



Town Council  
Regular Meeting Minutes  
January 14, 2020

The Bedford Town Council of the Town of Bedford held a regularly scheduled meeting Tuesday, January 14, 2020 at 7:00 p.m. in the Town Municipal Building Council Hall.

**Town Council members present:**

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

**Town Council members absent:**

None.

**Town Staff present:**

Town Manager Bart Warner, Assistant Town Manager Sonia Jammes, Town Attorney William W. Berry, IV, Chief of Police, Todd Foreman, Clerk of Council Debra B. Anderson and Mary Boone Recording Secretary.

**Town Staff absent:**

None.

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 regular Council Meeting held on December 10, 2019 were approved as distributed.

**REPORT OF TOWN MANAGER:**

Town Manager Bart Warner reported:

- Work on the fiscal year 2020-2021 budget proposal is under way at the staff level. We have also identified Saturday February 15<sup>th</sup> at 9:00 a.m. as a possible date for the Town Council retreat for the purpose of discussing the strategic issues that will impact that budgeting process. I would ask you all to check your calendars and let us know your availability.

- Town offices will be closed on Friday January 17<sup>th</sup> in observance of a State holiday and Monday January 20<sup>th</sup> in observance of a Federal holiday.

#### **APPEARANCES BEFORE COUNCIL:**

None.

#### **COUNCIL COMMENTS**

Mayor Rush: I will add that I think we talked about doing it in the conference room.

Councilman Shoen: My son will graduate on the 14<sup>th</sup> in Illinois and I really want to go. I hate to be the one to hold that up. If everyone else can go, go ahead. More than likely I will be out of town.

Councilman Johannessen: I may be out of town too.

Mayor Rush: Can we all give the Town Manager some alternate dates and maybe we can use Liberty Lake?

#### **REPORT OF COUNCIL COMMITTEES:**

Property Committee: Vice Mayor Black

The property committee met in closed session to discuss the possibility of looking at a couple of tracts of land that we may look into purchasing in the future for development. At this time there is nothing to report other than that.

#### **REVISIONS TO THE AGENDA:**

None.

#### **PUBLIC HEARINGS:**

None.

#### **CONSENT AGENDA:**

None.

#### **OLD BUSINESS:**

None.

**NEW BUSINESS:**

Request for Proposal – Crenshaw Street

**PRESENTATION:**

Per the directive of Council, staff issued a request for proposals for the development of construction documents for Phase I of the proposed Crenshaw Street improvements. A copy of the RFP is below for reference.

The Town received two qualified responses – one from Peace of Mind Property Services in the amount of \$10,000 and one from Hurt & Proffitt in the amount of \$95,000.

**ACTION REQUESTED:**

Town Council is requested to take action on one of the following three options:

1. Acceptance and approval of the proposal from Peace of Mind for \$10,000;
2. Acceptance and approval of the proposal from Hurt & Proffitt for \$95,000; or
3. Rejection of all proposals.

REQUEST FOR PROPOSALS

**Development of Construction Documents for Phase I of  
Proposed Crenshaw Street Improvements**

**1.0 GENERAL TERMS AND CONDITIONS**

- 1.1 It is the intent of this Request for Proposal (RFP) to secure the services of an experienced professional (the “Consultant”) to create and publish construction documents related to Phase I of proposed improvements to Crenshaw Street within Town of Bedford (the “Town”).
- 1.2 Sealed proposals shall be submitted no later than Friday, December 20, 2019 at 5:00 PM to:  
  
Town of Bedford  
Bart Warner  
Town Manager  
215 East Main Street  
Bedford, VA 24523
- 1.3 Proposals shall be submitted at the place and time specified in the RFP

advertisement. No responsibility will be attached to any Officer or Agent for the premature opening of a proposal not properly addressed and identified.

- 1.4 It is the responsibility of the Offeror to assure that the proposal is delivered to the place designated for receipt of proposals prior to the closing time set for receipt of proposal. No proposal received after the time designated shall be considered.
- 1.5 If any respective Offeror has questions about the specifications or other solicitation documents, the prospective Offeror should contact Bart Warner, Town Manager via email at [bwarn@bedfordva.gov](mailto:bwarn@bedfordva.gov) or by telephone at (540)587-6022 no later than five (5) working days before the due date.
- 1.6 Offerors are advised that oral explanations or instructions given by Town Personnel during the Request for Proposals process, or at any time prior to the award shall be nonbinding.
- 1.7 Persons intending to submit a proposal are specifically cautioned that the Offeror is barred from pleading misunderstanding or deception because of estimates of quantities, character, location or other conditions surrounding the same.
- 1.8 Modifications, additions or changes to the Terms and Conditions of this Request by the Offeror may be cause for rejection.
- 1.9 Any proposal in response to this solicitation shall be valid for 60 days. At the end of the 60 days the proposal may be withdrawn at the written request of the Offeror. If the proposal is not withdrawn at that time, it remains in effect until an award is made or the solicitation is cancelled.
- 1.10 By submitting their proposals, Offerors certify that their proposals are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other Offeror, supplier, manufacturer or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised unless consideration of substantially equal or greater value was exchanged.
- 1.11 By submitting their proposal Offerors certify to the Town that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, The Americans With Disabilities Act, and §11-51 of the Virginia Public Procurement Act.
- 1.12 By submitting their proposal, the Offeror certify that they do not and will not during the performance of this contract employ illegal alien workers or otherwise

violate the provisions of the federal Immigration Reform and Control Act of 1986.

- 1.13 By submitting their proposals, Offerors certify that they are not currently debarred by the Commonwealth of Virginia from submitting proposals on contracts for the type of services covered by the solicitation, nor are they an agent of any person or entity that is currently debarred.
- 1.14 The Town may make such reasonable investigations as deemed proper and necessary to determine the ability of the Offeror to perform the services, and the Offeror shall furnish to the Town all such information and data for this purpose as may be requested. The Town further reserves the right to reject any proposal if the evidence submitted by, or investigations of, the Offeror fails to satisfy the Town that such bidder is properly qualified to carry out the obligations of the contract.
- 1.15 Upon award of a contract, it shall not be assignable by the contractor in whole or in part without the written consent of the Town.
- 1.16 Changes to the contract can be made in any of the following ways:
  - a. The parties may agree in writing to modify the scope of the contract. An increase or decrease in the price of the contract resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the contract.
  - b. The Town may order changes within the general scope of the contract at any time by written notice to the contractor. The contractor shall comply with the notice upon receipt. The contractor shall be compensated for any additional costs incurred as the result of such order and shall give the Town a credit for any savings. Compensation shall be determined by one of the following methods:
    1. By mutual agreement between the parties in writing; or
    2. By agreeing upon a unit price or using a unit price set forth in the contract; or
    3. By ordering the contractor to proceed with the work and keep a record of all costs incurred and savings realized. A markup for overhead and profit may be allowed if provided by the contract. The same markup shall be used for determining a decrease in price as the result of savings realized. The contractor shall present the Town with all vouchers and records of expenses incurred and savings realized.

1.17 The Town reserves the right to reject any or all bids, in whole or in part, to make separate awards, to waive informalities and to delete items prior to making the award, whenever it is deemed in the sole opinion of the Town to be in its best interest. Due consideration will be given to price, previous experience and the ability of the Offeror to render required services. The Town also reserves the right to conduct any tests it may deem advisable and to make all evaluations.

1.18 **Insurance Requirements:**

**Indemnification** - The Contractor agrees, to the fullest extent of the law, to indemnify and save the Town harmless from and against all losses, damages, injuries, claims and demands whatsoever, regardless of the case thereof, and expenses in connection therewith, including reasonable counsel fees, arising out of or incidental to the performance of Contractor's duties and responsibilities under this agreement. This covenant of indemnity shall continue notwithstanding any revocation or termination of this agreement. The Contractor shall be given prompt notice of any claims, demands or causes of action and reasonable opportunity to defend the same.

**2.0 CODES & STANDARDS**

The Consultant, its officers, agents, employees, and any subcontractors, in the performance of this Agreement shall comply with all applicable statutes and laws of the United States and the Commonwealth of Virginia, the Charter and ordinances of the Town of Bedford, and the applicable rules and regulations of the agencies of each.

**3.0 BACKGROUND**

3.1 The Town of Bedford is interested in securing the services of an experienced professional for the purpose of creating and publishing construction documents related to proposed improvements to Crenshaw Street within the Town. The specific improvements are contained in a document titled "Crenshaw Street Streetscape: D-Day Connectivity to Downtown Bedford" which was submitted by Hurt & Profitt on July 9, 2018 and revised on July 24, 2018. More specifically, the requested documents will reflect the necessary activity to complete Phase I of the project proposal contained within the document.

**4.0 SCOPE OF SERVICES TO BE PROVIDED BY THE CONSULTANT**

4.1 Provide the necessary professional services to create and publish construction documents necessary to provide guidance for completing the elements of Phase I of the proposed project as follows:

- A. Construction of a five (5) foot concrete walk to be buffered from Crenshaw Street by a landscape strip varying from three (3) to five (5) feet in width;
  - B. Inclusion of street lamps and ornamental trees within the area of the landscape strip;
  - C. A foot bridge crossing the creek on the east side at the lowest point of the concrete walk; and
  - D. Crosswalks along the concrete walk to include Town of Bedford and National D-Day Memorial logos.
- 4.2 Communicate details of all the data necessary to formalize reports, plans, and other documentation suitable and sufficient for the Town Council to make final decisions about implementation of Phase I of the proposed improvements. Such reports should be in sufficient detail, form, and appearance with suitable graphics to present to financial markets.

## **5.0 CONTRACT TERM**

- 5.1 Final construction documents shall be submitted not later than March 15, 2020. Extension of the contract may be authorized by Town Council at the written request of the Consultant.
- 5.2 The Town reserves the right to engage other sources if Consultant cannot complete individual tasks in a timely manner.
- 5.3 The Town, as a municipal corporation of the Commonwealth of Virginia, is obligated and bound by the terms of this Agreement only to the extent that funds are lawfully appropriated therefore and are allocated and available to pay its obligations hereunder. In the event that and at such time as funds have not been appropriated or are not allocated and available to pay the Town's obligations under this Agreement, then the Town shall not be liable for any obligation to pay for the services referred to in this Agreement.

## **6.0 CONSULTANT'S RELATIONSHIP TO THE TOWN**

### **6.1 Independent Contractor**

It is expressly agreed and understood that the Consultant is in all respects an independent contractor as to work and is in no respect any agent, servant, or employee of the Town. The contract specifies the work to be done by the Consultant, but the method to be employed to accomplish the work shall be the responsibility of the Consultant.

### **6.2 Subcontracting**

The Consultant may subcontract services to be performed hereunder with the prior approval of the Town, which approval shall not be unreasonably withheld. No such approval will be construed as making the Town a part of, or to, such

subcontract, or subjecting the Town to liability of any kind to any subcontractor. No subcontract shall, under any circumstances, relieve the Consultant of its liability and obligation under this contract; and despite any such subcontracting the Town shall deal through the Consultant and subcontractors will be dealt with as representatives of the Consultant.

## **7.0 RESPONSIBILITIES OF THE TOWN**

- 7.1 The Town designates Bart Warner, Town Manager, as its representative with respect to the services to be rendered under this project. Such person shall have authority to transmit instructions, receive information, and to interpret and define the Town's policies and decisions with respect to the Consultant's services for the project.
- 7.2 Provide access to and make all provisions for the Consultant to enter upon public and private property as required for the Consultant to perform services under this Agreement.
- 7.3 Give prompt written notice to the Consultant whenever the Town observes or otherwise becomes aware of any development that affects the scope or timing of the Consultant's services.

## **8.0 INDEMNIFICATION**

The Consultant shall be solely responsible and liable for the accuracy and completeness of all work performed hereunder and hereby agrees to indemnify, defend, and hold harmless the Town, its officers, agents and employees, from and against any and all claims, demands, actions, suits and proceedings arising out of, based upon Consultant, its officers, agents, employees or subcontractors, in the performance of this Agreement. The approval or acceptance by the Town of any work performed by the Consultant, its officers, agents, employees or subcontractors, under this Agreement, or any part of such work, shall neither constitute nor be deemed a release from the responsibility or liability of the Consultant, its officers, agents, employees or subcontractors, for the accuracy, completeness, timeliness, and competency thereof, or negligence with respect thereto, nor shall such approval or acceptance constitute or be deemed an assumption by the Town of the responsibility and liability for the accuracy, completeness or competency of such work, or any negligence in the performance thereof.

## **9.0 EVALUATION CRITERIA**

Each proposal will be evaluated based on the following:

- 9.1 Overall qualifications of the firm, to include experience with land development, building construction, and review and drafting of public land development regulations such as zoning.



- 9.2 Prior experience of the firm in providing professional consulting services to local governments, developers, and the general public with regard to projects regulated by municipal building and zoning officials.
- 9.3 Qualifications and experience of key personnel to be assigned to the project.
- 9.4 Overall structure and quality of the proposal.
- 9.5 The ability of the firm to initiate work on this project in a timely manner.
- 9.6 The firm's ability to provide its services within the project budget established by the Town.
- 9.7 The firm's familiarity with the Town of Bedford Comprehensive Plan.
- 9.8 The proposed cost of services relative to other qualified proposals.

## **10.0 AWARD PROCEDURES**

- 10.1 The Town Manager shall review the proposals submitted and make a recommendation to Town Council.
- 10.2 Negotiations shall be conducted beginning with the firm ranked first. If a contract satisfactory and advantageous to the Town can be negotiated at a price considered fair and reasonable, the award shall be made to that bidder.
- 10.3 The Town reserves the right to reject any or all proposals submitted, and to waive any informality in the proposals. The right is also reserved to award the contract where it appears to be in the best interest of the Town of Bedford.

## **11.0 SUBMITTAL REQUIREMENTS**

Proposals should include the following information in the order detailed:

- 11.1 Letter of Transmittal  
Limit two (2) pages. Make a positive commitment to perform the required work. Also, give the name(s) of the person(s) who will be authorized to make representation for your firm, their title, and telephone number.
- 11.2 Firm Experience  
Indicate prior experience for your firm in performing work of this nature. Provide resume(s) for key personnel who would be assigned to this project.
- 11.3 Project Approach  
Indicate your understanding as to the scope of work requested and describe your firm's approach and give specific illustrations of the procedures that will be employed.

#### 11.4 Cost Estimate

Proposals shall include an estimate of costs anticipated to perform the tasks as outlined in the RFP. These costs are to be the proposer's best estimation of expected charges but are subject to review and discussion in the negotiation process.

On a motion by Councilman Schley to table Request for Proposal – Crenshaw Street to get more information, seconded by Councilman Hailey, discussion ensued:

Vice Mayor Black: Obviously there is a huge disparity between the two bids. Would we have to accept a bid and then negotiate with that party, is that correct?

Bart Warner: Yes, under the request for proposals process.

Vice Mayor Black: What type of information are we looking to obtain at this point to help make our decision?

Councilman Schley: There was a revenue sharing grant that was available in this current fiscal year that we missed out on. That application isn't due for another year so unless we get any additional funding I can't see council wanting to move forward. The budget was \$75,000 and obviously the proposal for \$95,000 is more than that.

Vice Mayor Black: Can you table something that long or do you reject proposals now and then bring it back up?

Bart Warner: If you table something it is basically suspended indefinitely until it is taken from the table. There is no time frame. It would require a future meeting in which case someone would make a motion that would subsequently approve to take it from the table. If you wanted to amend your motion to postpone it for a specific period we could communicate that to our respondents.

Councilman Schley: Can you reject both bids and then maybe look at the scope to narrow it and then maybe reissue an RFP down the road?

Bart Warner: Yes you can. Not having communication with them I can't advise you how they will react. Councilman Schley by having made the motion can amend it, a substitute amendment.

Councilman Schley: A substitute amendment to reject all bids and revisit the scope of the project.

On a motion by Councilman Schley to a substitute amendment to reject all bids and revisit the scope of the project, seconded by Vice Mayor Black. 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
Mayor Rush	aye

The motion carries with six members voting aye.

### Policy – Outside Agency Funding

#### **PRESENTATION:**

Mayor Rush appointed a committee consisting of Councilman Schley and Councilman Shoen to make a recommendation regarding a formal policy for evaluation of outside agency funding requests as part of the annual budget process.

Below is a copy of the policy drafted and recommended by the committee.

#### **ACTION REQUESTED:**

Town Council is requested to approve the attached Policy Governing Contributions to External Organizations per the recommendation of the committee appointed by Mayor Rush.

Town of Bedford, Virginia  
Policy Governing Contributions to External Organizations  
Presented to the Bedford Town Council on January 14, 2020  
Effective Date: July 1, 2020

#### I. Purpose

Town of Bedford desires to assist non-profit and community organizations that provide important public services. The Council agrees the services provided by these external organizations are vital to the success of the community but are not within the scope of the town government. In these cases, outside agencies may be able to provide the service in a more efficient and effective manner than if the program were managed directly by the Town.

The requests from outside agencies are expansive and, unfortunately, the Town cannot fund all requests. The purpose of this policy is to establish guidelines and procedures related to external organizations that will be funded by the Town .

#### II. Scope

This policy applies to all external entities seeking financial assistance from the Town of Bedford for any purpose. This does not apply to established Fire and Rescue volunteer agencies, which are governed under separate policies, and other governmental organizations that are statutorily entitled to funding.

Examples of applicable organizations include: nonprofit agencies; community groups; groups managing and promoting festivals and other cultural events; arts groups; sports groups; educational groups; and animal welfare groups.

### III. Objectives

1. Ensure that the Town of Bedford considers all requests fairly and responsibly, with a clear and consistent set of standards and procedures.
2. Ensure that contributions are consistent with the Town's overall goals for the community
3. Ensure transparency in the funding request and approval process

### IV. Standards

In order to receive Town funding, organizations must meet the following criteria:

1. Must be registered and in good standing as a tax-exempt organization with the Commonwealth of Virginia and the Internal Revenue Service
2. Must be located in the Town of Bedford or have their principle clientele within the Town
3. Must submit all required information in Section V of this policy

The following organizations are not eligible for Town funding under this policy:

1. For profit organizations
2. Individual persons
3. Any entity involved in any illegal activities
4. Any group involved in partisan political activity. If group engages in such activity after an award, it shall return the entire amount of the grant.

### V. Procedures

1. All contributions will be in compliance with the Code of Virginia §15.2-953.
2. Contributions to external entities will be considered once annually during the budget process. No funding requests will be considered outside of the normal request period.
3. Organizations interested in Town funding will submit a request in writing to the Fiscal Management Department by January 15 of each year. Should that date occur on a Weekend or holiday, the due date will be extended to 5:00pm on the next business day.

4. Written requests shall include the following:
  - a. Total amount requested in the following fiscal year
  - b. If this is a one-time request or will be an ongoing annual request. For ongoing requests, a description of the projected duration (including activities to date) shall be provided.
  - c. A description of the other funding sources, including but not limited to other localities
  - d. A description of the organization's goals and an overview of the organization's principal leadership demonstrating the ability to implement the project or program for which funding is requested
  - e. A description of the project or program for which funding is requested to include the goals, methods of implementation, and evaluation of success
  - f. A description of how the project or program meets the goals of the Town or meets needs that have not already been identified
  - g. A description of how the project or program will have long-term positive effects on the Town and the community
  - h. A copy of the organization's articles of incorporation
  - i. A copy of the organization's most recent financial statement (close of the most recent fiscal year) and results of its most recent audit (if separate).
  - j. List of the current Board of Directors, their terms and a discussion of appointment procedures.
  - k. A copy of the organization's most recent tax return (for example, IRS form 990)
  - l. Certification of the organization's tax-exempt status
  - m. A description of the proposed activity's economic impact on the Town.
  - n. A list of other government agencies or entities that contribute to the organization (including the amount contributed).
5. Once requests are received, Town Staff and Council will determine if the request meets eligibility requirements. Requests will only be forwarded for action by Council if staff certifies compliance with eligibility requirements.
6. By February 28 annually, the Town Staff budget development team will submit to the Council a report of eligible projects, amount requested, summary of project or program requested for funding, and a recommendation for funding given present budget constraints.
7. The Council will consider each request during the budget development process and will determine if each request will be funded. The Council's consideration will be based solely upon the written request. The Council will not consider any request unless written application is made as specified in this policy.
8. The Council may establish additional conditions of the award of financial support for any project or program.
9. Funded requests that are greater than \$10,000 will be disbursed in equal payment quarterly. Funded requests that are \$10,000 or less will be disbursed one time in July of each fiscal year.

## VI. Additional Provisions

Organizations that do not comply with the requirements and procedures found within this policy or established by the Council will be ineligible for future funding. Additionally, the Town Finance Administrator will withhold finding from any organization that is found to be in non-compliance with the requirements set forth herein.

In addition to the above, the following requirements are established:

1. The total amount of all funding for all external agencies shall be determined by Town Council on an annual basis.
2. Funds must be used by the organization for the activity stated in the application. Utilizing funds for purpose other than stated in the written request is prohibited.
3. Funds may not be transferred to another organization.
4. Organizations that seek consecutive annual funding for any single project or program must submit a written assessment to explain how the money was used in the prior year and evaluate the success of the program or project. This submission must be received by September 1 of each subsequent fiscal year. Failure to submit this evaluation will result in ineligibility in the following year.
5. Awards are subject to budgetary constraints. Grant recipients should not assume that subsequent or yearly contributions will be forthcoming. Requests for one-time contributions will receive most favorable consideration.
6. No organization shall be eligible to receive funding for a period of more than five (5) consecutive years.
7. Use of contributions as a match for grant funding shall be limited to consideration within this policy for a period of five (5) consecutive years.

Mayor Rush: I thought that we had more time to do this. It needed to be approved prior to Ms. Jammes sending out the stuff in October or November so this policy doesn't apply until next February. Has everybody reviewed it?

On a motion by Councilman Johannessen to approve the Policy Governing Contributions to External Organizations per the recommendation of the committee appointed by Mayor Rush, seconded by Councilman Schley, discussion ensued:

Vice Mayor Black: Section V. Item 7. Council's consideration will be based solely upon the written request. So are we eliminating the presentation to Council every year?

Councilman Schley: That is my intention.

Vice Mayor Black: Should it be spelled out that Council will not require a formal presentation or is it clarified enough in there? I just want to make sure they are aware that they are not going to be required to come up here and make a presentation in front of Council if that is the consensus of Council on the policy.

Mayor Rush: I think that was the purpose of this after thinking about it. If it is not in writing we don't want to consider it.

Vice Mayor Black: Section VI. Additional Provisions. First paragraph. Organizations that do not comply with the requirements and procedures found within this policy or established by the Council will be ineligible for future funding. Are you implying that they will always be ineligible for future funding or should it say ineligible for future funding until they comply with the requirements and procedure in the policy? What is your thinking there?

Mayor Rush: I think we have that addressed somewhere else. It will take me a minute to find it.

Councilman Shoen: My understanding is that if there are intentionally in violation, not like if they didn't cross a T or something, it is like they didn't do what they said they are going to do then they can be prohibited from future funding. If you need more flexible language than that.

Vice Mayor Black: Well that just says to me you get one strike and you are out.

Councilman Shoen: In a way I too could be reading that. We can always modify and you can also read it as for the fiscal year. You can interrupt it either way. Any adjustments you guys want on this I'm fine with it. We were tracking the language of the County requirements as well because we had none. If you want that tightened up I have no problem with it.

Vice Mayor Black: Just the way I read it you are never eligible to apply again.

Councilman Shoen: Some of them may be ineligible.

Mayor Rush: Are you taking notes of this Mr. Town Manager?

Bart Warner: Yes sir.

Mayor Rush: Thank you. This is on your word document.

Vice Mayor Black: Section VI. Item 6. Not eligible to receive funding for period of more than five consecutive years. Obviously all the ones up to right now have gotten for five consecutive years. If they take a one year break in there does that need to be clarified?

Council Shoen: It is how we want to enforce it.

Mayor Rush: I really think that is the purpose of this is. A lot of people count of this every year and it has been going on every year and it is assumed that it is a part of their budget. I don't think we want to do that. I was going to make a suggestion after we did this after we did this and learning. We have the cut off dates for the purposes of Ms. Jammes pretty late and we probably need them sooner. Ms. Jammes have you looked at this?

Ms. Jammes: No sir I have not had the privilege of reviewing it. I will tell you we start the budget process in October of every year. We open that up to outside agencies as well as department heads. I will need something in place by October 2020 for the fiscal year 2022.

Councilman Schley: Right now we have it February.

Mayor Rush: Yes.

Councilman Schley: You say you need it by October.

Bart Warner: Under the current practice.

Councilman Schley: We are talking about the submittals, the due dates for funding.

Ms. Jammes: Those are due in November from outside agencies. December at the latest it depends on how the budget calendar falls.

Councilman Schley: You would prefer us to move this date from February to November.

Ms. Jammes: Yes sir. It takes me a while to assemble all the documents and get things to Council and notebooks and be prepared to put everything together. The deadline this year I think was December 15<sup>th</sup>.

Bart Warner: Let me back up. Section V, subsection 3 says they have to be submitted by January 15<sup>th</sup> then staff has to issue a report by February 28<sup>th</sup>. I think what we are actually talking about is let's say November 1<sup>st</sup> and then staff will issue a report subsequently in January.

Ms. Jammes: Generally I have it due back to my office by early to mid December. Then I turn them around like the outside agency forms are due to Council on January 28<sup>th</sup> of this year.

Bart Warner: We operating in the vacuum in absence of a policy with a calendar that we followed for years and years. This policy document is the domain of Council.

Mayor Rush: I understand that. I did catch those after I learned a valuable lesson I thought we could do it later than we have.



Bart Warner: We will do what you direct us to do.

Mayor Rush: We need the dates right on this.

Bart Warner: So Sonia when do you need the request?

Ms. Jammes: December 1<sup>st</sup> will be fine.

Vice Mayor Black: If they had a request the previous year they have to give us a report by September 1<sup>st</sup> on how they used it. If they are going to apply again I thought I saw a September 1<sup>st</sup> deadline in here.

Ms. Jammes: Like I said I have not seen the policy but generally in their documentation they provide to you all of their audited documents and what the money was used for. However Council wants to gather that information is completely up to you guys.

Mayor Rush: Can you y'all get together on your dates, refine what we talked about the changes. We have to adopt this policy. This policy is going to require a lot more paperwork than the last one.

Bart Warner: I'm saying this mainly for Ms. Jammes benefit since she has not had privy to the document. Organizations submit a request and then staff is obligated to submit a request to Council about compliance of this policy. So those are the dates we are talking about. If we get them by December 1<sup>st</sup> I would think we can turn that around by the end of February for sure.

Ms. Jammes: Sure, we will make it happen.

Bart Warner: The other reference in September again, sorry I'm not on Council so forgive me for taking liberties, that reference organizations seeking consecutive funding for any single project which to me sounds like something that spans the fiscal year that is where the September 1<sup>st</sup> deadline comes in for how they intend to do that.

Mayor Rush: Does anybody else have any concerns on the policy?

Councilman Shoen: Do we want a cap?

Vice Mayor Black: That was back down to VI, Number 1. The total amount of all funding for all external agencies shall be determined by Town Council on an annual basis. Should they know what the pot of money is before applying?

Mayor Rush: I and one of the Councilmen mentioned that we probably need to consider the funding for this after we have done our entire budget to see what we have left.

Councilman Schley: Before being in this process going on a fourth time we a lot of time look at outside agencies funding and then we end up having to cut budgets after that. It sorta seems

backwards to me if we are cutting departments and not outside agency funding. I thought it would be best if we get the budget in order first and then determine what we have available for outside agencies.

Mayor Rush: Of course this is not a guaranteed grant every year.

Vice Mayor Black: The process doesn't really change. We are still going to approve each request in this policy.

Councilman Schley: It is not going to be like it has been. In the past people have come and done presentations and we turned around and did basically an auction.

Vice Mayor Black: It is going to change some. It says the Council will consider each request during the budget development process and will determine if each request will be funded. The Council's consideration will be based solely upon the written request. That is no different than what we are doing now.

Councilman Schley: How many years have these people been getting money.

Vice Mayor Black: I mean some of it changes.

Councilman Schley: There are a lot of changes in requirements and that takes out a lot of it.

Mayor Rush: Number five on the last page. Awards are subject to budgetary constraints. Grant recipients should not assume that subsequent or yearly contributions will be forthcoming. Requests for one-time contributions will receive most favourable consideration.

Vice Mayor Black: It still says in there we are going to consider each request and make a decision on each.

Mayor Rush: That is easy we just say no.

Councilman Shoen: We have time.

Councilman Hailey: I have one question. If they got them five years in a row do they have to take break for a certain amount of time or do they just take it for one year and come back.

Mayor Rush: I think they need a break. You know as well as I do that we sit up here every year and they consider us part of their budget every year.

Councilman Johannessen: I'm with Bryan on this idea that we need to fix this after we decide on where we stand with the rest of it. We can't let them rule what we have to do with the Town. The Town requirements are much more important.

Councilman Shoen: So we have until November?

Vice Mayor Black: We need to get it done so these outside agencies know what the policy is for the next fiscal year.

Councilman Schley: Are there any changes that need to be made outside of what we discussed?

Mayor Rush: I think that one that I just mentioned it depends on the budgetary constraints.

Bart Warner: Let me suggest that my observation is that you are not prepared to move forward on taking action and that is fine we can discuss this at your retreat once we pin down that date.

Mayor Rush: Okay, let's do that.

Ms. Jammes: I have one suggestion. Historically Council has run the departmental budgets and the outside agency budgets hand in hand. There is nothing to say that you can't change the policy to review the departmental and Town line budget during the certain period of time and then go to the outside agency and have them have different due dates than what we generally have in the past. So you can have consecutive or you could have other deadlines for that type of budget request. You may want consider that in your policy as well. You don't have to keep running them consecutively if you want to determine in your time line budget you are going to allot this amount of money and then at that point you could start the outside agency budget request coming in after you have determined what amount of money you want to allot.

Councilman Schley: How do we avoid what happened this year? We had a budget and thought we were pretty close to getting it nailed down and then all of sudden the assessments came in and we wanted to lower taxes, then we had to cut budgets, we looked at the outside agency I think three different times and had three different figures. Which, by the way, is not fair to the outside agency. That is why I am saying I don't want to go through that phase again.

Ms. Jammes: This was an anomaly year with the reassessments coming in. If you did not have them coincide with the same due dates then that would prevent you from running into that issue again. When you set the Town wide budget you are not even considering the outside agencies and how much everyone is getting. You are considering an amount that you can afford to provide the outside agencies, so you set that budget and at a later date you determine which outside agency gets what.

Vice Mayor Black: Theoretically if you set a limit of what you were going to fund for outside agencies it wasn't over that number. I mean why would we need to discuss each particular one if you were comfortable putting out \$50,000 and all the request came in less than \$50,000. It has met all the requirements why do we even have to talk about each one. I can go that way too.

Councilman Schley: Again my only fear with giving a number up front is if we get to the end of the budget cycle and we have to cut that is the first place I would go.

Ms. Jammes: At that point you would just cut your outside agency funding and you notify all outside agencies that you don't have the funding for it within the fiscal year.

Mayor Rush: That goes back to the budget restraints.

Ms. Jammes: Correct you set your budget first and then you determine which outside agencies you are going to allot the money.

Mayor Rush: I like that better because in the last ten years I have been here it has become an auction and it is political. We need to get out of that.

Ms. Jammes: The calendar dates are set by me so we can set those at another date.

Mayor Rush: We will address this whenever we meet.

#### Interviews of Town Council Candidates

Mayor Rush: Each candidate will be called up alphabetically and will have three minutes to tell us how great they are and what they can offer the Town. The first person will stay here and the rest will go to the conference room downstairs so everybody doesn't hear their presentations prior to. Then there will be a series of about six questions which Council will ask. After you finish you can stay or go. We have three candidates. After we do that we will go into closed session and discuss you and will notify you tomorrow on our decision.

First candidate Mr. Bruce Hartwick

Members of the Bedford Town Council, Town Manager, other guests and fellow citizens good evening. My name is Bruce Hartwick and I come before you tonight to seek appointment to the vacancy on the Bedford Town Council. I would like to take a moment to thank our former councilman and merit Mr. Bob Wandrei for has many years of dedicated service to this community and his leadership over the past two decades and I would like to wish Mr. Bob Wandrei a happy retirement and a much deserved one. I ran for Bedford Town Council in 2016 and 2018, receiving 833 and 966 votes respectively. During my campaign I had the privilege of talking to thousands of voters and most importantly listening to the people. I grew up with a deep appreciation for the outdoors and a sense of awe towards the beauty of nature. Growing up in Michigan we had beautiful lakes and it was really nice. Here in Virginia I will gear to pursue a higher education and of course why I moved here you guys have beautiful mountains. You have natural beauty and historical beauty as well. I have a deep respect for entrepreneurs and people who want to start a business. In fact not to long ago I started on that path myself. I am a licensed agent to sell life insurance, health insurance, annuities and I got appointed with Mass Mutual and I would like to be able to start a business in the community to make the economy better, help grow jobs, I'm willing to talk and listen to the people and help them out to succeed. I want to preserve our natural beauty and our historical sites/beauty. We have D-Day Memorial and a museum. If I am elected I will remember that who I am working for is the people of the Town of

Bedford. I look at it this way if you are on council you are not a master you are a servant. You are here to serve the people.

Councilman Shoen: Do you plan to seek the position in the next election in November?

Mr. Hartwick: Yes.

Councilman Schley: Currently the Town receives \$750,000 from the County as part of the Reversion agreement. This payment will be going away in the near future. How do you propose the Town prepare for that loss in revenue?

Mr. Hartwick: I would work with the Board of Supervisors to see if we could prevent that from going away and then if not I would carefully look at the budget and see what we can cut that would better prepare us for it.

Mayor Rush: Have you looked at the current 2019-2020 budget of the Town and the current Comprehensive Plan, if so can you give us some thoughts from your review?

Mr. Hartwick: I have looked a little bit at it. Obviously you can go through everything line by line to see okay what do we really need and what somethings we don't need. If we can get private businesses or private individuals to maybe help out instead of having that come from tax payers dollars that would be even better. It doesn't matter the level of government an easy way for government to always spend money is to find a study to spend money on and obviously look at what studies do we not really need to spend money on and cut that from the budget for starters.

Vice Mayor Black: What are the most pressing needs of the Town and how would you help to meet those needs?

Mr. Hartwick: I would like to see more businesses come in because here is the thing technically we can't really tell the building owners hey what kind of business we really want but what we can do is maybe have lower taxes, better incentives to bring people in. We also need to promote ourselves being the World's Best Little Town, we have the D-Day Memorial which obviously is going to bring people in plus the museum. We have a good Centerfest, events like that are very helpful for bringing people in. We have a small town atmosphere and that is one thing that attracts people to the Town of Bedford. Let the people know we are not working against you and we are here for you.

Councilman Hailey: If an employee comes up to you with a problem or issue would you try to address it, or would you go to the Town Manager and let him address it?

Mr. Hartwick: If someone comes to me with a problem and this is what's going on I'm going to take my time, listen to that person and find out what is going on. I will do my best to address that person and probably try to solve it myself and if need be I will go with that person to meet with the Town Manager to try and get the problem resolved.

Councilman Johannessen: What is your experience, either paid or volunteer, prepares you to make decisions concerning the finances and other issues?

Mr. Hartwick: I do have some experience serving on some boards involving finance. I was involved in the Student Government Association. I have also been an officer in the Masonic Lodge in the Royal Arch. I know a little bit about setting a budget and seeing what the people need to make this the World's Best Little Town.

Second candidate Mr. Danny Kirby

Mr. Mayor and members of Council thank y'all for having me and letting me speak tonight. As many of you know or don't know my name is Danny Kirby. I am sixty years old and presently employed at the D-Day National Memorial. I have been married to my wife Susan for twenty one years now. I have two children Tommy and Stella who are 12 and 11 years old. I think Bedford is a great place to raise these two. I worked with the City/Town for twenty eight years with parks, rec, cemetery and horticulture. I have also worked at public works. I think I would be physically sound to make good judgments and be a good steward for spending tax payers money. When I was in hort I was in charge of my own department. I want to be a part of your team.

Councilman Shoen: Do you plan to seek the position in the next election in November?

Mr. Kirby: Yes.

Councilman Schley: Currently the Town receives \$750,000 from the County as part of the Reversion agreement. This payment will be going away in the near future. How do you propose the Town prepare for that loss in revenue?

Mr. Kirby: I think basically we need to try and get more business in Town. Along with your thinking and creative ways of financing I'm sure we could do something.

Mayor Rush: Have you looked at the current 2019-2020 budget of the Town and the current Comprehensive Plan, if so can you give us some thoughts from your review?

Mr. Kirby: I have not looked at it.

Vice Mayor Black: What are the most pressing needs of the Town and how would you help to meet those needs?

Mr. Kirby: We could use more business. I can envision Independence Blvd. in the future a good location for businesses. Work with economic development. Create tax incentives. Reduce fees on water and sewer connections.

Councilman Hailey: If an employee comes up to you with a problem or issue would you try to address it, or would you go to the Town Manager and let him address it?

Mr. Kirby: I would listen to the person but the Town Manager would have to be informed.

Councilman Johannessen: What is your experience, either paid or volunteer, prepares you to make decisions concerning the finances and other issues?

Mr. Kirby: As I said before I spent twenty eight years with the Town. I have collected solid waste, picked up recycling, asphalt, curbing, streets. I know how many is spent. I know what it takes to put in for CIP's and RFP's. As I said working the hort department I was in charge of my own budget and I tried to spend tax payer money wisely.

Third Candidate Mr. G. C. Stanley

It is an honor to be here and I appreciate the opportunity to talk to you guys and answer any questions you may have. I am here because probably I am used to talking to people. I retired in 2018 and I have to give my wife credit she said you are not going to miss the work but you will miss the people. When I was working I had short term and long term projects and communicated with people by phone, in person and emails. When my position ended I was kinda bored. Let me give you a quick reason why I left council in 2012. AEP went through a downsizing and restructure and was a region manager at the time. We had multiple counties. I was in charge of the entire Roanoke region. I will be honest any given day I was not sure where I was going to be. There were times I was not sure I would make the council meeting on time. That is the reason I got off council. I am retired now and have time on my hands and enjoy talking and meeting with people. In 2018 I got a packet for the registrar and I gave thought to that because I heard Councilman Wandrei was not going to run then when I heard he was going to run I thought I'm not going to run because of him. Basically you can say been here done that but I appreciate the opportunity to do it again.

Councilman Shoen: Do you plan to seek the position in the next election in November?

Mr. Stanley: Yes.

Councilman Schley: Currently the Town receives \$750,000 from the County as part of the Reversion agreement. This payment will be going away in the near future. How do you propose the Town prepare for that loss in revenue?

Mr. Stanley: I'm sure staff will come up with options we can look at. Certainly the last thing we want to do is cut departments and cut employees. Without looking to see what we can cut out or increase revenue I don't know right off but it is something that I'm sure we can work out.

Mayor Rush: Have you looked at the current 2019-2020 budget of the Town and the current Comprehensive Plan, if so can you give us some thoughts from your review?

Mr. Stanley: Councilman Wandrei brought me his books and I have looked at part of it. I had not looked at the capital funding. I looked at the Electric Department and studied that. That is

more up my alley to a point. I am interested in things like that. I'm not going to beat down on it but I will if selected.

Vice Mayor Black: What are the most pressing needs of the Town and how would you help to meet those needs?

Mr. Stanley: I think all and all you all have done a great job. I followed the Middle School thing quite a bit and I'm glad to see something being done on that. That needed to have something done. It would be nice to see a bustling Bedford with businesses that are stable. It would be nice to see some industry move in here that could hire several hundred people. Pressing needs know I would say maintain the economy, sidewalks, streets, things that are important.

Councilman Hailey: If an employee comes up to you with a problem or issue would you try to address it, or would you go to the Town Manager and let him address it?

Mr. Stanley: I am one that follows the chain of command. I would refer that person to HR or the Town Manager. I have dealt with a lot of that stuff and some of it can be very sticky. In my opinion they may come to you but at the same time you certainly don't want to do anything where they think you are taking charge. Sometimes it is never good to hire friends.

Councilman Johannessen: What is your experience, either paid or volunteer, prepares you to make decisions concerning the finances and other issues?

Mr. Stanley: I was in management for twenty eight of my thirty four years with AEP and every year I had a set budget. I had employees in five different areas. Our budget included not only salaries but trucks, fuel, maintenance, materials we needed in the field, you name it. I had to monitor that to be sure we did not go over budget. Usually at a meeting in the fall we would be told if you were close to going over. That is where we have to look at things to stay under budget.

Mayor Rush: That concludes our interviews.

Mayor Rush read Closed Session pursuant to Section 2.2-3711 (a) (1) of the Code of Virginia of 1950, as amended, to discuss personnel matters.

On a motion by Councilman Hailey, seconded by Councilman Schley, the motion was voted upon and carried by the following roll call vote:

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



The motion carries with six members voting aye.

Council adjourned into closed session at 7:56 p.m.

Non Council members present: None.

Council reconvened into open session at 8:04 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.

On a motion by Councilman Hailey, seconded by Vice Mayor Black, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

The motion carries with six members voting aye.

On a motion by Vice Mayor Black to appoint Mr. C. G. Stanley to fill the vacancy for the remaining term of Mr. Wandrei, seconded by Councilman Hailey, voted upon and carried by a roll call vote. Roll call vote follows:

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

The motion carries with six members voting aye.

**ADJOURNMENT:**

Mayor Rush adjourned the meeting at 8:06 p.m.