



Town Council  
Regular Meeting Minutes  
February 11, 2020

The Bedford Town Council of the Town of Bedford held a regularly scheduled meeting Tuesday, February 11, 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 Darren Shoen and Councilman C. G. Stanley.

**Town Council members absent:**

Councilman Bryan Schley.

**Town Staff present:**

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

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 28, 2020 were approved as distributed.

**REPORT OF TOWN MANAGER:**

Town Manager Bart Warner reported:

- I want to welcome C. G. Stanley who is an officially sworn member of Council and also Julia Peters who is joining us as our recording secretary. She will be taking over for Mary Boone who has performed very admirably and we thank them both very much for their service.
- Mayor Rush and I spoke with Dave McCormack via telephone yesterday regarding the status of the Middle School project and just wanted to report on that discussion. Waukeshaw's insurance company is still processing information related to their claim for

damages. The lender, Chesapeake Bank, is also working with them to address any possible changes in activity or scope and the Department of Historic Resources personnel are also advising Mr. McCormack on appropriate steps related to preservation. All of these factors are affecting his ability to begin clean up and demolition work. Mr. McCormack is hopeful that all of those questions will be resolved within the next week or so and those are his words. He projects that the clean up work will take ninety days once it commences and he will let us know as soon as possible when that can commence. We also discussed the need to improve security on site particularly with regard to lighting. Town staff are working with Waukeshaw's contractor to extend the necessary electrical service to resolve that issue. Also I wanted to report in general terms staff is mobilizing to address the issues related to the clean up with electrical service and waste disposal. Also for the benefit of our public the Police Department continues to follow leads as part of its investigation and is currently being assisted by both the FBI and the Virginia State Police in that regard.

- The Public Works Department continues to work through the process in terms of our active landfill on Orange Street. Staff is currently working to secure the appropriate erosion and settlement control permits.
- Both the Town and the County have been working with the tenant to address the situation at 1508 Longwood Avenue and to bring activity there into compliance with applicable regulations. Hopefully everyone has observed the progress that Mr. Leftwich has made there. We are close to issuing a zoning permit and the tenant will have thirty days thereafter to complete further items related to those matters.
- Staff is close to working out an easement agreement with the private property owner for the installation of the proposed Gateway Sign on the western entrance to Town on highway 460.
- The Central Virginia Planning District Commission is hosting a public meeting to discuss a study of the intersection of Longwood Avenue and Independence Boulevard in the area commonly known as the Forks. That meeting will take place on Tuesday February 18<sup>th</sup> in the Community Room of the Bedford Central Library beginning at 6:30 p.m. All interested parties are encouraged to attend.
- Town offices will be closed on Monday February 17<sup>th</sup> in observance of a state holiday.

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

None.

#### **COUNCIL COMMENTS:**

None.

## **REPORT OF COUNCIL COMMITTEES:**

None.

## **REVISIONS TO THE AGENDA:**

Mayor Rush: I would like to move the consent agenda as the next topic talking about the closure of streets. We will do the public hearing after the consent agenda since there is no business before the new business. I would like to add a closed session regarding acquisition/disposition of property.

## **CONSENT AGENDA:**

### Request to Close Streets for Centerfest - The Central Virginia Business Coalition

The Central Virginia Business Coalition is requesting to close the following streets for the 39<sup>th</sup> Annual Bedford Centerfest on Saturday, September 19<sup>th</sup> from 6:00 a.m. until 7:00 p.m.

- Intersection of West Main & Center Street
- Center Street & Washington Street
- South Bridge Street and Washington Street
- South Street and Washington Street
- Depot Street and North Bridge Street (road block set up at Market Square area for Downtown Business Parking)
- North Bridge Street (directly in front of American National Bank)
- Plunkett Street and Depot Street
- East Main Street and Otey Street
- Court Street and Depot Street (barricades at Goose Creek Studio so cars cannot enter Depot or Court Streets from parking lot area)

Affected businesses will be notified, as well as the Police Department, Fire Department and EMS. A check in the amount of \$100 was received for the event.

### **ACTION REQUESTED:**

Town Council is requested to grant permission to close the above streets for Centerfest on Saturday, September 19<sup>th</sup> from 6:00 a.m. until 7:00 p.m.

### Request to Close Streets for Armed Forces Day 5K Run and V-E Day Parade – The National D-Day Memorial Foundation

The National D-Day Memorial Foundation will be holding their annual Armed Forces Day 5K run on May 16, 2020, at 8:00 a.m. and is requesting Council's permission to use Tiger Trail as part of the run route from 7:45 a.m. to 9:30 a.m. for the event.

The V-E Day Parade will be held on Saturday, May 9, 2020, at 11:00 a.m. They are requesting street closures as outlined below:

From 7:00 a.m. – 12:00 p.m.:

Bedford Avenue Extension from 4<sup>th</sup> Street to the curve of the Recreation Field  
Ashland Avenue from the curve of the Recreation Field to the Elks Home driveway  
College Street from Ashland Avenue to Peaks Street  
Mountain Avenue in its entirety

From 11:00 a.m. – 12:00 p.m.:

Peaks Street from College to North Bridge  
North Bridge from Peaks Street to East Main Street  
East Main Street from North Bridge Street to South Street  
South Street from East Main Street to Washington Street  
Washington Street from South Street to Center Street  
Center Street in its entirety  
West Main Street from Center Street to 4<sup>th</sup> Street  
4<sup>th</sup> Street from West Main Street to Macon Street  
Macon Street from 4<sup>th</sup> Street to Summit Street  
Summit Street from Macon Street to the first entrance of the Old Winn Dixie parking lot

The National D-Day Memorial Foundation will notify the Fire Department, EMS and Police Department of the street closing. The Foundation has coordinated with the administration of Bedford Elementary School. A check in the amount of \$200 was received for both events.

**ACTION REQUESTED:**

Town Council is requested to close the above street for a 5K Run on Saturday, May 16, 2020, from 7:45 a.m. to 9:30 a.m. and V-E Day Parade on Saturday, May 9, 2020 at 11:00 a.m.

On a motion by Councilman Hailey, seconded by Councilman Stanley, there being no discussion, Town Council granted permission to close the above streets for Centerfest on Saturday, September 19<sup>th</sup> from 6:00 a.m. until 7:00 p.m. and to close the above street for a 5K Run on Saturday, May 16, 2020, from 7:45 a.m. to 9:30 a.m. and V-E Day Parade on Saturday, May 9, 2020 at 11:00 a.m. 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	absent
Councilman Shoen	aye
Councilman Stanley	aye

Mayor Rush

aye

The motion carries with six members voting aye, one member absent.

Mayor Rush: Next will be the rezoning request and I will be abstaining and removing myself and will turn this portion of the business over to Mr. Black.

### **PUBLIC HEARINGS:**

Mr. Warner read the following public hearing notice.

#### **PUBLIC HEARING NOTICE**

Notice is hereby given of public hearings to be held by the Planning Commission at 5:30 p.m. on Thursday, February 6, 2020, and by the Town Council at 7:00 p.m. on Tuesday, February 11, 2020, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of hearing:

- Request to rezone 1606 & 1608 Venture Blvd, Bedford, VA 24523 (Tax Parcel 177-A-1A-T) consisting of approximately 11.73 acres, located on the east side of Independence Blvd, along the south side of the intersection with Venture Blvd, from M-1, Manufacturing District to R-2, Medium Density Residential District. The request is being made by The William R. Huff Trust c/o Heather Olszyk, Trustee, 6603 Wake Forest Road, Fayetteville, NC.

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

Anyone who is in favor of or opposed to the requests will have an opportunity to express his/her views at these hearings.

By the Authority of the Planning Commission and  
the Town Council of the Town of Bedford

Vice Mayor Black opened the public hearing at 7:09 p.m.

Mrs. Judy Rush

The subject property was zoned R-2 in 1964. The property tax map 177-A-1-AT is currently zoned M1. The owner Heather Olszyk, Trustee of the William Huff Trust, and daughter who lives in North Carolina, is requesting through her real estate agent, for the property to be rezoned to R-2 as it was when her father purchased the property on March 16, 1992. Also, the residence has been occupied as a residence since 1965. It is not spot zoning as this property joins a current R-2 district on Shady Knoll. If we can't sell the property it will lose the value it now has and will deteriorate. The first contract, the day after it was listed, it went under contract. It turned out the

appraiser would not do the appraisal since it was zoned M-1 meaning that would be the highest and best use. The buyer did not have time to go through the rezoning request. We put the property back on the market and again immediately received an acceptable contract subject to rezoning. The buyers are planning to upgrade the home and have no plans of subdividing. Both Town and County EDA's looked at the property and were not interested. There were concerns about the soil being able to handle manufacturing. We are requesting it be rezoned from M-1 to R-2 which is the highest and best use of the property at this time. No one can obtain a home loan with the M-1 zoning. It is our argument that it should be grandfathered into the previous R-2 zoning with that being the highest and best use and it has been treated as a residence as it has been occupied as a residence since 1965.

Mr. Ken Christensen 802 Ivy Lake Drive Forest, Virginia

It is my daughter and her husband that are going to be moving down here and they have no intentions of doing anything but renovating what is there and moving down here to be with me. I would appreciate it if y'all could do it so I can get the family down here. I have a son who is moving down here in June and I'm just trying to get everybody together. The first thing they said is that is where you are going to stay. Their intentions are to come down here and renovate the house that is on there and it would be their primary residence.

Vice Mayor Black closed the public hearing at 7:14 p.m.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Vice Mayor Black: Mr. Warner can you give a report on the actions of the Planning Commission and discussion there.

Mr. Warner: I'm not going to rehash the facts that were covered in the public hearing. From an administrative side the Planning Commission met on February 6<sup>th</sup> and conducted a public hearing regarding the matter four members of the planning commission were present. Mrs. Judy Rush, the members agent, spoke at that hearing. During their discussion the consensus of the Planning Commission members was that they were sympathetic to the owner's inability to sell the property based on the zoning status but there was concern about substantial change in the use of the property based on the use as permit by right within the R-2 zoning district. Accordingly the members adopted a recommendation to approve the rezoning with the conditions that the parcel should be maintained in its current state with regarding to both the use and existing structures and also that it shall not be subdivided. The vote for approval of that motion was four in favor, none against and three members absent. Tonight Town Council is requested by the planning commission to approve the ordinance approving rezoning of the property from M-1 to R-2 with the conditions noted.

## Ordinance - Requested Zoning Amendment – 1606 and 1608 Venture Boulevard

The property located at 1606 and 1608 Venture Boulevard (identified as Tax Parcel 177-A-1A-T) is currently zoned M-1, Manufacturing. However the use of the property has been as a single family residence for several years (dating back to approximately the 1960's at a minimum). Consequently, the residential activity is considered to be a grandfathered non-conforming use.

The property is owned by the William R. Huff Trust and has been marketed for sale as a single family residence. On two recent occasions there have been purchase agreements for the property that have been nullified due to objections raised by lenders over the property's zoning status. As a remedy for this situation, the owners are seeking rezoning to R-2, Medium Density Residential (which is currently in place on adjacent property across Independence Boulevard).

The Planning Commission met on February 6, 2020 and conducted a public hearing regarding the matter. Four members of the Planning Commission were present. Mrs. Judy Rush, the owner's agent, spoke at the public hearing.

During discussion of the matter, consensus of the Planning Commission members present was that they were sympathetic about the owner's inability to sell the property based on its zoning status, but there was concern about a substantial change in use of the property based on the uses permitted by right within the R-2 zoning district. Accordingly, the members adopted a recommendation to approve the rezoning with the conditions that the parcels shall be maintained in its current state with regard to use and structure and shall not be subdivided. The vote for approval was four in favor, none against, and three members absent.

### **ACTION REQUESTED:**

Town Council is requested to approve the attached ordinance approving rezoning of 1606 and 1608 Venture Boulevard from M-1 to R-2.

On a motion by Councilman Stanley, seconded by Councilman Hailey, to rezone 1606 and 1608 Venture Boulevard from M-1 to R-2, discussion ensued:

Councilman Stanley: I think the manager pretty well covered it. My concern was is it in the contract where it can not be subdivided or broken up. It will stay as is.

Councilman Shoen: Will something be recorded with the deed? How do these conditions carry to a future buyer?

Will Berry: It is part of the zoning ordinance and that usually would not be recorded. It is legislation. The zoning would run with the land until it was amended or changed by the Town Council.

Councilman Hailey: If they did sell the land down the road would the restrictions still apply to the property?

Bart Warner: Yes sir they would according to the legislative action.

Vice Mayor Black: That is kinda my biggest concern obviously. Everything around there other than the one lot across Independence is manufacturing 1, B-2, business related. I know in the short term there is probably not going to be any development there but from a long term perspective you know I have that fear if we change it to R-2 that just makes it easier for that next person down the road to say let the restrictions go I would like to do some type of development there. I am very sympathetic to the fact you know I have been in the finance industry so I know exactly what they are dealing with trying to get financing on something that is not zoned properly. From a comprehensive kinda plan you know at some point and time the Council decided that area was an area that wanted to be highlighted for business development and to switch it back to residential use kinda creates some heartburn for me.

Councilman Shoen: I understand the concerns it is just that the house has been there since 1965 and that has not been the use of it so it is really hard to say okay now we are going to enforce the manufacturing zoning. It does seem to be reasonable compromise that as long as we are confident that those restrictions would be clear a future buyer. That is a concern of mine as well. I guess you are saying that the buyer could come and say now we want to rezone, we want to remove those but it would still take action of Council to do that.

Vice Mayor Black: Right but at that point it is probably going to be a whole lot easier.

Councilman Shoen: That is possible. Our vision of what going to be out there may be different down the road to because as far as heavy manufacturing ending up over there that is something that we need to address as a Town is how we want that area zoned. I understand the concerns.

Vice Mayor Black: Mr. Berry do you feel pretty confident that those conditions address my concerns at least in the short term.

Will Berry: I believe so.

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

Councilman Hailey	aye
Councilman Johannessen	aye
Councilman Schley	absent
Councilman Shoen	aye
Councilman Stanley	aye
Vice Mayor Black	aye
Mayor Rush	abstained

The motion carries with five members voting aye, one member absent, one member abstained.

The Ordinance is as follows:



**AN ORDINANCE CHANGING THE ZONING MAPS FOR THE TOWN OF BEDFORD BY REZONING PROPERTY AT 1606 AND 1608 VENTURE BOULEVARD FROM M-1 TO R-2**

**WHEREAS**, the Planning Commission of the Town of Bedford held a public hearing on February 6, 2020; 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 zoning district boundaries;

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

Section 1. The Zoning Map of the Town of Bedford is amended by rezoning from Manufacturing (M-1) to Medium Density Residential (R-2) Tax Parcel 177-A-1A-T subject to the following conditions:

- a. The parcel shall be maintained in its current state with regard to use and structure and shall not be subdivided.

Section 2. This ordinance is effective upon enactment.

Presentations by Outside Agencies

The following organizations made presentations to Town Council with their requests for funding in the Fiscal Year 2020-2021 Budget:

- Bedford Ride Program by Linda Brake
- Bower Center for the Arts by Susan Martin
- Bedford Area Chamber of Commerce by Wende Gaylor
- Bedford Area Education Foundation by John Stinnette
- Bedford Museum and Genealogical Library by Grace Peterson and Leslie Mehaffey
- National D-Day Memorial Foundation by April Cheek-Messier
- Central Virginia Business Coalition by Heather Alto and Diane Erp
- Wharton Memorial Foundation by Fred Duis

- Bedford Boys Tribute Center by Kenneth Parker

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 Hailey, seconded by Vice Mayor Black, the motion was voted upon and carried by the following roll call vote:

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

The motion carries with six members voting aye, one member absent.

Council adjourned into closed session at 8:28 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 9:01 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	absent
Councilman Shoen	aye
Councilman Stanley	aye
Vice Mayor Black	aye
Councilman Hailey	aye
Councilman Johannessen	aye
Mayor Rush	aye

The motion carries with six members voting aye, one member absent.

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

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

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

The motion carries with six members voting aye, one member absent.

Council adjourned into closed session at 9:02 p.m.

Non Council members present: None.

Council reconvened into open session at 9:06 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 Johannessen, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

The motion carries with six members voting aye, one member absent.

**ADJOURNMENT:**

Mayor Rush adjourned the meeting at 9:07 p.m. For a good cause (or lack of business), the Town of Bedford's regular Council meeting of February 25, 2020, has been cancelled.

We will adjourn this meeting to February 29, 2020, at 9:00 a.m. for a Budget Retreat in the Community Room at Liberty Lake Park.