



**Town Council  
Regular Council Meeting Minutes  
January 26, 2021**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, January 26, 2021 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 Steve Rush, Councilman Stacey Hailey, Councilman Bruce Hartwick, Councilman Bruce Johannessen, Councilman Darren Shoen, and Councilman C. G. Stanley

**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; 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 opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

## **APPROVAL OF MINUTES**

Mayor Black declared that the minutes of the Town Council's Called Council meeting of January 4, 2021 were approved as presented. The minutes for the regularly scheduled January 12, 2021 meeting were approved as amended. Councilman Hartwick's last name was misspelled in the January 12 meeting minutes as noted by the councilman. Mayor Black directed the Recording Secretary to correct the official record as needed and he approved the amended minutes.

## **REPORT OF TOWN MANAGER**

Town Manager Barrett Warner reported:

- He wanted to recognize an accomplishment of employee D. W. Lawhorne. He is not only the Director of Public Works, but also a published children's book author and is on the Amazon Best Seller List.
- The Outage Management System is close to being implemented. It is the device that on the rare occasion of an electrical outage, customers can communicate with the Electric Department so they can get immediate information regarding the duration and nature of the outage.

## **APPEARANCES BEFORE COUNCIL**

None.

## **COUNCIL COMMENTS**

Councilman Hartwick said he was pleased with the groundbreaking ceremony at Bedford Middle School and seeing so many people attend it. He also congratulated D. W. Lawhorne for becoming a best selling author.

Vice Mayor Rush noted that it was Mr. Lawhorne's second book.

Councilman Hailey stated that the Bedford Middle School project was moving forward thanks to the Bedford staff and Mr. Lockaby. There have been difficulties making this project happen and the groundbreaking helped show people that this project is moving forward.

Councilman Stanley also said the groundbreaking ceremony was a great event and Bedford is moving forward and things are looking good.

Mayor Black concurred with the other Council members that the groundbreaking was a good kick off for the project and the construction should start very soon on the hotel and apartments.

## **REPORT OF COUNCIL COMMITTEES**

Vice Mayor Rush reported that the Property Committee met last week. They talked briefly about a couple leases and a possible acquisition of some property.

## REVISIONS TO AGENDA

Mayor Black stated that a Closed Session would be added to the night's meeting to discuss closing documents with legal counsel regarding the middle school. It would be added under Agenda Item **New Business** after the **Resolution – Automotive, Bus and Truck Mechanical and Body Repair Garage by Conditional Use Permit.**

## 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 26, 2021, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of hearing:

- Consideration of a request for a conditional use permit for a multi-family development located at the end of Crest Ridge Drive, Bedford, VA (Tax Parcels 251-A-1-T & 251-A-2-T) consisting of 44.25 acres. The property is zoned PRD and is owned by Griffin Brothers, LLC, & J. Michael Griffin and D. Scott Griffin. The request is being made by White Engineering & Design.

Information is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to the request will have an opportunity to express his/her views at this hearing.

By the Authority of the Town Council of the Town of  
Bedford

Published: January 13, 2021  
January 20, 2021

Mayor Black opened the public hearing at 7:05 p.m.

### **Ms. Doris King, 1315 Emerald View Court, Bedford, VA**

Ms. King contacted Director of Planning and Community Development Mary Zirkle by phone on January 25, 2021 at 2:35 p.m., about concerns she had for the Governor's Hill development that is proposed. Ms. King is not able to attend the public hearing (she is 83 years old and does not email in order to provide written comment digitally). She is very concerned about the development. She believes there is too much traffic with the businesses ("plants") and from

residents. She is concerned with a full road being near her house in the cul-de-sac of Emerald View Court. She thought a road that is only for emergency access, if not paved and gated, “may be okay”.

**John Mason, 1025 Woodhaven Drive, Bedford, VA**

Mr. Mason said he was opposed because of the traffic. The roads are not that wide there. He was also concerned about the creek that is behind his house and the runoff. Since the first section was developed, he has lost probably ten feet of property in trees. With 44 acres, there doesn't look like there is a lot of green area and retention ponds. There are two creeks that feed into one on Coolbrook and then come down behind his house and the erosion is terrible.

**Suzanne Krzyzanowski on behalf of Terry and Harry Briggs, 1200 Crest Ridge Drive, Bedford, VA**

Ms. Krzyzanowski said her parents are in their 80's and they are avoiding large meetings due to Covid-19, so she is speaking on their behalf. Bedford recently reverted from city to town status and there are many reasons for that but the point she wanted to make is that as Bedford grows, there must be the infrastructure to support the growth. The problem with the proposed project is that it is a big project that would be piggybacked onto a neighborhood that is already densely packed and with an infrastructure that is barely adequate to serve as it is now. The streets are narrow and crowded enough already and the school buses don't go through there. The addition of thousands of more car trips in and out of the neighborhood is difficult to imagine. Runoff is also a big problem. Her parents have had to spend thousands of dollars pumping some kind of special foam under their driveway so it would not collapse from the big hole underneath that the erosion made; in addition to other efforts they have had to do to try to mitigate the runoff which has been eroding the property and flooding their basement periodically. Others in the neighborhood have also had significant issues with runoff. The Planning Commission recognized that the size of the proposed development is too big for the area to support and that is why they voted against it and she urged the Town Council to do the same.

**Jamey White, President of White Engineering and Design**

Mr. White stated this project is two parcels that have been combined, totalling 44.25 acres, zoned Planned Residential Development District (PRD) and pointed out that PRD by right can be developed into a single-family detached residential neighborhood where a conditional use permit would not be needed. He and his clients think that is not the best use of the property. They believe the best use of the property is to build a patio home style development. They want to provide 232 patio home units. These are one-level living, approximately 1800 square feet with a garage and parking in the driveway for two parking spaces. Parking on both sides of the streets clogs up the road and they do not plan to have that in the new development. They also expect to have public water and sewer served by BRWA and have allotted three locations in the plan for development of storm water management ponds. They understand the concerns of people regarding storm water and erosion and they have to meet all the state, local and federal guidelines to do these things. The ponds have not been designed but his clients understand they will lose some lots to accommodate the ponds if necessary. The big concern raised during the

Planning Commission meetings was traffic. Options have been looked at to alleviate some of the issues the residents have. The development would be a multi-family development and would generate another 1,578 vehicles per day based on the ITE Design Manual, a manual that is used by VDOT and the Federal Highway Administration to determine traffic. It does not mean that 1,500 to 1,600 cars will come in every day but it is the peak traffic that can be expected from the development, not an everyday expectation. Multi-family development generates less traffic than single-family just by its nature. It is not large families but smaller families with not as many drivers coming in and out of the developments. They typically do not hold large social gatherings because the homes are smaller and do not accommodate outside events compared to larger single-family yards. A multi-family unit would generate 6.65 vehicle trips per day while a single-family unit generates 9.57 trips per day so it is about a 43% increase of traffic by doing a single-family development. Based on a single-family built out neighborhood, it would still be about 1,500 trips per day. The existing roads are 26 feet wide pavement with curb and gutter giving you 30 feet of clear space which meets VDOT requirements. The roadway within the existing neighborhood meets the standard and what they are proposing also meets the standard because they are matching that pavement width. Their development would not have parking allowed on the roads and signs would be posted showing no on-street parking. The pavement width is good for traffic volumes up to 4,000 vehicles per day according to VDOT standards. The 1,500 estimate for their development does not reach even half the capacity of what a road of that width can handle. If the road was built from scratch, it would have to be the same width as the existing road. They have modified their layout and added a secondary full entrance. The first would come in from Crest Ridge Drive and another would come in from Emerald View Court near the cul-de-sac that is there now. This would split the traffic flow in the development so it is not all concentrated in one spot. Other opportunities were explored but the developers do not have any other reasonable option route available to them. They also modified a road behind the Emerald Crest Drive to a cul-de-sac and added a landscape wooded buffer. They will also provide a community park which would contain pickle ball courts, playgrounds, dog parks, pavilions, nature paths, and restrooms. The park would be in the central area of the development. Some houses have to be built and sold to help fund that kind of park, so the plan is to build the park at the midpoint of the construction process. About 90-100 new homes are needed to justify beginning the building of the park. They will work with the Bedford County Schools Transportation Department to identify bus shelter locations within the development. The patio homes would have four to six units attached but the roof line would not be straight, flat, and uniformed; but a mix of materials and masonry with varied roof lines. The builder wants to build something that the market is demanding which is pushing the type of construction. They also want to build something that would be a community asset. They will be moving forward with some type of project, whether it is single-family detached or with a multi-family development. They feel that the multi-family construction that provides some conditions and amenities is a better situation for the Town and the neighborhood than building a single-family detached community.

**Cindy Watson, 1265 Emerald Crest Drive, Bedford, VA**

Ms. Watson spoke as the President of the Governor's Hill Homeowners Association and on behalf of numerous members who could not attend due to their age or health restrictions. She noted that a written copy of the HOA members' concerns has been given to the Council members

and they are firmly opposed. The most pressing situation is that the project is expected to take 12 years and she asked Council if they would want to live 12 years within a construction site, with trucks running up and down their roads, people daily taking care of things. It would be a nightmare and Emerald Crest Drive already is. She asked who would be responsible to ensure problems did not arise as they already have in the two sections of Governor's Hill that are built. The first section was sold on the courthouse steps and the second section was so badly done that half of Crest Ridge flooded all the time and it still has problems. Traffic is already a problem and the Police Chief has a clock ticking off how much traffic comes through Emerald Crest. Crest Ridge is mainly a residential area with small families with children. The homes have very small yards and the children are in the street. The traffic carries over to Industrial Avenue and to Woodhaven. She presented Council with a petition signed by 120 residents in both sections of Governor's Hill and the Town and Country Subdivision and eight of the ten business owners on Industrial Avenue who do not want this traffic coming through there. On-street parking cannot be eliminated. Garages are used for storage so cars park in the driveways and on the street. Families of four or more with teenage drivers have more cars and only two cars can be parked in the driveway with additional cars being parked in the street. The school bus will not go up Crest Ridge Drive and all school children catch the bus on the corner of Emerald Crest and Crest Ridge. A tree break of 50 to 100 feet should be between the current subdivision and the new one and it should be of existing trees, not new growth. There will also be a loss of value to the existing homes because they are located in a construction zone and who would want to buy their homes. If this development is allowed, provisions should be made to protect all the current homeowners and their property by purchasing a bond which should be kept in place throughout the project. The Town Council should require a detailed in-depth plan from the developers giving every aspect of the planned community. When the second section was developed, drawings, plans, and timelines were provided but this developer has given nothing compared to what was given before. No on-street parking is not feasible, because visitors would have no where to park, especially during the holidays. Everyone has family members that visit and during Thanksgiving and Christmas, Emerald Crest is wall-to-wall cars because they have to park on the street. She asked about how the U.S. Mail would be handled because she hears from the Postmaster on a regular basis that the mail carrier cannot deliver mail on their streets, which is where on-street parking becomes a problem and HOA members are constantly told not to park near a mailbox. She also asked how the creek would be handled since it is in the middle of the proposed subdivision and said there needs to be a clear and detailed plan on how the HOA will come into place for this development. The Town Council should also ensure that local businesses get preference and are supported. As her final point, she noted that this proposed subdivision is not part of Governor's Hill, no property deeds or in any paperwork reflects this new construction as part of Governor's Hill and it should not be called as such.

**Mark Luft, 2452 Mob Creek Road, Bedford, VA**

Mr. Luft is the Training Director at AMP Sales and Services which is the last business on Industrial Avenue. The business is a nationally recognized training center for specialized equipment. The increase in traffic on Industrial Drive would upset them greatly. People come in from all over the U.S. to receive their training. As it is now, when Bedford has special events at Liberty Lake Park, traffic on Industrial Avenue backs up all the way to their building and around the corner into Emerald and Governor's Hill. He is against the project mainly because of the

traffic but he also sees a lot of runoff and dirt behind the latest section that has been built that overhangs Industrial Avenue. He questioned where these people would go in case of emergency because the back doors just go out to a deck and there is no backyard in some of the places. For two years he would cross over Route 460 and take Woodhaven through Emerald Drive and into his place of business and 1,500 cars on those roads would be a nightmare. He could not see why the builder could not put another exit from the new subdivision onto Route 122 and even with a traffic light at Industrial Avenue and Route 122, there still will be problems with traffic backing up onto Route 460.

**Gloria Pulkowski, 1103 Emerald Crest Drive, Bedford, VA**

Ms. Pulkowski said she is not against the development of the Griffin properties. However, this concept plan is not in the best interest and harmful to not only the residents of Governor's Hill but also to the surrounding neighborhoods and businesses. This plan is for the sole financial benefit of the developer and the Griffin property owners. Much to the detriment of their community, it changes the character of the neighborhood from a predominately single-family neighborhood to a predominately townhouse neighborhood. It will infringe on the ease and use of the enjoyment of their homes, yards, patios, and porches; cause legitimate safety concerns; and cause legitimate concerns of damage to their homes. The Town approved ten foot backyards for the properties adjacent to the Griffin properties, and these properties appear to suffer the most. She asked whether the Council members would want earth-moving, logging, and construction vehicles ten feet from their back doors and would they want trees dropping ten feet from their back doors. These concerns are dangerous if not deadly. She also asked if the Council members would want flooding and mudslides in their yards or homes, as there is currently stormwater runoff issues on the Griffin properties into their backyards. Would they want their property values to fall or become more difficult to sell their homes because the cul-de-sac is in their backyard or the townhomes are adjacent to his/her single-family home. She believed there should be 100 to 200 feet of natural mature trees for the safety of the current homeowners and to protect them from mudslides, flooding, dropping trees, earth-moving, logging, and construction vehicles. She noted that this type of protection is permitted in the Code. A vegetative buffer ten feet from their homes will not protect them. A primary access road that is not through the existing Governor's Hill development is essential before logging, earth-moving, and construction begins. The access road is essential for the safety of the residents, motorists, and children. It is questionable whether, logging, earth-moving, and construction vehicles would even be able to pass through Crest Ridge Drive, making the street dangerous and possibly deadly. This access road is essential also because the 1,578 additional cars from the new development will bottleneck traffic on Industrial Avenue, affecting the residents of Governor's Hill, Town and Country, Coolbrook, and the residences and businesses on Industrial Avenue. Turning onto Industrial Avenue from Burks Hill Road is very difficult at times, particularly during peak hours and will be more difficult once it is converted into a two-lane road. The concept plan is not a PRD regardless of what anybody says. It lacks all the essential characteristics of a PRD. This development will bring additional tax revenue to Bedford but at what cost. It would harm the neighbourhood for the benefit of the Griffin properties developer. She also questioned whether there were sufficient emergency vehicles, staff, equipment, fire, police, schools, ambulance and other infrastructure to support this development and if not, how much would it all cost. She estimated that it would cost the Town more money to maintain this neighborhood than the tax

dollars will bring in and she questioned who would pay for the additional services and whether residents' taxes would go up. The lack of population growth and lack of economic development in Bedford does not support this proposed development, but if Bedford wants to change the character of the rural's best little town to a bedroom community like Northern Virginia, there is plenty of other land to build a development in Bedford without harming neighbors. The Planning Commission voted 4 – 1 to recommend to the Town Council to deny the request based on all the concerns and violations of Code. The revised concept plan will not materially change nor address the Planning Commission's reasons for denial that only contains minor tweaks. She asked the Council to confirm and not reverse the Planning Commission decision and deny the request today. She also made note that the new development does not have any parking areas besides the driveways and garages. They will not be able to park on the street and there are no designated parking areas for the units, so visitors have nowhere to park. Code Section 13.01.02b reads, "existing streets that are continued shall have a minimum pavement width of 30 feet and shall be constructed to specifications of VDOT". Crest Ridge Drive is approximately 25 feet and Emerald Crest Drive is approximately 24 feet.

**William Pulkowski, 1103 Emerald Crest Drive, Bedford, VA**

As others have mentioned, Mr. Pulkowski said that the backyards are only ten feet adjacent to the Griffin property. They are very concerned about the earth-moving and the runoff. There are so many issues including zoning and safety issues and he had sent an email to all the Town Council members with links so they could read all the documents, see all the pictures and the video. He hopes Council has taken a look at it and thinks it will help them make their decision. He realizes that the zoning only requires, when doing a Conditional Use Permit (CUP), a two-page application and a plan. He is a certified project manager and had offered his services to the Planning Department to work with them and the developer to come up with a plan that would work for everybody. If he had put this plan together, he estimates that this project is a \$64 million project as far as sales, that is on land that goes from 1,060 feet down to 900 feet and it all comes toward them and all the houses that were flooded in the past. One house had \$20,000 in flooding damage. Also, if you are approving a \$64 million project over 12 years of construction, it would be protection for everyone to require more detailed plans, especially regarding stormwater management, which has been one of the biggest problems in the neighbourhood. The staff have been very professional and very helpful but he thinks there is not sufficient staff to do oversight of a project this big and the Town will either have to hire someone like a project manager or engineer-type person. He noted to Mr. White that there is a minor error in the plan, there are actually 233 units and a number of neighbors are concerned about how the concept plan shows the two stub roads and Mr. White has said they are not going to try to get any other openings, so the concerns about the lumber trucks is a non-starter. They are saying the only way to get the lumber in and out is through the neighborhood. To ask residents who have lived there for 20 years to stop parking on the street, especially when one of the developers built some of the houses with 20 foot yards and driveways and one car garages, there is no place to park. The risk could be reduced if there were better plans. This is not much of a plan for something this big.

**Dave and Vicki Wonnacott, 1310 Emerald View Court, Bedford, VA**

Mr. Wonnacott stated that he had sent an email to the Council members on January 19, 2021, explaining the reasons he and his wife moved to Bedford from Michigan. They officially closed on their home December 13, 2019 but were not able to move to Bedford due to work issues until July 2020. When they moved in July, there was a lot of soil erosion issues and remembers that he could not get a hold of his builder so he called the builder who did the other homes and talked about the erosion issues and that builder gave Mr. Wonnacott the cell phone number of his builder, who called him back quickly. He spoke to his builder about a rumor of a road next to his house. The drawing does not show a road next to his house. The builder said that the road would be an access road for fire and safety for the new development which he was just learning about. It has been a nightmare for them, thinking about what is potentially coming next to their house. His house will be severely impacted by this road and the in-and-out of the cul-de-sac. They will probably have the house shaking at times with some of the trucks, logging trucks going in and out of there. The road does not fit their street and cul-de-sac. They made a huge commitment by coming to Bedford and don't want to sell their home. He will be retiring in a couple months and they love living here, it is a beautiful small community. He looked on the VDOT website regarding secondary street exception requirements, Virginia Administrative Code where they defined cul-de-sac as "a street with only one outlet and having an appropriate turnaround for safe and convenient reverse traffic movement". Even VDOT knows that a cul-de-sac is not meant to have an access road coming in and out. He was also thinking about having the project behind his house for 12 years. They will not be able to sit in their yard and enjoy the home they have come to love. In addition, once some of the homes are completed, there will be more traffic exiting the development and turning left in front of his home which just doesn't work. They have got to cut a different road in there, they can't go through the two little roads, it just doesn't fit. It might cost them more to cut a road off of Burks Hill but they can't stomp on the residents who bought these houses. Mr. Wonnacott and his wife don't want to move, they love it here and want to stay and they hope there can be some resolution.

**Louanne Doody, 1317 Emerald View Court, Bedford, VA**

Ms. Doody noted that as Mr. Wonnacott said, cul-de-sac means a street with one outlet, not a street with a major thoroughfare added to it. Ten or 12 years of construction traffic will be tearing up the little 25 or 26 foot wide roads. Construction vehicles are heavier than residential vehicles. She walks her dog through the neighborhood and others also walk their dogs. The traffic that goes from Industrial up onto Emerald Crest is already pretty busy. In addition, very few of the people drive at the posted limit, so there have been many times she has had to step into people's yards because there is no sidewalk all of the way, in order to protect herself and her dog. Driveways are small and narrow. In the patio homes where she lives, there is only room for one car in the driveway and a car in the garage, not two cars in the driveway. If one other person visits and they park in the driveway, it will block the driveway at the end. She has to step into the road then while walking her dog and passing that home. Even though there is one or two people living in the patio home, they are not dead yet and have visitors, which was already pointed out. There is no where else to park but on the road. Thinking that no one will park on the road in the new neighborhood is just unrealistic. She has not lived in any town anywhere even with wide roads where people don't park on the sides of the road. The newest plan says there is no

alternative but the two proposed roads but they have two stub roads that are supposedly going out to Burks Hill. It would make more sense for them to use those stub roads to Burks Hill than to be coming through Industrial and up Emerald Crest. The children play in the yards and their front yards are the only place they can play because many of the backyards are too steep for the children to play in.

**Stuart Saunders, 1101 Emerald Crest Drive, Bedford, VA**

Mr. Saunders said he appreciated some of the Council members that have come out to his area and taking the time to listen and see the area. He welcomed the members that have not been there to please come to see the neighborhood before they make a decision. His concerns are the same concerns as the other residents have voiced. Traffic is a huge issue and he has two little girls who play in the small yard or they go down the road to play with their friends but with this going on, it will be out of the question. They will not be able to ride their bikes or go play with their friends. The logging and construction trucks will be running right beside his house. The Briggs that live right across from him had all those issues with their home. Referencing back to 2018, the Council minutes in July, August and September where the residents came to the Council and told them about the water runoff and explained to them what was going on. They came out and put up blocks to divert the water which helped a little bit but when it snowed, the plows destroyed most of them so they are not doing as much good. His biggest concern is the water runoff issue. Council has seen the pictures that his neighbors have sent and he cannot imagine when they start moving dirt behind his house, the amount of erosion and water runoff there will be. He wanted to know who would be accountable when his basement floods or his house washes down the hill.

**Kelly Faulconer, 1181 Crest Ridge Drive, Bedford, VA**

Ms. Faulconer stated that she lives in the first house when turning onto Crest Ridge. As was spoken about earlier, over the last few years, she and some of the other neighbors were the ones out in their driveways with snow shovels shovelling mud when it was coming down the hills. She is the sixth house down from that and the mud came that far. Water still comes down there. She has a storm drain in front of her house that fills up constantly. She has been a member of the community for 12 years and one of the reasons she and her husband chose Bedford was because of Governor's Hill. They found their perfect house there. They have a ten year old daughter who plays outside with her friends and they ride their bikes in the street but the street is already dangerous enough with cars parked on both sides. Thankfully, they have neighbors that look out for the children which they appreciate. Her concern is the traffic and she cannot support a project like this unless there is a completely separate entrance and exit onto Burks Hill. This is something that looks good on paper and looks good to developers, but if you live there you would fear for your children. She asked the Council to reconsider and she is not against the project as it is, but bringing all that traffic through an already maxed-out area is not safe.

**Suzanne Scheefer, 1300 Emerald View Court, Bedford, VA**

Ms. Scheefer noted she does not oppose the development per se, but echoes her neighbors' sentiments about having both entrances and exits right inside their community, which is not the

way to go. Her husband passed away and she was forced to sell the family home and she had to find a place that was good for her to be living alone. When she went into the neighborhood and saw the cul-de-sac, she purposely bought that house with the cul-de-sac in mind, knowing that a cul-de-sac means there will be a finite amount of traffic with only drivers travelling generally that live in the area. To have a main road come through would be detrimental to the neighborhood. Most people going in and out of a neighborhood to work or wherever are going to take the path of least resistance. At this point, it will be the entrance and exit up on Emerald View Court because why would anyone come in from Industrial Avenue and drive all the way around Crest Ridge to go in the second entrance. People will travel whatever route gets them to where they are going the fastest. This will increase the greater share of traffic, in her opinion, coming up her road. There is no traffic calming in her area so people will avoid Emerald Crest where the water diversion bumps are located and take a road that is easier to travel. It is personal for her because she bought her home with the knowledge of the cul-de-sac and did realize that there was a fire road that would be there for emergency access if needed. She never realized that there would be a full-blown highway coming through there. She agreed with what the other neighbors have said and to try harder to find a different access road that would come off of Burks Hill or another major artery, which would make it better for everyone. She understands that Mr. White will build no matter what, but she hopes that people decide to do what is right over what is profitable.

**Lyndsay Guthrie, 1013 Windy Ridge Drive, Bedford, VA**

Ms. Guthrie has two children and frequently walks her dog and she goes with her children when they ride their bikes or scooters. Traffic is a huge concern for her. There are a lot of issues already with people not adhering to speed limits and at a stop sign on a side street, people do not stop. She thinks they will get some additional traffic and she has only lived in her home for a year and a half. Within the first week, her basement flooded with eight inches of water. This was her first home and did not expect that. Damage to her basement totalled approximately \$38,000 and she is still in the process of getting it squared away. She fought back and forth with the Bedford Regional Water Authority (BRWA) which she feels is responsible for the issues because other people living on that street have had major flooding issues as well. Her concern is how this new development will tie into the lines. This was a very traumatic incident for her and she doesn't want to go through it again and she is also concerned about the safety of the children because people speed down the road all the time. She is not against the development itself, but since they are going to make money off of this development, they should care about the community members and should figure out some way of putting in another entrance that would greatly help matters, and if they cannot, then the project should be voted against.

**Stephanie Reigelsperger, 1028 Windy Ridge Drive, Bedford, VA**

Ms. Reigelsperger said she is a first-time home buyer and has been in her home for about two years. She has children and her biggest concern is the speeding. She has reached out to the sheriff's office because she resides in the County, not the Town, but the streets are not being monitored, there is no radar going on. She has witnessed several accidents on her road. She suggested that speed bumps be installed with the increase in traffic as a result of this development, and whatever else can be done to protect the children when they are out playing.

The speeding is very bad and the flooding also. She is in the older community where the piping is older and she doesn't know if the excess water up on top is running down and flooding their homes, but her basement has also flooded. She said the flooding is not from her home but from the pipes, so there are many issues with the flooding that is affecting the homeowners in the older houses on the other side of the new development.

**David Stone, 1252 Emerald Crest Drive, Bedford, VA**

Mr. Stone stated he does not have children, but he is worried about them in the neighborhood. The streets are narrow and people park on the streets and the kids play close to the houses and in the street. He doesn't think the parents can do anything to keep the kids out of the street. He wishes the developers would find another access to the construction and he realizes this is tax money for the Town but he thinks they should find another access point to Burks Hill.

There being no one else coming forward, Mayor Black closed the public hearing at 8:10 p.m.

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 26, 2021, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of hearing:

- Consideration of a request for a conditional use permit for an “automotive, bus, and truck mechanical and body repair garage” located at 914 Blue Ridge Ave, Bedford, VA (Tax Parcels 189-A-13-T, 190-A-1-T, and 190-A-2A-T) consisting of 4.694 acres. The property is zoned B-2, General Business and is owned by TO Tow, LLC. The request is being made by T O Tow, Inc.

Information is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to the request will have an opportunity to express his/her views at this hearing.

By the Authority of the Town Council of the Town  
of Bedford

Publish:        January 13, 2021  
                      January 20, 2021

Mayor Black opened the public hearing at 8:11 p.m.

**Will Yeager, Engineer for Peace of Mind Property Services**

Mr. Yeager stated that he represented the owners of TO Tow, Inc., Jeffery and Patricia Orange. They want to redevelop the site that has been Peakview Motors for a number of years, back into a mechanical repair facility with the addition of automotive sales which is a permitted use by right in a B-2 zoned area. The conditional use permit is due to the fact that there has not been a valid business license in place for a period of time. In reviewing the final conditions as recommended by the Commission, they have no problem working with the ordinance but several items seem superfluous: the storage of vehicles on site may not be permitted – they do not want to operate a salvage yard, or housing of wrecked vehicles; but there will be some necessary uses to store vehicles awaiting appraisal of damage due to wrecks. They have no problem providing a 60’ x 45’ fenced area to store those vehicles in that area temporarily. The sales portion of cars will be the only other thing stored on-site.

Councilman Shoen noted that storage of vehicles is not allowed on the site if it is its sole use, but the storage at issue is an ancillary use, so it would be allowed. This was the understanding of the Planning Commission and it was anticipated that there would be cars and towing needed to get the cars back and forth, but is not the core of the business.

Mr. Yeager acknowledged wrecked and towed vehicles were not the core of the business and Vice Mayor Rush noted inoperable vehicles would have to be stored if they are towed and they would be located in the fenced area behind the building screened from view, which is required. Mr. Yeager affirmed that is where these vehicles would go.

Rick Witt of Cornerstone A.S., and TO Tow Inc. business owners Jeff and Trish Orange were present for the public hearing but did not have any further comments to add.

There being no one else coming forward, Mayor Black closed the public hearing at 8:15 p.m.

**CONSENT AGENDA**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**Discussion Regarding Governor’s Hill Section 3**

Mayor Black asked Mr. White to come forward to answer questions from the Council members.

Mr. White requested time to address some of the questions and concerns that were brought up in the public hearing. Regarding the change in character of the neighborhood, he said that the units

were not townhomes but one level patio homes that will be nearly identical to what is already being built in Section 2. It would not be a different makeup of what is in the development but would be more of what is there. These patio homes would be larger in width which would help additional parking and driveways.

Regarding the buffer between the existing homes on Emerald Crest Drive, the proposal is to have that buffer. They will need to look at the makeup of the trees along that property line and whether or not it would be beneficial to keep the existing natural vegetation or shield it with evergreens to provide a better buffer. He and his clients understand that homes along Crest Ridge Drive park in the street but it is not an issue that they created and it should not hinder his clients from trying to develop a piece of property nearby.

Regarding the 30' width of pavement, there have been discussions with Ms. Zirkle, VDOT, and other Town officials to clarify the requirement. The requirement is for the Town to receive funding from the State for those roads. Obviously, the roads could be more narrow if just VDOT guidelines were followed. According to VDOT guidelines, their internal roads would only have to be 20' wide and not 26' wide. The pavement area also includes the gutter pan as part of the paved surface for vehicular traffic so it is not just the asphalt width, as determined with VDOT. He understands the drainage issues that have happened in the previous phases, but he and his clients did not design those streets and on their site they will meet all VDOT requirements for runoff from the roads, and spaced properly so the water is captured. In 2014, the regulations changed for stormwater management and now restricts it more than before and they will meet those guidelines and have dealt with a number of projects with the County reviewers that will make sure they meet those requirements.

The stub roads that are shown on this plan are not on their plans for connectivity but for additional properties; which is a Town requirement to allow connectivity to adjoining properties, if they are ever developed. Looking at Crest Ridge Drive, it is stubbed over for future connectivity so that the particular property at issue could be developed in the future. The two stubs he and his clients show are only to get to parcels if someone chooses to develop in the future. The connectivity points are a requirement and they are an additional cost but they must provide them.

To clarify, the Phase 1 does not include just the connection to Crest Ridge Drive, they changed that because they did not want all the traffic to impacting in one spot so Phase 1 will include both sections at the tie-in point and the road connection between the two. That modification was made so there will not be a single access point into the development.

He understands about the small yards where there is not a lot of room and backyards that fall off steep, but restricting development beyond an existing development should not be restricted because people have small yards and kids have no where to play or people's driveways are too small. Decisions are made when people buy a house and whether the property being bought will meet the needs of that prospective owner, but how that property was built should not be a determination on how future development can happen. Obviously the Town needs development to keep its growth and the Town wants to grow, and he understands that current homeowners like the wildlife and nature behind their houses, but anyone who lives next to a piece of property that

is undeveloped should assume that the property will be developed some time in the future unless they own it. There should not be the assumption that woods and nature will remain as is.

While there is friction now about not wanting the development, when people look at the future and down the road and once these new communities are established, the net community merges together and become one community and he thinks what he and his clients are proposing will help build a strong community.

Vice Mayor Rush asked about the width of a buffer zone. Mr. White answered that the buffer was probably 20 to 30 feet wide. They will be looking at multiple rows of trees and multiple heights of growth which would help provide buffers at low levels and at higher levels as well. Evergreen buffers need only to be 15 feet wide but they will be looking at something wider than that.

Mayor Black asked if that was based on the ten foot back lot line on the rowhouses. Mr. White responded that it would be from the back property line. If they shorten the cul-de-sac up and add additional buffer, it will not affect the layout because they are not putting homes in that cul-de-sac area but there is room to add a little extra buffer if deemed necessary. They would provide a sturdy buffer of trees at different mixes and at different heights.

Vice Mayor Rush asked about the ten foot backyard setbacks where Mr. White said he did not know what happened with some of the Emerald Crest Drive homes where the setbacks were fairly small, but the new homes' backyards will be 25 feet.

Mr. Rush asked whether there would be some new engineering studies. Mr. White said yes and that no developer is going to spend \$250,000 on an engineering project of this size up front when they don't know. They have only preliminary drawings now and there will be some level of shifts and modifications to the site.

Councilman Hailey asked about approaching someone else about a second access maybe off of Industrial or Burks Hill Road. Mr. White said the developer has explored alternative options and looked at the availability of properties that could give a secondary access point but there was nothing that was feasible to tie into. Mr. Hailey noted that Mr. White had addressed some of the concerns that citizens have but there are still some other concerns. Mr. White said that his clients have exhausted exploring their options for a secondary access point and he realizes traffic is a main concern as well as erosion and stormwater issues. Erosion and stormwater issues can be handled through the design process. But to get an alternate route, if there is not a piece of property available or a reasonable access point, there is nothing else that they can do. Mr. Hailey asked if Mr. White would live in one of these houses. Mr. White said people choose homes for different reasons. His choice of where to live is irrelevant because there are so many different avenues of homes for people to live in. These homes would not be his first choice but that doesn't mean someone else won't jump at the opportunity. Because these homes are small and on small yards and drop off in the rear, they are selling faster than they can be built so obviously there is a need for them and obviously there are a lot of people that do not mind having small yards and where they are located with the conditions that are there.

Councilman Johannessen said that during construction there will be many big trucks and heavy moving equipment on-site and he asked how will Mr. White minimize the impact when he shows a major road going into a cul-de-sac where they did not plan to put a road. Mr. White responded that the road was added to try to alleviate the focus and traffic into one point. The developer that is building this also owns those lots and will build on those lots as well and there was an opportunity for him not to build on those lots so that a secondary access road can be put in. Originally, it was going to be emergency access only. Mr. Johannessen asked if they were going to use the road during construction and Mr. White said they would probably use both access points depending on what is the best option. Earth-moving equipment coming in would be a one-time in and one-time out for major construction because they will continuously build and not drive the backhoes and excavators off every week. They pull the machines on and they are left there. Obviously there will be lumber trucks entering in and out. Material delivery will use whichever access point is available just like the patio homes now being built there. Mr. Johannessen noted that ideally it would be better to have a new road to Burks Hill.

Councilman Stanley added that behind his house, he already has this situation and it is called Oakwood Villas. He knew that at some point in time, Jim Cundiff was going to sell that 17 acres and it would be developed. They had to decide what did everyone want, retirement homes or a subdivision. It took a while to get off, but he is very pleased with it. They, however, do have a construction road and that is his biggest concern. The big equipment has been brought in and it takes a while, but they have pretty much graded the entire 17 acres. But he has met many new friends in the development and a lot of good neighbors. He has not seen increased traffic but they did have a construction road. It will be noisy for a while and understands where the concerned citizens are coming from, but something is going to be built back there. Attractive land that is undeveloped and in the right location will have something built on it. It is up to the Council to look it over, discuss it, and decide in what direction to go. Mr. White said if Council decides to allow the multi-family use they are willing to provide some conditions that will help ease the pain. He thinks the best option is to do the dual access and once it is all done he thinks the neighbors will be happy.

Mayor Black asked if sidewalks will be on both sides of the road because there is a note in the plan that says new public sidewalks are on one side of the street. Mr. White said that was a typo and affirmed that sidewalks would be on both sides of the street. Mayor Black asked if he was willing to entertain a wider buffer. Mr. White said he would have to defer to the developer if they were agreeable to a bigger buffer. Mayor Black understood that they may lose a couple lots but it was something he thought they may consider. He also asked if thought was given to make the access that empties into the cul-de-sac a one-way or if other options were possible because there would be a lot of traffic into the cul-de-sac. Mr. White said they are looking to have full access into the property but will put trees in along the existing units and have some evergreen buffer so that lights are not shining from vehicles turning into the property to help provide some buffer.

Vice Mayor Rush asked Mr. White to verify that the new public road coming off Crest Ridge Drive, that the loop would go in pretty quick. Mr. White confirmed that it would be the first thing that happens and the loop road would be built before the new homes get built. It would be the first phase of grading, construction, and completion. As long as homes are selling, the

developer will stay on-site as he finishes up Phase 1, homes will be under construction and as they are wrapping up, the developer will continue on with his equipment on-site.

Mayor Black asked since the land is two parcels, was there thought to do the plan for the bottom parcel and then down the road if there was a way to get connectivity to the upper parcel, do so later. The developer said he had to buy both parcels.

Councilman Shoen asked if Mr. White and the developers would not agree to any additional conditions. Mr. White said these were the conditions that were put forth and is not sure what other conditions that could be added and obviously they could not get a secondary access point to Burks Hill Road or another street. Mr. Shoen asked if it was possible in the future for an access to Burks Hill, because then they could make a condition for Phase 1 and 2 to be built but then Phase 3 and 4 would have a condition for a separate access road. The developers said it was not possible.

Councilman Hartwick stated that after listening to everyone that spoke, one big concern is the residents want an alternative road onto Burks Hill. He has driven around Governor's Hill and there are three options. One is to access Industrial onto Burks Hill, and two ways out onto Route 460; so would they be willing to build another way out onto Burks Hill Road. The neighborhood is also worried about flooding and wonders if the new development would make the flooding worse than what it is. Mr. White responded that they will ensure they meet the state and federal requirements in the design process to ensure that there is no downstream flood issue. It is part of the review process and the County reviewer will make sure that those requirements are met and they do not cause downstream general erosion or flooding down below their site. They have already explored the options to tie into another access point to Burks Hill Road and there is no feasible connection point available.

Councilman Hailey asked if Mr. White and the developer could wait two more weeks if Council was to delay its decision. The developer said he closes on the property next week but would have to look at the contract for which day.

Vice Mayor Rush moved, seconded by Councilman Hailey to table the discussion and delay the vote regarding the Governor's Hill Section 3 until Tuesday, February 2, 2021 at 6:00 p.m.

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

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

The motion carried with seven members voting aye.

**Resolution – Automotive, Bus and Truck Mechanical and Body Repair Garage by Conditional Use Permit**

The subject property located at 914 Blue Ridge Avenue (identified as Tax Parcels 189-A-13T, 190-A-1T, 190-A-2AT) is zoned B-2 and has a vacant commercial structure on it. The property was recently owned by Mervyn and Virginia King. Ownership changed to TO Tow LLC on November 24, 2020 (per Commissioner of the Revenue records). The applicant is TO Tow – Jeff Orange which proposes to renovate the commercial structure for an “automotive, bus, and truck mechanical and body repair garage”. The B-2 zoning district allows this use with a Conditional Use Permit in Section 609.03.b.

The Planning Commission held a public hearing on January 7, 2021. The engineer for the applicant and the applicant spoke. No citizens spoke in the hearing. The Commission discussed the past use of the property for automotive uses and what the intended future use is. The Commission discussed possible conditions that were suggested in the staff report.

In its deliberations, the Commission discussed that the zoning ordinance does not describe “towing business” as a use and whether the use should be allowed in the future, screening of the fenced area behind the building, and that the site did not require changes to entrances or work in the Route 460 right-of-way. The engineer for the applicant addressed the questions and confirmed it would not be a towing business, that the fenced area would be screened and not contain junk, and that no work would be done at the right-of-way.

The Commission voted 5-0 to recommend approval with eight conditions offered by staff with the following changes:

Amend Condition #3 to allow towing in the future without a public hearing if zoning ordinance changes occur that make towing a permitted use in the zoning district: “A towing business and related activity shall not be permitted, unless a future ordinance change allows the use in the zoning district.”

Remove Condition 9: “All required agency approvals must be obtained, including VDOT, Bedford Regional Water Authority, the Virginia Department of Health or others for the final site plan as required.”

These are the final conditions as recommended by the Commission:

1. The minimum standards required in Section 609.03.c. for Automotive, Bus and Truck Mechanical and Body Repair Garages shall apply:  
609.03. c. Automotive, bus, and truck mechanical and body repair garages provided:  
(i) all operations shall be conducted within a building which shall not have an opening within 100 feet of a residential district other than a stationary window;

- (ii) there shall be no storage or placing of any parts or waste material outside such building;
  - (iii) all vehicles located outside the building must be in operating conditions at all times;
  - (iv) all drives, parking, and service areas shall be paved in addition to the other site requirements of section 702.04;
  - (v) all service and operation areas, other than customer parking, shall be screened from view from any abutting street in accordance with the standards set forth in [section] 705.03c, such screening shall be required at all side and rear yards, and all other landscaping requirements of section 705.03 shall apply, notwithstanding the provisions of section 705.01.
2. Storage of vehicles shall not be permitted on the site.
  3. A towing business and related activity shall not be permitted, unless a future ordinance change allows the use in the zoning district.
  4. Inoperable or wrecked vehicles may not be stored (Section 609.03.c.(iii)).
  5. The unlabeled 60'x45' fenced area behind the building as shown on the site plan shall be screened from view with an opaque material.
  6. No vehicles shall be stored on the area of Tax Map 190-A-2A-T outside of the area labeled "Proposed Auto Sales Area for Open Auto Sales".
  7. Only the number, size and types of signs meeting the B-2 zoning district standards may be permitted after an application for signage is applied for and issued. No banners or other signs advertising the business may be placed on any fences or temporary posts.
  8. The site shall be developed according to the "Thomas Motors Site Plan" approved with the conditional use permit (prepared by Peace of Mind Property Services).

**ACTION REQUESTED:**

Town Council is requested to consider adopting a Resolution to issue a Conditional Use Permit for the plan presented with eight conditions. As part of a Resolution approving the application for a Conditional Use Permit, Council may also require additional conditions or amend those presented. Council also has the option to not adopt the Resolution.

Mr. Warner noted that under this Resolution, towing is allowed as an ancillary use which was acceptable to the Planning Commission in their motion and conditions. Tonight, the Council is asked to approve the Conditional Use Permit request as presented by the Planning Commission with that clarification.

Discussion followed regarding the Planning Commission’s final conditions. Consensus from Council members was to strike Condition #2 and Condition #4 since these conditions were redundant and were included specifically in Code Section 609.03.c , which applies.

Vice Mayor Rush moved, seconded by Councilman Shoen to adopt a resolution to issue a Conditional Use Permit to TO Tow, Inc., as amended, by striking the Planning Commission’s Condition #2 and Condition #4 and retaining all other recommended Conditions.

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

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

The motion carried with seven members voting aye.

The Resolution follows:

## **RESOLUTION**

### **PERMITTING AN AUTOMOTIVE, BUS AND TRUCK MECHANICAL AND BODY REPAIR GARAGE BY CONDITIONAL USE PERMIT**

**WHEREAS**, the Planning Commission of the Town of Bedford held a public hearing on January 7, 2021 and recommended approval of the request with conditions; and

**WHEREAS**, the Town Council has 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**, Section 609.03.c. of the Land Development Regulations allows “Automotive, Bus and Truck Mechanical and Body Repair Garage” to be permitted with a conditional use permit in the B-2 zoning district; and

**WHEREAS**, the Town Council finds as a fact that the proposed use is consistent with the intent of the land development ordinance and the land use plan, and is in the public interest; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA** that a conditional use permit is granted to TO Tow, Inc. for the property tax parcels 189-A-13T, 190-A-1T, and 190-A-2AT to allow an “Automotive, Bus and Truck Mechanical and Body Repair Garage” with the following conditions:

1. The minimum standards required in Section 609.03.c. for Automotive, Bus and Truck Mechanical and Body Repair Garages shall apply:  
609.03. c. Automotive, bus, and truck mechanical and body repair garages provided:
  - (i) all operations shall be conducted within a building which shall not have an opening within 100 feet of a residential district other than a stationary window;
  - (ii) there shall be no storage or placing of any parts or waste material outside such building;
  - (iii) all vehicles located outside the building must be in operating conditions at all times;
  - (iv) all drives, parking, and service areas shall be paved in addition to the other site requirements of section 702.04;
  - (v) all service and operation areas, other than customer parking, shall be screened from view from any abutting street in accordance with the standards set forth in [section] 705.03c, such screening shall be required at all side and rear yards, and all other landscaping requirements of section 705.03 shall apply, notwithstanding the provisions of section 705.01.
2. A towing business and related activity shall not be permitted, unless a future ordinance change allows the use in the zoning district.
3. The unlabeled 60'x45' fenced area behind the building as shown on the site plan shall be screened from view with an opaque material.
4. No vehicles shall be stored on the area of Tax Map 190-A-2A-T outside of the area labeled "Proposed Auto Sales Area for Open Auto Sales".
5. Only the number, size and types of signs meeting the B-2 zoning district standards may be permitted after an application for signage is applied for and issued. No banners or other signs advertising the business may be placed on any fences or temporary posts.
6. The site shall be developed according to the "Thomas Motors Site Plan" approved with the conditional use permit (prepared by Peace of Mind Property Services).

Mayor Black read Closed Session pursuant to Section 2.2-3711(a)(7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel concerning the Bedford Middle School.

Councilman Hailey moved, seconded by Councilman Hartwick, to enter into Closed Session.

Voted upon and carried by the following roll call vote:

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

The motion carried with seven members voting aye.

Council adjourned into Closed Session at 9:05 p.m.

Non-Council members present: Town Manager Bart Warner; Assistant Town Manager Sonia Jammes; Town Attorney William W. Berry, IV; and Attorney Mike Lockaby

Council reconvened into Open Session at 9:17 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 Councilman Hartwick, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

The motion carried with seven members voting aye.

Vice Mayor Rush moved, seconded by Councilman Hartwick to authorize Mayor Black to sign the closing documents regarding the Bedford Middle School.

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

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

The motion carried with seven members voting aye.

## **Discussion of Funding Outside Agencies**

Mayor Black reminded Council members that they voted to defer funding to the outside agencies until January 2021 in order to review revenues during the months of the Covid-19 pandemic. Discussion followed.

Vice Mayor Rush stated he was opposed to funding any outside agencies. He does not want to pick and choose which agencies would receive funding. He believed the total amount budgeted was approximately \$40,000-\$45,000.

Ms. Jammes noted that in order for them to get the Art Appreciation Grant, they had to give out the \$4,500. The Keep Bedford Beautiful Commission is not usually considered an outside agency, even though it is in the same cost center, because it is administered through a Town program.

Mayor Black stated \$10,000 from the \$46,000 was \$36,000 leftover.

Ms. Jammess also said out of the \$9,000, the only local piece of that is \$4,500 because the Town gives an additional \$4,500 through the grant. And another \$1,000 is grant funded, so Council is looking at about \$40,000.

Mr. Stanley said he would have no problem putting out that amount. In his opinion, they should show support and care for the community through the outside agencies.

Mr. Shoen said his opinion is the same as last year. He wants to support them all too, but if you pick one then more people come in and more people are asking and where do you draw the line. As a compromise last year, he understood that a document would be created and an amount would be set and the agencies would have to go through an application process.

Mr. Warner replied that the new program adopted would require outside agencies to submit applications by January 15. Given the fact that funds were not appropriated for the current year, it was deferred until tonight's discussion. The applications would be presented to Council by February 28. Not to be presumptuous, but if Council discontinues funding, then the agencies would not have to be put through the hoops.

Mr. Rush stated that according to the financial report, revenues were at 50.8%.

Mr. Warner also mentioned that because this is an appropriations motion, it would require five positive votes.

Mayor Black said that the Town has gone through six months of the fiscal year and these outside agencies have made it to this point. If he were to support something, it would be half of what was appropriated because the \$45,000 was for the whole year. Non-profits are struggling too, just like businesses, but they do provide some good services so the Town should show some support.

Mr. Shoen thought some of the agencies qualified for Covid funds.

Mayor Black said that right now if you minus \$10,000 from the \$46,000, there would be \$36,000 leftover in what was budgeted. If you cut the amount in half, it would be \$18,000.

Vice Mayor Rush moved, seconded by Councilman Shoen, not to fund any outside agencies.

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

Councilman Stanley	nay
Councilman Hailey	nay
Councilman Hartwick	nay
Councilman Johannessen	nay
Vice Mayor Rush	aye
Councilman Shoen	aye
Mayor Black	nay

The motion failed with five members voting nay and two members voting aye.

Councilman Johannessen moved, seconded by Councilman Hartwick to fund outside agencies at half of the remaining budgeted funds which equaled \$18,000.

Mr. Hartwick suggested that out of the \$18,000 would it be possible to lower the amounts for each agency; for example, instead of giving Bedford Area Education Foundation \$2,500, giving them only \$1,000.

Mr. Johannessen and Mr. Stanley noted that a motion had already been made and was on the floor.

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

Councilman Hailey	aye
Councilman Hartwick	aye
Councilman Johannessen	aye
Vice Mayor Rush	nay
Councilman Shoen	aye
Councilman Stanley	aye
Mayor Black	aye

The motion carried with six members voting aye and one member voting nay.

**Discussion on Employee 1% Pay Increase**

Mayor Black reviewed saying this item was a similar instance where 2% was budgeted and only 1% was appropriated at the beginning of the fiscal year. Council must decide whether to appropriate the remaining 1% for the remaining fiscal year.

Ms. Jammes provided Council with an analysis showing the cost of the 1% COLA by fund for the entire fiscal year. Obviously, six months of the fiscal year has past so the total amount would most likely be cut in half. But, as a reminder, the yearly amount would be recurring into the next fiscal years as well and would be the new baseline. Ms. Jammes also noted that six months into the fiscal year, revenues collected total 55.2%. Bear in mind that a portion of that was Covid reimbursement funding. However, there were some offsetting expenditures that the Town would not have made if the Covid funding was not acquired, such as the patrol cars. The current expenses for six months into the fiscal year for the General Fund is at 48%, therefore, 55% has been collected in revenues but only 48% was spent including all the expenses incurred due to Covid. The Town is pretty much on target. The future is not known as far as the pandemic if the Governor shuts down restaurants again, it may affect the meals tax. Right now the Town has collected 50.18% of its meals tax this fiscal year, which is stronger than she anticipated. Most local budgets are not faring as well as Bedford. She is also anticipating a sales tax allotment in the next month or two. Some Covid funds, \$143,000, were received for utility payments which is being used to help people pay their bills down.

Councilman Hartwick was concerned about giving the employees a pay raise at this time especially when no one knows what might happen with Covid and whether the Town gets shut down and whether it affects revenues.

Vice Mayor Rush thought the \$26,000 is really a drop in the bucket.

Mayor Black acknowledged he wanted to be cautious to see where the revenues would go but he is confident now that thankfully Covid has not affected the Town as badly as it could have.

Mr. Stanley stated he was in favor of the 2% last time and feels all the employees do their jobs, fighting through Covid, and are dedicated so he is always in favor of rewarding employees with whatever the Town could do.

Mr. Shoen wanted to verify that this COLA was already budgeted but not appropriated. Mayor Black confirmed this action is to appropriate what was already approved in the budget.

Councilman Hailey moved, seconded by Councilman Stanley, to appropriate the 1% COLA for Town employees starting on the next pay period.

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

Councilman Hartwick	aye
Councilman Johannessen	aye
Vice Mayor Rush	aye

Councilman Shoen	aye
Councilman Stanley	aye
Councilman Hailey	aye
Mayor Black	aye

The motion carried with seven members voting aye.

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## **ADJOURNMENT**

Mayor Black adjourned the meeting at 9:40 p.m. until Tuesday, February 2, 2021 at 6:00 p.m.

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Tim Black, Mayor

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Debra Anderson, Clerk of the Council