



**Town Council
Regular Council Meeting Minutes
February 23, 2021**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, February 23, 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:

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:

Mayor Tim Black

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 Public Works D. W. Lawhorne; Building Official Gary McIver; Clerk of Council Debra B. Anderson; and Recording Secretary Julia Peters

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

APPROVAL OF MINUTES

Vice Mayor Rush declared that the minutes of the Town's regularly scheduled January 26, 2021 meeting and the adjourned meeting of February 2, 2021 were approved as presented.

REPORT OF TOWN MANAGER

Town Manager Bart Warner reported that thankfully Bedford had dodged a bullet with the weather and it had a very minimal impact on the utility system.

He deferred the rest of his time to Police Chief Todd Foreman for a special presentation and Public Works Director D. W. Lawhorne for an update on projects.

Chief Foreman stated that the badge project is finished. Two of the students and some of the donors will pin the new badges on the officers who were present. Chief Foreman said that the project was an exciting one and the badges turned out nicely. It was a good way to build relationships with the students and a great way for citizens to learn about the police department and what it stands for.

Art teacher Leslie Bowyer thanked the officers and said this project was one of her proudest and she was so proud of her students and the community where they pulled together and worked collectively to see this project to completion. She called the students who created the winning designs to come forward and several of the sponsors and donors as well. They stood before the officers and pinned the new badges onto the officers.

Chief Foreman noted that no monies were used from the Town for this project. It was funded strictly through donations from citizens and community organizations. He has shared information with other police departments and agencies who have been interested in creating their own similar projects. He also said the students did a great job in designing the badges. The officers will wear them during March for Police Appreciation Month and they may wear the badges again in July to show their patriotism and also in September to show how important the project has been. He thanked everyone involved and meeting attendees applauded.

Public Works Director D. W. Lawhorne gave an update to the Council regarding ongoing projects. He said the bad weather had delayed most of these projects. The Landfill Project needs about two weeks of good weather and will then be finished, with grading and seeding still left to do. Sidewalks are framed in the Sidewalk Project and they are ready to pour concrete once the rain stops and warmer weather arrives. The logging crew went out to Liberty Lake Park to begin work, but the crew contracted Covid-19 so they are just getting back on their feet. Pricing is ongoing for the Town Pond Project and they hope to move forward shortly. The playground work is completed on the Edmund Street Project including mulching and border work. Some solar powered lights have been found that can be installed on top of the basketball goals to provide light in the evenings so children can play at night. They are relatively inexpensive and detect motion so they will cut themselves off and will be the last item to complete the project.

Councilman Hailey thanked Mr. Lawhorne for his leadership and his crew's hard work during the last few weeks.

Vice Mayor Rush noted that Public Works employees were very dedicated, picking up trash last week and plowing the roads at the same time.

In response to Councilman Shoen's question about the Town Pond, Mr. Lawhorne said they will be putting in a walking bridge over the marsh area so people will have access around the entire pond and work continues on this project.

APPEARANCES BEFORE COUNCIL

None.

COUNCIL COMMENTS

Councilman Stanley thanked the Electric Department and Public Works for the fine job of getting ready for the ice storms. They were well prepared and completed the work safely which was appreciated.

Councilman Hailey noted his previous comments about Public Works and added a thank you to all other Town's employees for what they do.

Councilman Johannessen said the Town has a great crew and the best police officers and appreciated everything they do.

Councilman Hartwick thanked Public Works for handling the ice storm so efficiently and he enjoyed the pinning ceremony for the police officers which also provided some community spirit.

REPORT OF COUNCIL COMMITTEES

Councilman Stanley noted the Electric Committee met last week. They reviewed ongoing projects and some of the capital improvement projects as well. He thought there will be more to come in future reports.

Vice Mayor Rush reported that there had been two Finance Committee meetings recently and discussion included the meal's tax, food trucks, and the upcoming budget.

REVISIONS TO AGENDA

Vice Mayor Rush said that the Property Committee had met and a **Closed Session** would be added to tonight's Agenda regarding the acquisition of property.

PUBLIC HEARINGS

None.

CONSENT AGENDA

Request to Block Streets for “Centerfest” 2021 - The Central Virginia Business Coalition

The Central Virginia Business Coalition is requesting to block the following streets for “Centerfest” 2021 on Saturday, September 18, 2021, 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 Bedford Lifesaving and First Aid Crew, Inc.

ACTION REQUESTED:

Town Council is requested to grant permission to block the above streets for Centerfest 2021 on Saturday, September 18, 2021, from 6:00 a.m. until 7:00 p.m.

Mr. Hailey moved, seconded by Mr. Johannessen to approve the temporary road closure request for the Centerfest event held on Saturday, September 18, 2021, from 6:00 a.m. until 7:00 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

The motion carried with six members voting aye.

Request to Waive Fees for Certain Events - Jonathan Hayden

Jonathan Hayden would like to request waiving of rental and/or street closure fees for certain events that he will be doing in the Town of Bedford in 2021.

ACTION REQUESTED:

Town Council is requested to grant permission to waive rental and/or street closure fees for certain events that Jonathan Hayden will be conducting in the Town of Bedford in 2021.

Vice Mayor Rush noted that a copy of the Facilities Use Policy was handed out to all Council members.

Mr. Jonathan Hayden addressed the Council and said he would like the fees to be waived for the tree lighting event that is held here in Town on the first weekend of December.

Mr. Johannessen said he would make a contribution and just pay the \$100 fee.

Mr. Hayden explained that he will be paying for all the other events which are personal events for his gain but he felt the tree lighting event was not a money issue. It made the Town look good and Council does not show any support for it. It takes place in the middle of the Town and should be shown some support by the Council. When he took on this event, he did it for the Town and not for personal gain, he barely puts up lights at his own house. In the past three years, he has seen an attendance of over 200 to 350 people, bringing out people that shop and eat here and within the area.

Vice Mayor Rush said the application process must be done in a timely manner and the fees should be paid. He was bothered by the conversation and it is not a Town event, but Public Works ended up putting the tree up and then taking it down. Mr. Hayden said he found out they were not supposed to be putting the tree up and after he found out, he and Peakview Dental put up the rest of the tree and decorations. He thought it was a Town event because he doesn't get any recognition for it and it makes the Town look good. He was born and raised here and did not ever attend a tree lighting before and he came into the situation and built it up and he makes Council look good and he doesn't have their support which makes it tough. He spends money out of his own pocket that people don't see and he doesn't get anything back. They don't even charge vendors on the day of the actual event. It is not for profit but for community pride.

Vice Mayor Rush said he appreciated Mr. Hayden's work on the event but he did not appreciate the negative comments on Facebook.

Councilman Johannessen said that Council members do many things themselves for the sake of the Town that is taken out of their own pockets.

Mr. Hayden said that if the Facebook comments did not come from him then they should not be talking about them and when he came into the situation, he did not come to Council asking for anything. Bedford is ranked number three in Virginia by Google for the smaller town for Christmas but when it comes to Christmas, there is not a lot to offer.

Councilman Hailey said that Council has to be fair to everybody across the board and to everyone in the process and the policy covers all those who use the facilities for events so they can keep track of what is going on. He noted that Mr. Johannessen already said he would pay the \$100 for the Christmas event.

Councilman Stanley felt this event was Mr. Hayden's contribution to the Town but he understands better now that Mr. Hayden is just looking at the Christmas tree lighting event only.

Mr. Hayden said he loves doing the Christmas event but it is not for personal gain. He didn't want to submit the paperwork because he didn't think he should need to pay for the tree lighting. There has not been a helping hand from the Council. He feels Council should help him and not be against him.

Mr. Hailey said they cannot go back and change the past but in moving forward Mr. Hayden knows the paperwork must be completed in a timely manner and Mr. Lawhorne is the contact person to handle these requests.

Mr. Hayden stated that with the help of Council, some big things could be accomplished in Bedford. He wanted Bedford to live up to its name as the Christmas Town and see other community efforts in December as well.

Mr. Shoen clarified that Mr. Hayden was asking the Town to pay for this one event only, with the understanding that he must complete the required paperwork, since the event generates revenue for the Town.

Mr. Hayden responded that it is because the event makes the Town look good, not just because of the revenue generated.

Vice Mayor Rush stated that his concern is the paperwork needs to be done due to liability issues and submitted to Mr. Lawhorne and then they can go from there.

Mr. Hartwick said he appreciated what Mr. Hayden does for the Town and asked him what he would do to get Bedford to number one.

Mr. Hayden said Bedford is steadily climbing and events are being talked about and he is open to any new events that will give Bedford recognition so people don't skip out to Lynchburg or Roanoke.

Vice Mayor Rush said consensus of Council was to waive the \$100 fee for the Christmas tree lighting as long as the paperwork was filled out and Mr. Johannessen said he would pay for it. Mr. Shoen agreed that the paperwork should be completed and he would help Mr. Johannessen out and they would split it.

Mr. Hayden said it is not about the money and he has sponsorship money so he doesn't want Council to be playing games about this and because it is \$100.

Council assured Mr. Hayden that the matter is taken care of.

Vice Mayor Rush encouraged the Council members to review the Facilities Use Policy and he would like to revisit it at some point.

OLD BUSINESS

None.

NEW BUSINESS

Resolution – Project Advisory Committee Delegation

It has been determined that the Council must formally designate the Building Advisory Committee the authority to interview and negotiate with candidate firms for the advertised Request For Proposals (RFP) for needs assessments, cost assessments and conceptual drawings, as well as administration of design-build construction of a proposed parking deck, police station and/or farmers' market.

ACTION REQUESTED:

Council is requested to approve the Resolution to allow the Project Advisory Committee to conduct interviews, negotiations and make recommendations to Council for any contracts to proceed as directed in the RFP documents.

Vice Mayor Rush noted that the Resolution was included in the Agenda Packets and Mr. McIver could answer any questions. The Project Advisory Committee had met and discussed the project and on the advice and recommendation of the construction attorney, the process should be handled in this way. Once someone was selected, then it would go before the Town Council for a full presentation. In-depth interviews would be done later in the week and the Committee would negotiate and make a recommendation. Once the project gets to this point, then the selected firm will bring their ideas to Council.

Mr. Hailey moved, seconded by Mr. Stanley, to pass a resolution to allow the Project Advisory Committee to conduct interviews, negotiations and make recommendations to Council for a contract to proceed as directed in the RFP.

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

Councilman Johannessen	aye
Vice Mayor Rush	aye
Councilman Shoen	aye
Councilman Stanley	aye

Authorizes the Representative to formally terminate negotiations with the offeror ranked first by the Representative and enter into negotiations with the offeror ranked second by the Representative regarding a Negotiated Contract. The Town of Bedford authorizes the Representative to repeat the above negotiation process until the Representative and an offer can agree on a Negotiated Contract. The Representative will provide a copy of the Negotiated Contract to the Town of Bedford Council for review and consideration.

NOW, THEREFORE, BE IT FURTHER RESOLVED, after negotiating the Negotiated Contract, the Representative will appear before the Town Council at a public meeting to: (i) provide the Town of Bedford with the Representative's ranking of the offerors and explain the reason for the offeror's ranking; and (ii) recommend an offeror to which the Negotiated Contract should be awarded by the Town of Bedford and explain why the Representative believes the Negotiated Contract should be awarded to that offeror.

After reviewing the Negotiated Contract and listening to the Representative's explanation, the Town of Bedford will then vote on whether to award the Negotiated Contract to the recommended offeror. Only the Council for the Town of Bedford is authorized to award the contract for the RFP to an offeror and the Representative will not have any authority to award a contract for the RFP to any offeror.

Vice 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.

Vice Mayor Rush moved, seconded by Councilman Stanley, to enter into Closed Session.

Voted upon and carried by the following roll call vote:

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

The motion carried with six members voting aye.

Council adjourned into Closed Session at 7:40 p.m.

Non-Council members present: Town Manager Bart Warner; Assistant Town Manager Sonia Jammes; Town Attorney William W. Berry, IV; and Director of Public Works D. W. Lawhorne

Council reconvened into Open Session at 7:52 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:

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

The motion carried with six members voting aye.

ADJOURNMENT

7:53 p.m.

Tim Black, Mayor

Debra Anderson, Clerk of the Council