



Town Council
Regular Meeting Minutes
January 28, 2020

The Bedford Town Council of the Town of Bedford held a regularly scheduled meeting Tuesday, January 28, 2020 at 7:00 p.m. in the Town Municipal Building Council Hall.

Town Council members present:

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

Council Appointed Member: Mr. 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, Clerk of Council Debra B. Anderson and Mary Boone Recording Secretary.

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

APPROVAL OF MINUTES:

Mayor Rush declared that the Minutes of the regular Council Meeting held on January 14, 2020 were approved as distributed.

REPORT OF TOWN MANAGER:

Town Manager Bart Warner reported:

- Ms. Jammes has delivered a copy of the proposed fiscal year 2020-2021 budget proposal. You will have a few weeks to look over that before we convene at your retreat. Based on your feedback we have rescheduled the Town Council Retreat for Saturday February 29th at 9:00 a.m. at Liberty Lake Park.
- On a personal administrative note we want to extend condolences to Public Works Director D. W. Lawhorne on the passing of his mother and also to D. W.'s family. They

will be receiving visitors at Tharp Funeral Home in Lynchburg on Thursday evening from 6:00 p.m. – 8:00 p.m.

APPEARANCES BEFORE COUNCIL:

None.

COUNCIL COMMENTS

Mayor Rush: Regarding the fire at Bedford Middle School. On Wednesday night I got a call at 3:15 a.m. that the middle school is on fire and I'm saying you are kidding me. They said no it is fully involved. I got up there around 3:30 a.m. and the State Police was up there doing traffic along with the Town and four sheriff deputies. As I watched it, it was fully involved on the right side with the ladder truck putting water on it. About an hour later it was all the way through the building coming out the other side. It was hard to believe it was even going on. I got back up there around 9:30 a.m. and stuck around and met with Mr. Warner, Mr. Schley and Tim showed up. I was truly impressed at the professionalism that our Town staff has, our fire department and the mutual aide. It was a real team effort. After lunch Bryan, myself and Gary went up there and with Bryan and Gary's expertise they observed that the wall needed to be secured and without their connections and Bryan's structural experience and engineers and the right people to call and they got up there and addressed it pretty quickly. I want to more so thank also the citizens of the Town, the restaurants and everybody else that chipped in to provide food, water and coffee for the firemen and the people that were up there doing what they needed to do. I was thoroughly more impressed when I talked to Todd about an arson investigator and he said they had one that worked with the Police Department. Todd was not aware of it he is a County Fire Marshall. In my experience many years ago he knew what he was doing. I don't envy anybody that is an arson investigator I tried it and it was too nasty for me. I just want to thank everybody, the staff, Town, fire department, rescue squad, everybody who was involved. We are a cut above anybody else the way I look at it.

Vice Mayor Black: I echo your thoughts. I spent most of the day up there Thursday and those fire fighters from the Town and surrounding areas did everything they could possibly do. This is an emotional time for them as it was for the community, a lot of those guys went to school there just like a lot of us in this community. They did everything they could and were very professional. It was impressive to see them in action. Like I said I echo your comments on the fire marshall and the police department. I've got the upmost confidence in what they are doing and that they are going to find the perpetrator of this crime and bring them to justice. Like you said about Bryan, Bryan we owe you in debt for what you did that day up there Master Engineers and Commercial Steel Erectors. I mean they jumped on that and you know it was amazing to watch them. In about 45 minutes to figure a solution and go to work under some difficult situations and difficult conditions to shore up that building and hopefully that is the start of the resurrection of that property. We have talked to Dave and Dave is positive about moving forward and look forward to hearing his plans as we move forward through this process.

Mayor Rush: A local TV station asked me how the Town felt about the loss of the middle school and how the citizens would feel and I compared it to the loss of the French people at Notre Dame. People felt that similar loss.

Councilman Hailey: I just want to say the same thing. The excellence of our Town, fire department and everybody else that was involved in the emergency process, all of the restaurants and everybody that helped out to keep the fireman up there. They stayed up there almost 24 hours or whatever. It was just a great thing that everybody pulled together for this tragedy we had in the Town. Hopefully, we can move forward and make it something great again.

REPORT OF COUNCIL COMMITTEES:

Finance Committee: Vice Mayor Black

The finance committee met yesterday. We are halfway through the fiscal year and doing pretty good on the revenue side and the expense side, nothing really stood out from anything we need to be concerned about. The next big project is obviously the budget.

REVISIONS TO THE 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 28, 2020, 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 window tinting business located on Lowry Street, Bedford, VA (Tax Parcel 237-1-2-T). The requester is V. Lowery, LLC, 142 Mill Acres Drive, Lynchburg, VA 24503.

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

Mayor Rush opened the public hearing at 7:08 p.m.

There being no one coming forward Mayor Rush closed the public hearing at 7:08 p.m.

CONSENT AGENDA:

Appointment of Members – Keep Bedford Beautiful Commission

The terms of Jim Revel, Sherry Revell, Jennie Foreman, Paul Hardesty and Jill Hardesty on the Keep Bedford Beautiful Commission will expire on June 30, 2020. They have agreed to serve another term, if reappointed by Council. Ms. Dianne Erb has also expressed interest in a vacancy on the Commission and is seeking appointment. The vacancies have been advertised in the local newspaper, and no other citizens have volunteered to serve.

ACTION REQUESTED:

Council is requested to reappoint Jim Revel, Sherry Revel, Jennie Foreman, Paul Hardesty and Jill Hardesty to serve on the Keep Bedford Beautiful Commission, said terms to expire June 30, 2023. Council is also requested to appoint Dianne Erb to the Commission, said term to expire June 30, 2023.

On a motion by Councilman Johannessen, seconded by Councilman Shoen, to reappoint Jim Revel, Sherry Revel, Jennie Foreman, Paul Hardesty and Jill Hardesty to serve on the Keep Bedford Beautiful Commission, said terms to expire June 30, 2023 and appoint Dianne Erb to the Commission, said term to expire June 30, 2023, discussion ensued:

Councilman Hailey: Ms.Erb does she live in Town and does she own a business in Town? I'm just asking a simple question.

Mayor Rush: I will give you a simple answer she does not live in Town and she is employed as you well know with the Bedford Coalition Commission.

Councilman Schley: Is it a requirement?

Mayor Rush: It is not.

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

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

The motion carries with six members voting aye.

OLD BUSINESS:

None.

NEW BUSINESS:

Ordinance – Conditional Use – Window Tinting Business on Lowry Street

Greg Harrison, who is the owner of Outtasight Window Tinting, is requesting a conditional use permit for a window tinting business for a property on Lowry Street identified as Tax Parcel 237-1-2-T. The property is adjacent to the sites currently occupied by the optometry practice and Edward Jones office near the intersection of Lowry and Freedom Lane. Much of the activity performed by the business on site is related to automobile detailing. Based on that fact, staff determined that the use would be best defined as an automotive repair garage under the provisions of Section 609.03.c of the Zoning Ordinance.

The Planning Commission met on January 2, 2020 and conducted a public hearing regarding the matter. Mr. Harrison and Victor Weatherholt (the owner of the property) spoke at the public hearing.

The Planning Commission recommended approval of the conditional use permit by a unanimous vote with all members present.

ACTION REQUESTED:

Town Council is requested to approve the ordinance granting a conditional use permit for a window tinting business on Lowry Street.

On a motion by Councilman Schley, seconded by Councilman Hailey, to approve the ordinance granting a conditional use permit for a window tinting business on Lowry Street, discussion ensued:

Councilman Schley: I will tell you I was former neighbours of both and they are business leaders. I think it is a good thing to move forward with and bring business to Bedford.

Vice Mayor Black: Will this be a new building or is this an existing?

Councilman Schley: A new building between two existing.

Mayor Rush: Y'all know where this is?

Vice Mayor Black: Storage wise how long would vehicles be stored on the lot?

Bart Warner: There really won't be anything. All the activity itself onsite will take place within the building. There won't be any cars in disrepair.

Mayor Rush: Typically they are in and out.

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

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

The motion carries with six members voting aye.

The Ordinance is as follows:

Ordinance No. 20-1

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT
FOR A WINDOW TINTING BUSINESS ON LOWRY STREET**

WHEREAS, the Planning Commission of the Town of Bedford held a public hearing on January 2, 2020; 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;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA that a conditional use permit is granted for a property on Lowry Street identified as tax parcel 237-1-2-T to allow a window tinting business at that location.

This ordinance is effective upon enactment.

Update – Bedford Middle School

I don't really have any prepared remarks other than to kinda repeat some of what we have stated previously to the public. I don't want to make light of the loss we have suffered, I mean there are some artifacts that were damaged in the fire that we can't replace or retrieve and have some great emotional attachment for all of us. With that said, we will mourn this loss for quite a while. As we have reported elsewhere I'm here to advise you that there is good news from an administrative point. The recovery effort is ongoing and underway and that is evident in a few procedural matters one of which is tomorrow there are a couple of discussions that are taking place. The Town staff, representatives of Council, Economic Development Authority, as well as Mr. McCormack are going to meet to talk about where we are, what we need to do to move

forward and to get an update from Mr. McCormack about his future plans. Also, Mr. McCormack is on his own hosting a community meeting at Beale's Brewery tomorrow at 6:00 p.m. and that is just an open event to anyone who wants to come and I would encourage everyone who is hearing these words to attend that to get good information. While you all were sharing your fine and nice comments about the response let me also if you will permit me to compliment you on you all as well. What we have found so far in responding is all the contingencies that we have in place are working very well. The agreement that this Council drafted with Mr. McCormack was complicated, it was thoroughly thought out and the attorneys, elected officials and develop partners there might be things we run into that we did not anticipate but we projected a lot of things and based on that we are to move forward without having to go back and duplicate efforts and worry about catching a lot of contingencies that otherwise would have been a problem. Our fire staff is second to none, our administrative staff is second to none, Mr. McCormack carried insurance beyond what he was required to do in his agreement which is fortunate for us. We had infrastructure in place including a water system that we rebuilt based on a decision made about six years ago. Which again I've said it before we prefer not to have to go through this kind of situation but we are finding at every step that we have been very well prepared. I'm grateful to be part of the team and community that can report that. I will be happy to answer any questions that you have about the status of the Middle School but I wanted to offer those observations for your benefit tonight.

Mayor Rush: Mr. Warner has done a fine job of keeping us apprised.

Councilman Shoen: We had a policy as well right?

Bart Warner: Yes we did. Let me address something because there have been some questions about the ownership status. The Town owns the property currently. The lease agreement and performance agreement that we have in place indicate that Waukeshaw LLC, which is Mr. McCormack's company, will take ownership of the building. That is outlined in these agreements and there is a time table for that, now that time table may be adjusted a bit but the short answer is the Town still owns the building but Mr. McCormack is leasing it and has many of the rights and responsibilities that an owner would otherwise have.

Councilman Shoen: He will be seeking probably an extension or we don't know?

Bart Warner: I don't know, I anticipate that he will but I don't want to make a commitment on his behalf.

Councilman Hailey: I just want to thank you Mr. Warner for staying on top of this and keeping this moving along because this is a difficult process that we are going through right now but hopefully we can move forward.

Bart Warner: We will.

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

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

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

The motion carries with six members voting aye.

Council adjourned into closed session at 7:17 p.m.

Non Council members present: Town Manager Bart Warner, Assistant Town Manager Sonia Jammes, Town Attorney William W. Berry, IV

Council reconvened into open session at 7:36 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 Vice Mayor Black, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

The motion carries with six members voting aye.

Councilman Johannessen: I did attend the Central Virginia Planning District meeting and they are looking to put some funding into dual enrollment around the area. They asked about what

communities are willing to do enrollment. At the time I didn't know how much we have been doing with enrollment. The big thing on this is technical training, about 70% of the jobs in the future will require technical training not "college training". They want to help out in that area if at all possible so they are doing a study about that to determine what they can do. I gave you a copy of the annual report so you guys would have that. I have not had time to read the whole thing.

ADJOURNMENT:

Mayor Rush adjourned the meeting at 7:36 p.m.