



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

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

Mayor Tim Black, Councilman Stacey Hailey, Councilman Bruce Hartwick, Councilman Bruce Johannessen, Councilman Darren Shoen, and Councilman C. G. Stanley

Town Council members absent:

Vice Mayor Steve Rush

Town Staff present:

Town Manager Bart Warner; 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

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's regularly scheduled meeting of March 9, 2021 were approved as presented.

REPORT OF TOWN MANAGER

Town Manager Bart Warner extended condolences to the Black family after the passing of Charles Rodney "Zack" Black who was a very prominent and beloved member of the community. He hoped the family could find peace and comfort in knowing his life was well-lived.

Mr. Warner reported that Waukeshaw had exercised their option under the performance agreement and were now in ownership of the former middle school property. He spoke with Mr. McCormack last week and he is optimistic that great progress will be seen and there is a target date of 2022 for some things actually opening there.

Staff asked for an addition to the meeting's Agenda regarding a resolution for the Section 125 Flexible Benefits Plan for employees. The Action Form and Resolution were included in the Agenda Packet for Council.

APPEARANCES BEFORE COUNCIL

Troy Brawley, 1560 Fuqua Mill Road, Bedford, VA

Mr. Brawley stated that he was told by Chief Foreman that he will need to speak with County officials since he wanted to speak about the new park that is located near his road and is on County property. He noted that only one entrance was put into the park and they are now having tournaments in the park but there is no where for the people to park. They are now parking in front of houses and on the side of the street, or wherever they can find space. More traffic is now coming in and out of his road also. He understood from what he heard that they could not finance a road coming off Route 460 because it was costly. He doesn't understand why they would spend the money on the land when there are other parks not used very much and the Frisbee golf course comes right to the back of his brother's property, giving him no privacy. The issues are parking, privacy, and the road not being large enough for the additional traffic. The residents in the area want something to be done, although they do not know what can be done. Mayor Black noted that Council will pass Mr. Brawley's comments on to the County representatives and Mr. Warner and Chief Foreman will relay the information to the County Administrator and County Sheriff as well. Mayor Black also recommended Mr. Brawley give the same comments directly to the Board of Supervisors so they are aware of the issues.

COUNCIL COMMENTS

Councilman Stanley extended condolences to Mayor Black on the passing of his father. He said he was a great man and was involved in many things including sports. While in the Rec Department he was always available and would offer guidance.

Councilman Shoen noted that Zack Black was a great public servant and Mayor Black could be very proud of him.

Councilman Hailey also offered condolences and said Mr. Black was a great teacher and principal over the years and the Town lost a great man.

Councilman Johannessen echoed these comments and said Zack always had a smile on his face and carried a good attitude and loved people and he will be sorely missed.

Councilman Hartwick was sorry for the Mayor's loss noting that losing a loved one is never easy. He then asked for a moment of silence in honor of Zack Black.

Mayor Black appreciated all the kind words, phone calls, and concern. The love and support that was shown his family during his father's illness and passing were touching. He enjoyed hearing so many stories about his father and thanked everyone from the bottom of his heart.

Mayor Black stated that the Council received three thank you notes from the Bedford Area Educational Foundation, the Wharton Memorial Foundation, and Bedford Ride extending thanks to the Town Council for the grants they received.

He also noted a group was present at the Council meeting to show their support for Autism Awareness and thanked them for attending. The Mayor read and officially signed a Proclamation declaring April 2021 as Autism Acceptance Month and April 2, 2021 as World Autism Acceptance Day in the Town of Bedford. Mayor Black thanked Chief Foreman for bringing the Proclamation to his attention and he hoped that by proclaiming April as Autism Acceptance Month, Town citizens would be more accepting and understanding of autism.

REPORT OF COUNCIL COMMITTEES

None.

REVISIONS TO AGENDA

Mayor Black noted the action needed for the Section 125 Flexible Benefits Plan Resolution under **New Business**.

Councilman Shoen said he would like to add a **Closed Session** to tonight's Agenda regarding personnel procurement procedures.

On a motion by Councilman Hailey to include these two additional items, seconded by Councilman Hartwick, the motion passed by a voice vote.

PUBLIC HEARINGS

None.

CONSENT AGENDA

Appointment of Members - Local Board of Building Code Appeals (LBBCA).

The terms of three members of the LBBCA expire on April 20, 2021. Two of the current members have agreed to continue to serve on the LBBCA for an additional term, leaving one vacant position. Mr. Jeffrey Witt has expressed an interest in seeking appointment for the vacant

position. Mr. Witt’s qualifications as a contractor with master certifications in multiple trades, meet the state requirement that members represent different occupational or professional fields relating to the construction industry.

ACTION REQUESTED:

Council is requested to appoint LBBCA members as follows:

- Jonathan Buttram – Reappoint for a 2-year term to expire April 20, 2023
- Wesley Crowder – Reappoint for a 2-year term to expire April 20, 2023
- Jeffrey Witt – Appoint for a 2-year term to expire April 20, 2023

Mr. Hailey moved, seconded by Mr. Hartwick, to appoint the above listed citizens to the LBBCA for the said terms.

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

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

The motion carried with six members voting aye.

OLD BUSINESS

None.

NEW BUSINESS

Resolution – Adoption of Regional Hazard Mitigation Plan

The Disaster Mitigation Act of 2000 requires local governments to establish a plan to identify hazard risk, vulnerabilities, and strategies as a condition for eligibility to receive federal mitigation funds. The Central Virginia Planning District Commission (CVPDC), in partnership with its member localities, state and local agencies, and public stakeholders, has completed the regional pre-disaster plan or Hazard Mitigation Plan (HMP).

The *Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update (CVPDC HMP 2020)* identifies hazards, such as flooding, severe weather and wildfires, area vulnerabilities, establishes goals and objectives, and presents regional and locality-specific strategies, or potential actions, to lessen the overall impact from natural disasters to households,

businesses and property. The *CVPDC HMP 2020* was developed through a comprehensive public outreach process and through the leadership and guidance by the HMP Technical Advisory Committee (TAC), comprised of local, state, and regional governmental staff, business, non-profit and local citizen stakeholders. A copy of the executive summary is included in the agenda packet.

Bedford Town was represented throughout Plan development on the TAC by Mary Zirkle, Director, Planning and Community Development. Additional Town and Bedford County staff, including planning, public safety, police, utilities, Bedford Regional Water Authority, extension, and school system were directly involved in contributing to the development of regional plan and Bedford Town HMP Mitigation Strategies.

The *Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update* was submitted to FEMA in October 2020. Provisional FEMA adoption was provided December 21, 2020 and final Approval Pending Adoption (APA) status was awarded January 22, 2021. The *CVPDC HMP 2020 Update* will be presented to the Council for adoption consideration.

Ms. Zirkle reported that the presentation would be conducted by Kelly Hitchcock of the CVPDC. She will join the meeting remotely from Lynchburg. It is the time of year when updating is needed for the Regional Hazard Mitigation Plan. The 2020 Update has been prepared by the CVPDC with the help of consultants. It is comprehensive and inclusive of all the localities in the Region and the same presentation is given to all the localities as well, although the plan is tailored to each of the different jurisdictions relating to assets and items to be mindful of when planning for mitigation.

Ms. Hitchcock gave a brief presentation and overview of the purpose and content of the Hazard Mitigation Plan and the 2020 Update, which included information regarding the website location and its navigation.

She noted that the document is a five-year document for the regional adoption process. The timeline, where FEMA awarded its approval pending adoption, began when the first locality, Appomattox, adopted the plan on February 8, 2021. This began the five-year countdown for regional adoption, which will continue through February 9, 2026.

Ms. Hitchcock answered a couple clarifying questions from the Council members.

ACTION REQUESTED:

Town Council is requested to adopt the resolution regarding the *Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update*.

Town Manager Bart Warner read the pertaining resolution aloud for Council.

Mr. Johannessen moved, seconded by Mr. Hartwick to adopt the Regional Hazard Mitigation Plan Resolution.

Councilman Hailey wanted to clarify that the timeline continues until February 2026 based on the Appomattox adoption on February 8, 2021. Mr. Warner affirmed.

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

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

The motion carried with six members voting aye.

The resolution follows:

RESOLUTION

Authorizing the Adoption of the
Central Virginia Planning District Commission
Hazard Mitigation Plan – 2020 Update

WHEREAS, the Town of Bedford and the entire Central Virginia Planning District region have exposure to natural hazards that can affect the safety to life, property, businesses, and local economy; and

WHEREAS, pro-active mitigation, or actions, before a disaster even can lessen or eliminate long-term risk and impacts of hazards to life and property; and

WHEREAS, The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-228, as amended), Title 44 of the Code of Federal Regulations (CFR), as amended by the Disaster Mitigation Act of 2000 (Public Law 106-390), requires development of a pre-disaster mitigation plan as a requirement for eligibility for federal pre- and post-disaster hazard mitigation funding; and

WHEREAS, the Central Virginia Planning District Hazard Mitigation Technical Advisory Committee, comprised of a coalition of local, regional, state, business, and citizen stakeholders, that included dedicated Town of Bedford representation and representation of each of the ten (10) Central Virginia Planning District localities, led a pre-disaster planning process according to FEMA regulations; and

WHEREAS, the planning team completed a planning process that engaged the public, assessed the risk and vulnerability to the impacts of natural hazards, developed mitigation strategies consistent with a set of uniform goals and objectives, and includes an evaluation, maintenance, and revision process; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has reviewed, and on January 22, 2021 Approved Pending Adoption (APA) was granted to the Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update;

NOW, THEREFORE, BE IT RESOLVED by the Bedford Town Council that the Central Virginia Planning District Commission Hazard Mitigation Plan – 2020 Update is hereby approved and adopted for the Town of Bedford.

Resolution – Section 125 Flexible Benefits Plan

Within the criteria of the Flexible Benefits Program, Town Council must adopt a resolution of the intent to administer the Plan. The concept of this Plan is to allow employees to choose among different types of benefits based on their own particular goals, desires and needs. This Plan is a restatement of a Plan which was originally effective on July 1, 2004. The Plan shall be known as Town of Bedford Flexible Benefits Plan (the "Plan"). The intention of the employer is that the Plan qualify as a "Cafeteria Plan" within the meaning of Section 125 of the Internal Revenue Code of 1986, as amended, and that the benefits which an employee elects to receive under the Plan be excludable from the employee's income under Section 125(a) and other applicable sections of the Internal Revenue Code of 1986, as amended.

The Town of Bedford (“employer”) has amended Section 125 Flexible Benefits Plan effective July 1, 2021, to recognize mandatory changes in the Election Rules for new hires. The current Election Rule that the Town follows is: “if hired between 1st and 14th, coverage is effective the first of the month; if hired between 15th and 30th, coverage is effective the first of the following month’. That Election Rule is no longer valid within the Plan. The new Election Rules for new hires will be as follows:

Step 1 – Rule 1: The medical coverage for new hires will start the 1st of the month after date of hire. Number of days in new hire waiting period will be 0. Number of days allowed to make the enrollment election request will be 30.

Step 3 – Rule 1: Qualifying Mid-Year Event (QME) – 60 days will be allowed to make the election change requests. Coverage would start the 1st of the month following the receipt of a completed enrollment form, or after the event, whichever is the later date.

A full copy of the Town of Bedford’s Flexible Benefits Plan shall be kept on file in the Assistant Town Manager’s Office for review.

ACTION REQUESTED:

Town Council is requested to adopt the Section 125 Plan resolution for the administration of the Town of Bedford Flexible Benefit Plan.

Mr. Hailey moved, seconded by Mr. Hartwick, to adopt the pertaining Section 125 Plan resolution for the administration of the Town of Bedford Flexible Benefit Plan.

Mr. Stanley wanted to clarify that the change for a new employee would be that medical coverage would not start until the first of the following month after hire. Mr. Warner affirmed.

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

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

The motion carried with six members voting aye.

The resolution follows:

RESOLUTION

The undersigned authorized representative of the Town of Bedford (the Employer) hereby certifies that the following resolution was duly adopted by the Employer on March 23, 2021, and that such resolution has not been modified or rescinded as of the date hereof:

RESOLVED, that the form of amended Cafeteria Plan including a Health Flexible Spending Account and Dependent Care Flexible Spending Account effective July 1, 2021, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of the Town of Bedford Flexible Benefit Plan as amended and restated, and the Summary Plan Description approved and adopted in the foregoing resolution.

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

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

Voted upon and carried by the following roll call vote:

Councilman Shoen	aye
Councilman Stanley	aye
Councilman Hailey	aye

Councilman Hartwick aye
Councilman Johannessen aye
Mayor Black aye

The motion carried with six members voting aye.

Council adjourned into Closed Session at 7:50 p.m.

Non-Council members present: Town Manager Bart Warner and Town Attorney Will Berry

Council reconvened into Open Session at 8:22 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 Shoen, 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
Mayor Black aye

The motion carried with six members voting aye.

Mayor Black noted that the previously scheduled Budget Retreat had been cancelled and a new day must be chosen. Discussion followed with consensus for scheduling the retreat for April 17, 2021 at 9:00 a.m. in Council Hall.

ADJOURNMENT

8:25 p.m.

Tim Black, Mayor

Debra Anderson, Clerk of the Council