master Agreement and subsequent Contract to be developed from the Master Agreement; and

**WHEREAS**, the Town Attorney has reviewed the Master Agreement and will review the Contract and other documents, if required; and

**NOW THEREFORE, BE IT RESOLVED** that the Bedford Town Council authorizes staff to execute the Master Agreement, the Contract, and related forms and documents related to the grant.

## **Review of Phase II Boundary Adjustment Area**

The Voluntary Settlement Agreement executed between the then City of Bedford and Bedford County which was approved by the Commission on Local Government provides that the Town has the right to expand its boundaries effective July 1, 2023 by taking in an area identified as Phase II on the document titled “Map Showing Phase I, Phase II, and Phase III New City Boundary Adjustments” which was last updated and revised on October 4, 2012.

In anticipation of the action to adjust Town boundaries staff is in the process of preparing several documents and performing several administrative tasks. One of these is a metes and bounds survey of the area to be added to the corporate limits of the Town effective July 1, 2023. In closely examining the boundaries as drawn and executed back in 2012 Town staff noted several factors that merit attention prior to executing the boundary adjustment. While the boundary is mostly based on recognizable physical features such as roads and waterways, there is a portion of the area which is defined by an electric transmission line. The effect of using this line as a boundary would be to create several split lots (in which one portion of an individual property would be located within Town limits while the other would not). Staff also identified other properties in the Phase II area that would be similarly affected. In addition, there would be practical difficulties associated with providing service to several lots within the proposed area along Highway 122 in the vicinity of Liberty High School.

In response to these issues, staff is recommending that the actual boundary of the Phase II area be amended to exclude several parcels as identified on the amended map dated August 3, 2022. This would form the basis for the remaining administrative processes including the metes and bounds survey (which staff intends to order as soon as possible).

### **ACTION REQUESTED:**

Town Council is requested to amend the Phase II Boundary Adjustment area as identified on the document titled “Map Showing Phase I, Phase II, and Phase III New City Boundary Adjustments” in accordance with the amended map dated August 3, 2022 (Attachment 2).

Mr. Warner presented an amended map of the Town’s boundary lines for the Council’s review and elaborated further the reasons for changing the Phase II boundaries. These changes would allow better service to Town citizens and would avoid split lots (portion County/portion Town). Land has been included within Town limits to allow for future growth as well.

Mr. Warner had consulted with attorney Stephen Piepgrass who is Counsel for Annexation matters who confirmed the Town can scale back land within its boundaries but cannot expand or increase its land size. Mr. Warner is preparing for the administrative matters that need to be executed next year. The ordinance must be adopted by May 2023 and Council may want to consider public hearings regarding the changes. He is happy to meet with the citizens that would be impacted by these revisions and he plans to schedule those meetings in January or February

2023. He asked for Council's input and permission to proceed with the new boundaries for Phase II.

Mr. Hailey moved, seconded by Mr. Stanley to make the necessary Phase II boundary adjustments as presented.

Discussion followed and Mr. Warner answered Council members' questions. Mr. Warner noted that some people will be happy about the changes and some will not. He has had discussions with Attorney Piepgrass, staff, and County Administrator Robert Hiss. The original Phase II parcels affected were estimated to be 650 with 90 parcels now being excluded in the annexation, but only 30 to 40 households impacted. Citizens affected by Phase II had been previously notified, but those landowners excluded from the Town limits as a result of the changing boundaries have not been contacted yet. Mayor Black felt that those excluded landowners need to be notified sooner than later. Mr. Warner will plan and schedule the meetings with affected citizens. He said he felt good about the value of the services the Town can provide its citizens, including police coverage, road maintenance, sidewalks, and street lights. The Town also provides excellent refuse pick-up service which includes brush collection for a monthly fee of \$25. He also thought that when all the households are annexed, the \$0.31 tax rate will be reduced.

Mayor Black stated that Council is taking action to start the process to make these boundary adjustments and the Phase II process will be based on the new boundaries. Councilman Shoen noted that the parcels being excluded from Phase II could potentially, if inclined, be included in Phase III.

Voted upon and carried by the following roll call vote.

Councilman Hartwick	aye
Councilman Johannessen	aye
Councilman Shoen	aye
Vice Mayor Stanley	aye
Councilman Carson	aye
Councilman Hailey	aye
Mayor Black	aye

The motion carried with seven members voting aye.

Mayor Black read Closed Session pursuant to Section 2.2-3711 (a) (3) of the Code of Virginia of 1950, as amended, for the acquisition or disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position.

Mr. Hartwick moved, seconded by Mr. Carson to enter into closed session at 7:43 p.m.

Voted upon and carried by the following roll call vote.

Councilman Johannessen	aye
Councilman Shoen	aye
Vice Mayor Stanley	aye
Councilman Carson	aye
Councilman Hailey	aye
Councilman Hartwick	aye
Mayor Black	aye

The motion carried with seven members voting aye.

Mr. Warner and Mr. Lockaby remained present for the closed session.

Council reconvened into open session at 8:15 p.m.

The Recording Secretary 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.

Mr. Hailey moved, seconded by Mr. Carson, to adopt the resolution.

Voted upon and carried by the following roll call vote.

Councilman Shoen	aye
Vice Mayor Stanley	aye
Councilman Carson	aye
Councilman Hailey	aye
Councilman Hartwick	aye
Councilman Johannessen	aye
Mayor Black	aye

The motion carried with seven members voting aye.

## ADJOURNMENT

8:16 p.m.



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Tim Black, Mayor

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Debra Anderson, Clerk of the Council