



**Town Council
Regular Council Meeting Minutes
January 25, 2022**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, January 25, 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 (remotely by computer)

Town Staff present:

Town Manager Bart Warner, Town Attorney Michael Lockaby, Police Chief Todd Foreman, Electric Department Director John Wagner, Director of Public Works D. W. Lawhorne, Director of Planning and Community Development Mary Zirkle, Clerk of Council Debra B. Anderson, and Recording Secretary Julia Peters

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

Mayor Black said that Councilman Shoen notified him that he would need to join the meeting electronically tonight. Via computer, he asked Mr. Shoen to state his reason for asking to participate remotely. Mr. Shoen said he was in quarantine due to his daughter testing positive for Covid. He therefore would be joining the meeting from his home.

Mr. Hailey moved, seconded by Mr. Carson, to allow Councilman Shoen to participate in the Town Council meeting remotely by computer.

Voted upon and carried by the following roll call vote:

Councilman Hailey	aye
Councilman Hartwick	aye
Councilman Johannessen	aye
Councilman Carson	aye

Vice Mayor Stanley aye
Mayor Black aye

The motion carried with six members voting aye.

APPROVAL OF MINUTES

Mayor Black declared that the minutes of the adjourned Council meeting of December 29, 2021 and the regularly scheduled Council meeting of January 11, 2022, were approved as presented.

REPORT OF TOWN MANAGER

Town Manager Bart Warner had nothing new to report. In response to a question regarding the Gateway signs, Mr. Warner noted that the signs have been obtained from the fabricators and they will be installed in the right-of-way where they can. They will be working on the negotiating of easements on private property where necessary.

APPEARANCES BEFORE COUNCIL

None.

COUNCIL COMMENTS

Councilman Hartwick said the man who got him into politics, his Poppi, would have been 103 today, if he were alive. He also said IT did an excellent job taking care of an issue for him. He thanked Chief Foreman for his many years of service. He hoped the Town can replace him with someone who will do the job as well as Chief Foreman.

Councilman Johannessen agreed and hoped Chief Foreman would continue to aid Town Council when possible.

Vice Mayor Stanley concurred. He also commended the Public Works department for quickly clearing the streets after the storm. He thanked the Electric department for keeping the power going as well.

Councilman Hailey said he would miss Chief Foreman and appreciated all his efforts and sacrifices for the Town and community. He also thanked all the department heads and their staff for their work during the inclement weather in the last few weeks.

Councilman Shoen thanked Chief Foreman for his service and appreciated his honesty and integrity.

Councilman Carson thanked Chief Foreman for all he had done for the Town. He believed he is leaving a good team behind to follow his teaching. He also thanked Mr. Lawhorne and Mr. Wagner for their service and the excellent work during the storm.

Mayor Black echoed all the comments and thoughts and hoped to have more to say at the Bedrock Community Church event for Chief Foreman. He has been a blessed leader for the community. All the programs he put in place have made such a difference and he has been an example of what community policing is about while meeting the most rigorous standards for a police department. His professionalism and dedication have been appreciated and are not easily forgotten. Mayor Black thanked Mr. Lawhorne and Mr. Wagner for their crews' work during the storm and noted the community recognizes it also. He reminded Council members that their completed Statement of Economic Interest was now past due and to please submit it to Mrs. Anderson if they have not already done so.

REPORT OF COUNCIL COMMITTEES

None.

REVISIONS TO AGENDA

None.

PUBLIC HEARINGS

Mr. Warner read the following public hearing notice.

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the Town Council at 7:00 p.m. on Tuesday, January 25, 2022, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of hearing comment on a proposed Zoning Ordinance change to create a new land use with standards and requirements, and amend provisions for the permit application as follows:

1. Create a new use "Travel Park" with definitions, zoning district designation, requirements and conditional use permit process. A "Travel Park" is also known as an RV Park.
2. Create application procedures for "Travel Park" use to define requirements for site plans.

Information is on file in the office of Planning and Community Development at 215 East Main Street, Bedford. Anyone who is in favor of or opposed to the proposed request will have an opportunity to express his/her views at this hearing.

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January 19, 2022

Mayor Black opened the public hearing at 7:07 p.m. He noted that this public hearing was for amending the zoning ordinance to include the definition and parameters specified but was not for any particular project.

David Thomas, 1615 Sandy Knoll Avenue, Bedford, VA

Mr. Thomas said he was in favor of this change. He serves on the Zoning Appeals Board for the Town and has listened at the Planning Commission meetings regarding this subject. If it is passed and a project is approved for the area it would be an improvement for the Town and he is 100 percent in favor.

Chris Blair, 1838 Screechum Hollow Road, Bedford, VA

Mr. Blair said he has lived in Bedford most of his life and is invested in the Town. If Council passes the change in zoning, it has a good possibility of improving Bedford. This will bring a brand new element to Bedford that is not anywhere else. By changing the zoning and if his project is approved, it will allow him and others to help many people, from businesses to restaurants to dealerships to grocery stores. By being able to use the Bedford land in a positive way, it will be a good thing for Bedford. Many people and businesses are in support of this zoning change and he has not received a negative reponse so far. The vision would help make Bedford a tourist destination and it would be a one-of-a-kind thing and he is strongly in favor.

There being no one else to come forward to speak, Mayor Black closed the public meeting at 7:15 p.m.

CONSENT AGENDA

None.

OLD BUSINESS

None.

NEW BUSINESS

Ordinance – Creating New Land Use “Travel Park”

Town Council is presented with proposed text changes to the zoning ordinance to create a new land use “Travel Park”. These text changes include establishing a definition, assigning the use to

a relevant zoning district, defining standards and requirements for the use, and confirming site plan requirements for a zoning permit issuance.

At its meeting on October 7, 2021, the Planning Commission was asked by a citizen to consider adding “RV Park” as a permitted use in the zoning ordinance. Since the use is not permitted by zoning, an ordinance amendment would be needed in order for him to start a recreational vehicle camping business as a commercial venture on property he intended to purchase. The Commission directed staff to provide zoning options to consider at a future meeting. Staff provided a draft ordinance framework for the Commission at their meeting on November 4, 2021. This draft was based on research of the Virginia Department of Health regulations through the Code of Virginia and zoning regulations in Bedford County to have local consistency. At that meeting, the Commission discussed the recommended definition, standards and requirements to create a new use that would only be allowed in the B-2 zoning district on parcels of five acres or more with a conditional use permit. The discussion led to a draft ordinance that was presented to the Commission at their December 2, 2021 meeting. At that meeting, members accepted the draft but decided to call the new use “Travel Park” to make it clear that the use would not be a campground as is usually envisioned.

From that draft ordinance with the name change, the Commission initiated an ordinance amendment for a public hearing held on January 6, 2022. At that hearing, one Town resident spoke in favor of the amendment. Commissioners made one text change to clarify what permanent structures can be in a Travel Park. The Commission voted 4-0 (three members absent) to recommend proposed amendments to Town Council. The final ordinance for Town Council is attached.

ACTION REQUESTED:

Town Council is requested to consider adopting the Ordinance as recommended for approval by the Planning Commission. The Council may make changes to the Ordinance that would not substantively affect what has been advertised for public hearing.

Mr. Hartwick moved, seconded by Mr. Carson, to adopt the ordinance as recommended for approval by the Planning Commission.

Discussion followed.

Mayor Black mentioned that Council would not be discussing any particular project but only addressing adding the land usage to the current zoning ordinance. By adding this to the ordinance, a Conditional Use Permit (CUP) could be applied for and go through the Planning Commission before it was brought back to Council for approval of a specific project.

Questions arose regarding the time duration of visitors staying at a travel park and why 21 days was determined as the maximum for a stay with an accumulating maximum of 180 days per year. It was noted that a visitor could stay the 21 days and go stay somewhere else for one day and then come back for another 21 days. Ms. Zirkle said the Planning Commission deliberated the number of days that would be appropriate. The main concern was to make sure this would not

become a permanent campground where people could live there. The 180 days limit is used by the County and the Town tried to model something that they knew was already working in the adjoining locality. The 21 days was determined so that people could get a full range of days to stay in Town. Someone going off-site for one day and then returning to extend their stay was not discussed by the Planning Commission but there is a law where any campground provider would need to provide information to Town twice per year so they can keep up with who was exceeding the number of days. During discussion, consensus from Council members was their main concern was to deter someone from using a travel park as a permanent residence. Mr. Blair said that during Planning Commission meetings, a high turnover rate was encouraged for a project. A quick turnover would allow people to come and enjoy Bedford and spend money. There aren't going to be that many spaces in a project site and some people may stay in Bedford, leave and go to Nelson County for a week or two and then return to Bedford or visit Smith Mountain Lake for a week. These people may travel around the area to soak up as much as they can. Vice Mayor Stanley said if a travel park becomes popular, it may be difficult for some people to get a reservation on short notice, which would alleviate the long-term stay issues of concern, and park management would be able to handle such issues. Councilman Shoen said he is the Council representative on the Planning Commission and all these conditions have been worked through and understands the concern but as far as the one project overall, he likes the idea. Mayor Black noted that this ordinance change would apply to any B-2 zones in Town. Mr. Shoen responded that since a CUP is required, any new project could have additional conditions placed on it, so each project considered can be crafted individually. Mr. Lockaby said it would be possible for different conditions to be included for the CUP to be approved, or a CUP could be denied if it was unreasonable for the specific location. Mr. Blair said that the area for his envisioned project already has the needed infrastructure (electric, water, drainage, and sewer) ready, if the ordinance change is approved. Mr. Warner said noise concerns can be addressed by existing Town standards.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

The ordinance follows.

ORDINANCE NO. 22-1

AMENDING THE TEXT OF THE LAND DEVELOPMENT REGULATIONS FOR THE TOWN OF BEDFORD BY ADDING NEW USE "TRAVEL PARK" WITH STANDARDS, REQUIREMENTS, AND RELATED DEFINITIONS

WHEREAS, the Planning Commission of the Town of Bedford initiated a zoning ordinance amendment by motion at its meeting held December 2, 2021; and

WHEREAS, the Planning Commission of the Town of Bedford held a public hearing on January 6, 2022; and

WHEREAS, the Town Council held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204; and

WHEREAS, it is found that the public necessity, convenience, general welfare, and good zoning practice are best served by changing the text of zoning regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA THAT:

The Land Development Regulations / Zoning Ordinance of the Town of Bedford is amended by adding and amending text for a conditional use as follows:

Section 1. Create a new use “Travel Park” with definitions, minimum site requirements and special requirements permitted by conditional use permit only in zoning district B-2 –

Section 302.xx. Travel Park: A commercial facility providing rented spaces for temporary overnight occupancy by recreational vehicles. Such facility is regulated by Title 35.1 of the Code of Virginia 1950, as amended, through the Virginia Administrative Code 12VAC5-450. This definition does not include mobile home parks or the storage of vehicles.

Section 302.xx. Campsite: A designated plot of ground within a “travel park” intended or used for the exclusive occupancy by a recreational vehicle.

Section 609.03.x – Travel Parks, where permitted, must meet the following special requirements:

- a. The minimum area of a travel park shall be five contiguous acres.
- b. The maximum density of campsites shall be ten (10) sites per gross acre.
- c. The minimum size area for a recreational vehicle campsite shall be 30 feet wide by 50 feet long and shall accommodate parking for the recreational vehicle, and the towing vehicle if used, and a vehicle being towed if used. The campsite area shall be comprised of appropriate material that shall be edged with a hard border that will serve to contain the material if the site is not paved with asphalt or concrete or other hard surface.
- d. Each campsite shall be set back a minimum distance of twenty-five (25) feet from the perimeter property line of the travel park.
- e. At least ten (10) percent of the travel park area shall be in open space serving common areas for guest use. Indoor and outdoor recreational facilities are permitted for the

exclusive use of travel park guests. No active, developed recreational areas shall be located within the required yard setbacks for the travel park use.

- f. The primary access road shall be paved in accordance with the latest editions of the Virginia Department of Transportation's Subdivision Street Requirements Manual. Such paving shall extend from the public street right-of-way to a point within the site to be determined in the conditional use permit process. Interior roads and access to individual sites shall consist at a minimum of an all-weather gravel surface, which may be pea gravel. All interior roads shall be eighteen (18) feet minimum width for two-way travel or ten (10) feet minimum width for one-way travel.
- g. The following shall be prohibited as recreational vehicles in the travel park: tents, pop-up campers, truck bed campers. The only permanent structures that may be in the travel park are buildings that are included in the plan for the conditional use permit. Buildings that house facilities required by regulating agencies may be permitted with additional conditions for appearance.
- h. Landscaping shall be provided as a visual buffer on the perimeter of the travel park and at the entry to the travel park to create privacy and reduce noise throughout the site. A solid fence or berm may be used as the visual buffer to screen the site around the perimeter. The type, height, and material of a fence or berm shall be approved through the conditional use permit process. Wherever possible, existing trees should be retained on the site. Chain link fencing shall not be used for buffering.
- i. Guests may stay no more than 21 nights consecutively. Guests may stay no more than 180 days in any one (1) calendar year. The operator of a travel park shall maintain a log of all guests, including their name, address, license plate number of the recreational vehicle, and length of stay. The operator shall provide the log to Town staff on a biannual basis.
- j. The travel park site shall have direct access to a publicly owned and maintained street. No campsite shall have direct access to a public street.
- k. All regulations required by permitting agencies shall apply.
- l. Lighting shall be directed downward and into the site. Innovative, low lighting techniques are encouraged to avoid use of standard tall street or dusk-to-dawn lights to prevent glare. When used, wall pack lights shall be full cutoff.
- m. Dumpsters serving the travel park shall be screened from view both from within and from outside of the site. Dumpsters shall be placed as far as possible from adjoining property lines to minimize the effects of noise when serviced.
- n. The following uses and activities shall be prohibited at a travel park:
 - i. The sale, storage, use or occupancy of any manufactured home.
 - ii. The sale of recreational vehicles and the storage of unoccupied units.

Section 609.03.xx. *Travel park application and site plan.* Applicants for conditional use permits for travel parks shall follow procedures outlined in section 1002.03 of this ordinance, and in addition, shall meet the following special requirements:

- a. All campsites, common areas and buildings associated with the travel park shall be shown, as well as any other items that are required for the use.
- b. All landscaping and visual buffers shall be shown, including existing trees that will remain on site.
- c. All materials for road and campsite surfaces shall be shown.

- d. Site topography and drainage shall be shown in sufficient detail to confirm that site development will not affect adjoining and nearby property.
- e. Where practical or requested in the permit process, a lighting plan shall be included.

Section 2. This ordinance is effective upon enactment.

Bedford Otter Bus Project” – Support for Department of Rail and Public Transportation Grant Application

Through funding from the Bedford Community Health Foundation, the Town helped launch the Bedford Otter Bus public transit program on September 1, 2021. From media about the project, the Town was subsequently contacted by the Director of Statewide Transit Programs within the Department of Rail and Public Transportation (DRPT). The Director informed Town staff of a DRPT Demonstration Project grant program that could help pay for future years of the bus through the State, prior to seeking funding through more rigorous Federal sources, if the Town was interested.

It was the intent of the Health Foundation to use a pilot project to test the viability of the Otter Bus in order to be able to seek future funding beyond the Foundation’s annual budget. The Foundation approved investing almost \$50,000 in the pilot project that would run from September 2021 through February 2022. The Otter Bus has been successful and provided over 1,300 trips to 17 stop locations between September and December. The Foundation is now willing to fund the continuation of the bus until potential State funding would be released in August 2022 through the requested grant.

In addition, for the current application to DRPT, the Foundation would provide the required 20% local match of over \$30,000.00 for the first full year of the expanded service. The grant would be used to determine a rate structure that could help make the bus sustainable and identify other sources of funding, including private investment by businesses through new opportunities. DRPT requires local governments be the applicant for transit projects. The Town is already authorized to submit grants, having done so previously for the proposed Amtrak stop. DRPT also requires that local governments of communities served by the projects be aware of the projects, if the local government is not actually providing funding.

ACTION REQUESTED:

The Town Council is requested to authorize staff to provide a letter of support of the grant application for the Bedford Otter Bus.

Mr. Johannessen moved, seconded by Mr. Hailey to authorize staff to provide a letter of support of the grant application for the Bedford Otter Bus.

Consensus of Council was that the Otter Bus provided a much-needed service to the community. The Bedford Community Health Foundation was thanked for helping provide this service.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

Contract Authorization for Zoning Ordinance Revision Services

Town Council began discussing the need for a possible zoning ordinance revision in 2019. With guidance from a selection committee composed of a Planning Commission member and a Town Council member, the Town Council authorized EPR, PC to provide services to review the current Land Development Regulations within Town Code in 2020.

The resultant ordinance audit noted many sections of the ordinance need to conform with the Code of Virginia, and other sections need to be updated and clarified to meet several goals of the Planning Commission and Town Council. The resultant decision was to substantially revise its current Land Development Regulations with a focus on the Zoning Ordinance as a second phase of the zoning review.

Town Council appropriated half of the estimated cost for services in FY22 (effective July 1, 2021) and the remainder in FY23. Staff drafted a request for proposals, which was sent to previous respondents for the first phase and was advertised in the newspaper.

EPR, PC responded to this second request for proposals for the ordinance rewrite. They were the only respondent to the procurement process and they met the requirements in the RFP. Their contract references the Town RFP as the primary performance document and their proposal. The Town Attorney has reviewed the relevant documents.

ACTION REQUESTED:

Town Council is requested to authorize the Town Manager to sign a contract with EPR, PC for services to substantially rewrite the zoning ordinance.

Mr. Carson moved, seconded by Mr. Hartwick to authorize Mr. Warner to sign a contract with EPR, PC for services to substantially rewrite the zoning ordinance.

Mr. Warner said these services are for a complete, in-depth revision of the zoning ordinance for a total contract price of \$79,537.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

Resolution – Option for Police Department Building

In light of the estimated costs of constructing a new Police Department facility, staff has been evaluating alternatives that may be more economical and cost efficient. There is currently a property on the market at 1106 Monroe Street that may be appropriate for our intentions and at a much lower price. After several discussions with the owner of this property, we have secured a proposal by which the Town will have 90 days to evaluate its full interest in the property – the proposal also includes a purchase price that is well below what is currently listed.

The design and assessment activities associated with the evaluation of this property should also be beneficial in reducing the cost of a new facility regardless of whether the Town constructs a new building or renovates an existing one.

ACTION REQUESTED:

Town Council is requested to approve execution of the attached (**Attachment 1**) Option to Purchase Real Property at 1106 Monroe Street, Bedford, VA.

Mr. Lockaby clarified that blanks in the agreement would be filled in with Tax Map information. The proposed option period would begin February 1, 2022 and end on May 2, 2022. Mr. McIver has been working with the engineer who will be doing the site assessment and they appear to be able to begin work in early February.

The Option price is \$10,000 non-refundable, but will be credited towards the purchase price if the Town actually buys the property. Once this process is completed, the Town Council will know whether this building is feasible for the police department facility.

Mr. Hailey moved, seconded by Mr. Hartwick to approve execution of the Option to Purchase Real Property agreement.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

ADJOURNMENT

7:48 p.m.

Tim Black, Mayor

Debra Anderson, Clerk of the Council