



**Town Council  
Regular Council Meeting Minutes  
April 26, 2022**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, April 26, 2022, 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 C. G. Stanley, Councilman Bob Carson, Councilman Stacey Hailey, Councilman Bruce Hartwick, Councilman Bruce Johannessen, Councilman Darren Shoen

**Town Staff present:**

Town Manager Bart Warner, Town Attorney Michael Lockaby, Director of Planning and Community Development Mary Zirkle, Code Official Gary McIver, Clerk of Council Debra B. Anderson, and Recording Secretary Julia Peters

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Mayor Black called the meeting to order and led all those present in reciting the Pledge of Allegiance to the Flag.

## **APPROVAL OF MINUTES**

Mayor Black declared that the minutes of the regularly scheduled Council meeting of April 12, 2022, were approved as presented.

## **REPORT OF TOWN MANAGER**

Town Manager Bart Warner reported:

- Bedford's new Police Chief, Ronnie Lewis, was in attendance at the Council meeting. He was spending time getting to know the community and he looked forward to Mr. Lewis officially joining the staff on May 16, 2022 at 9:00 a.m. when he will be sworn-in.
- Waukeshaw has advised that they are making good progress on the middle school renovation to the point that they intend to raise and install the cupula feature on top of the

main brick building. They will have an event on Thursday, April 28, 2022 at 9:00 a.m. He welcomed people to participate but reminded everyone that the middle school is an active construction site and they must allow traffic to pass safely through the area and keep out of the way of the workers. The event will be livestreamed, so it can be enjoyed by anyone who is interested.

#### **APPEARANCES BEFORE COUNCIL**

None.

#### **COUNCIL COMMENTS**

Councilman Hartwick welcomed Ronnie Lewis on-board. He thanked Angela Mayfield, Assistant Director of the Bedford Victim/Witness Program for all that she and her advocacy office does for victims.

Councilman Hailey welcomed Chief Lewis.

Councilman Shoen and Councilman Carson also welcomed Chief Lewis.

Mayor Black welcomed Ronnie Lewis to Bedford as the new Police Chief and looked forward to working with him.

#### **REPORT OF COUNCIL COMMITTEES**

Councilman Stanley attended an Electric Committee meeting. The main topic was the rising cost of electricity and the impact on customers and businesses. More discussion of these costs is expected at future meetings.

Councilman Shoen said the Finance Committee had a brief meeting that touched upon the electricity subject. The analysis of the amount of electricity revenues that comes to the General Fund and the budget approval for next month was discussed.

Councilman Hailey reported that the Christmas Lights Committee had a meeting a week or so ago and will have another meeting on May 5. They may be putting up more Christmas banners and flags in Town this upcoming Christmas besides the lights and hope to make a final decision at the May 5 meeting.

#### **REVISIONS TO AGENDA**

Mr. Warner noted that the **New Business** agenda item regarding the presentation by the Bedford Area Chamber of Commerce will not be heard and has been deferred to the next Council meeting.

## **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 Town Council at 7:00 p.m. on Tuesday, April 26, 2022, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of hearing:

- Request to rezone 406 W. Franklin Street (Tax Parcel 213-A-102T) consisting of approximately 0.25 acres, from R-1E, Low Density Residential to R-2, Medium Density Residential. The request is to convert the existing building into a duplex. The request is being made by Robert E. Harris, Sr.

Information is on file in the office of Planning and Community Development at 215 East Main Street.

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 Town Council

Published: April 13, 2022  
April 20, 2022

Mayor Black opened the public hearing at 7:06 p.m.

#### **Carol Harris-Davis, 1013 Bowling Drive, Bedford, VA**

Ms. Harris-Davis stated that the property being rezoned belonged to her father who was a printer and worked for 35 years on the property. They had been trying since 2019 to sell the property and this is the first time they were able to get a contract on it. Everything is now on paper including the right-of way for the driveways/parking lot and there is already a duplex located on the street. She hoped the Council would approve the change so they could go forward with the sale of the property.

There being no one else to come forward to speak, Mayor Black closed the public hearing at 7:08 p.m.

## **CONSENT AGENDA**

None.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

Mayor Black read the following Proclamation for National Crime Victim's Rights Week and presented a signed copy to Angela Mayfield, Assistant Director of the Bedford Victim/Witness Program.

### **PROCLAMATION**

#### **National Crime Victims' Rights Week**

**WHEREAS**, the term "victim" is more than just a label and has legal standing and protections that go along with it; and

**WHEREAS**, crime victims' rights acts passed here in Virginia and at the federal level guarantee victims the right to meaningfully participate in the criminal justice process; and

**WHEREAS**, victim service providers, advocates, law enforcement officers, attorneys, and other allied professionals can help survivors find their justice by enforcing these rights; and

**WHEREAS**, victim service providers and allied professionals can reach more victims through innovative, trauma-informed programs, such as telehealth services and multidisciplinary teams; and

**WHEREAS**, victim service providers and allied professionals can increase access to victim services and compensation in areas that have been historically underserved, marginalized, and adversely affected by inequality by implementing culturally responsive services; and

**WHEREAS**, equity and inclusion are fundamental prerequisites to survivor care, and survivor-led services that provide victims with opportunities to share their experiences are essential blueprints for support; and

**WHEREAS**, National Crime Victims' Rights Week provides an opportunity to recommit ensuring that accessible, appropriate, and trauma-informed services are offered to all victims of crime; and

**WHEREAS**, Bedford Victim/Witness Assistance program is hereby dedicated to helping crime survivors find their justice by enforcing victims' rights, expanding access to services, and ensuring equity and inclusion for all.

**BE IT FURTHER PROCLAIMED**, that the Town Council of the Town of Bedford does hereby proclaim the week of April 24–30, 2022, as Crime Victims' Rights Week reaffirming this Town's commitment to creating a victim service and criminal justice response that assists all victims of crime during Crime Victims' Rights Week and throughout the year; and expressing our sincere gratitude and appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving our response to all victims of crime so that they may find relevant assistance, support, justice, and peace.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the Town of Bedford to be affixed this 26<sup>th</sup> day of April, 2022.

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Tim Black, Mayor

**Ordinance – Changing the Zoning Map by Rezoning Property at Tax Map Number 213-A-102T from R-1E to R-2**

The subject property located at 406 West Franklin Street (identified as Tax Parcel 213-A-102T) is zoned R-1E. The property is owned by Robert E. Harris, Sr. He is represented by his daughter, Carol Harris-Davis as the applicant. The applicant proposes to rezone the property to R-2 to allow a contract purchaser to convert the former printing business to a residential duplex. If approved by Council, all uses in the R-2 zoning district will apply.

The Planning Commission held a public hearing on March 3, 2022. The applicant spoke as did two real estate agents representing interested parties to the real estate sale. The Commissioners discussed if this would be considered an illegal spot zoning and the concern for setting precedence for future conversion from single family property. They discussed how this property is a unique situation. A motion to recommend approval of the rezoning to Council failed on a vote of 3-3-1 with one abstention. It was decided to determine if there was a conflict of interest by the abstaining member, and to defer action to the next meeting on April 7 after that was determined.

At the meeting on April 7, the Commission heard from Ms. Davis and one of the real estate agents. The Commission discussed a concern with having duplexes in single-family neighborhoods and the precedent with this change. Although Commissioners said there are other duplexes in the area, staff is not aware of how long they have been there or if they were permitted through zoning or the building office (versus an unpermitted conversion by adding another electric meter). There was discussion that this request is an isolated, special situation for the citizen and that the effect from an additional dwelling unit was not detrimental to the neighborhood.

The Commission voted 5-1 (one member absent) to recommend approval of rezoning to R-2 without proffered conditions.

**Attachment 1** - Staff Report for March 3, 2022 Planning Commission meeting

**Attachment 2** - Application

### **ACTION REQUESTED:**

Town Council is requested to consider adopting an ordinance to rezone Tax Parcel 213-A-102T from R-1E to R-2 without proffered conditions.

Mr. Hailey moved, seconded by Mr. Carson to adopt an ordinance to rezone Tax Parcel 213-A-102T from R-1E to R-2 without proffered conditions. Discussion followed.

Mr. Carson said that this area was residential but also had businesses. This was confusing and now there is a chance to make it right.

Mr. Shoen noted it was a tough decision for the Planning Commission, appearing like spot-zoning and people must be treated equally. He had abstained due to the buyer's agent being someone he was working with on another property matter, but after checking with Mr. Lockaby, he made public disclosure and voted to approve the change. His reasoning was due to the rezoning still being residential and there was already another duplex located in the area and the rezone would not change the character of the community. He also noted that all the zoning regulations will be revised in another year and a half and they will probably allow duplexes in this area. He did not want to presume, but this is a unique situation where the business was likely grandfathered in before zoning regulations happened. Zoning right now is a mish-mash anyway, with things all over. He supported the change so the owners could sell the property and make the duplex.

Mr. Warner said that R-1E zones are primarily in this neighborhood which had setback issues. Mayor Black agreed saying the lots were so small that they did not meet the guidelines for a regular R-1 zone. Mr. Warner stated that the R-1E led the Town to adopt an average setback requirement in the other districts because they found there were very few lots in Town that are platted that meet the minimum lot size under the current zoning ordinance. Mayor Black said that lot sizes will be looked at during the upcoming rewrite of the zoning regulations. The R-1E zone apparently came up in the year 2000. It was also noted during discussion that there was no objection or push-back from the neighborhood regarding the change and the new upcoming zoning revisions will hopefully clean up the problems causing confusion.

Mr. Lockaby defined illegal spot-zoning as up-zoning one lot or a small number of adjacent lots above what is permitted or planned for the future in the Comprehensive Plan for the benefit of one, or a small number of related people. Having one lot zoned differently is not illegal, and in this instance, Planning determined the change was consistent with the current Comprehensive

Plan and it was not particularly an up-zoning given the uses that are allowable under R-1 and R-1E.

Mayor Black said that by going to R-2, other uses are opened up, such as child-care facilities and bed and breakfast houses. However, to change to these uses a Conditional Use Permit (CUP) must be authorized, so it would have to come back to the Planning Commission and Council for approval.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

The ordinance follows.

#### **ORDINANCE NO. 22-2**

#### **CHANGING THE ZONING MAP FOR THE TOWN OF BEDFORD BY REZONING PROPERTY AT TAX MAP NUMBER 213-A-102T FROM R-1E TO R-2**

**WHEREAS**, the Planning Commission of the Town of Bedford held a public hearing on March 3, 2022; 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 THAT:**

Section 1. The Zoning Map of the Town of Bedford is amended by rezoning from **Low Density Residential R-1E** to **Medium Density Residential District R-2** Tax Parcel **213-A-102T** without conditions.

Section 2. This ordinance is effective upon enactment.

**Regional Mutual Aid Agreement**

For many years the Town of Bedford has been party to a Regional Mutual Aid Agreement with thirteen other local governments in the general area related to cooperative provision of Police assistance in times of need. A copy of the agreement is attached (**Attachment 3**). This relationship is within the terms prescribed by §15.2-1736, and any successor statute, of the Code of Virginia.

The current agreement is set to expire at midnight on April 30, 2022. Accordingly, all participating jurisdictions are required to formally approve the renewal of the agreement for another five-year term.

**ACTION REQUESTED:**

Town Council is requested to approve the Regional Mutual Aid Agreement as submitted.

Mr. Hartwick moved, seconded by Mr. Carson to approve the Regional Mutual Aid Agreement.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

**Discussion of New Police Department Facility Process**

For several months the Town has been discussing the inadequacy of the current physical offices and the need for a replacement to better accommodate the current and future operations of the Town Police Department. After evaluating alternatives, the consensus of Town Council and staff is that it is most economical, efficient, and effective to construct a new facility on Town-owned property to meet this objective.

To date we have discussed pursuing this as a “Design-Build” project. However, staff has discussed an alternative that we wish to present for consideration. In consultation with the Town Attorney and several advisors, staff is proposing the following administrative steps.

1. Design of a new police building. Wiley/Wilson is currently engaged under an existing contract to provide this service and have agreed to serve as the architectural and engineering firm of record for the project.
2. Determination of cost and sources of funding. Final budgeted costs will be determined as part of the design process. In the meantime, staff is working to identify sources of revenue. Our current thoughts are that revenue can be obtained from some combination of debt service, existing fund balance, and the possible use of funds from the American Rescue Plan Act of 2021 (ARPA).
3. Obtain the services of a Municipal Financial Adviser (MFA). Two firms providing this service have expressed interest in assisting the Town. Staff's current thought is to issue a Request for Proposals (RFP) from qualified providers.
4. Obtain the services of bond counsel to assist with matters of certifying the validity of any debt that may be forthcoming. Christopher G. Kulp, who has assisted the Town in matters related to several previous issues, has agreed to serve in this role for this project as well.
5. Obtain appropriate financing for the project. This can be accomplished in several ways. Examples include issuance of an RFP for bank financing; a public offering through an underwriter; or participation in pools offered by the Virginia Resources Authority or Virginia Municipal League.
6. Prepare and advertise bid package for construction of the new facility. This would presumably occur concurrently with a bond issue and is anticipated to occur within the FY22-23 budget cycle.

If Council concurs with staff's recommended process as outlined, the first step in advancing the project would be to authorize Wiley/Wilson to commence with the design of the proposed new building and Christopher G. Kulp to serve as bond counsel in conjunction with the project.

Mayor Black stated that the current process is to have Wiley/Wilson come up with a concept plan, initial costs and help the Town put bid packets together for a design/build project. This would be one bid for architectural and engineering services, and construction altogether. Wiley/Wilson would also be the construction manager, oversee the project and be the eyes of Council to make sure it was being built to the plans. The second way that is being suggested now is having a design with Wiley/Wilson as the architectural engineer. Then the design would be bid out for construction only. Mr. Lockaby added that Wiley/Wilson would serve a similar purpose in both ways but if you do a design/build, Wiley/Wilson supervises both the architect and construction contractor while the alternate way has Wiley/Wilson doing the design and then supervising the construction contractor. It is a slightly different arrangement. The design/build project can work well and is what the City of Lynchburg is doing for its police station. However, in hearing from Town Council, there were concerns about cost and financing issues. There are more opportunities to hit the gas or pump the brakes in a design first, borrow the money, and bid the construction out within the same six-month period. There are options to jump off or pump the brakes and the plans can be put on the shelf for a while and wait. With a design/build, notice to proceed is immediate and everything must be done at once. The design/bid/bond/build process allows flexibility with timing of the steps. Questions arose about whether Council should re-bid for an Architect/Engineer (AE) or keep Wiley/065Wilson since the contract with them was

multi-phased. Mr. Lockaby said there is traditionally a Clerk of the Works position, which is basically a project manager for the locality who keeps an eye on the AE and the construction manager. A Clerk of the Works could be a Town employee but he would not want to stretch Town staff beyond what they are capable of doing. Discussion followed regarding the Clerk of the Works and Mr. Warner thought he could probably exercise this duty along with the Finance Director. Change orders could be brought before the Council. Another concern was bond rates although they currently remain low. It would take another 60 to 90 days to RFP out the AE services phase and the entire project depends on how quickly Council wants to get things done and what level of control did they want to exercise.

Other items of discussion included bond counsel for the project. Besides Christopher Kulp, other people could be approached if Council desired. Regarding the financial advisors, two firms are interested, so an RFP might provide lower costs in that area.

It was noted that Wiley/Wilson has completed a 60% design already. Another engineer would want to redo at least part of the design plan, adding to costs for the project.

Consensus of Council members was agreeable to switch from the design/build process to a design/bid/bond/build process. They were also agreeable to retaining Wiley/Wilson for the AE piece of the project and bidding out for a financial advisor. The services of Christopher Kulp would be acquired for bond counsel.

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## **ADJOURNMENT**

Mayor Black adjourned the meeting at 7:56 p.m.

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Tim Black, Mayor

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Debra Anderson, Clerk of the Council