



**Town Council  
Regular Council Meeting Minutes  
April 27, 2021**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, April 27, 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, Vice Mayor Steve Rush, Councilman Stacey Hailey, Councilman Bruce Hartwick, Councilman Bruce Johannessen, Councilman Darren Shoen, and Councilman C. G. Stanley

**Town Staff present:**

Town Manager Bart Warner; Assistant Town Manager Sonia Jammes; Town Attorney William W. Berry, IV; Chief of Police Todd Foreman; Electric Department Director John Wagner; Director of Public Works D. W. Lawhorne; Clerk of Council Debra B. Anderson; and Recording Secretary Julia Peters

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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 April 13, 2021 were approved as presented.

### **REPORT OF TOWN MANAGER**

Town Manager Bart Warner reported:

- Bedford is getting a local transit system that is being led by the Bedford Community Health Foundation. It will be known as the Otter Bus and the only Town cost and

contribution will be signage for the stops. It will be exciting to follow this project as it moves forward.

- The Town police department held a “drug take-back” day on Saturday and collected 35 pounds of prescription drugs from Town citizens.
- Some information regarding collective bargaining in Virginia has been received. The General Assembly recently removed the prohibition on collective bargaining for public employees but it does not necessarily mean that employees can unionize. In fact, localities can authorize collective bargaining, but they are not compelled to do so. Jeremy Carroll was consulted and he advises that unless Council wishes to enter into that kind of situation here in Town, no action is needed to prevent it. It is subject to change depending what the General Assembly does, but as of now, unless Council chooses to allow collective bargaining here, no action must be taken.

#### **APPEARANCES BEFORE COUNCIL**

None.

#### **COUNCIL COMMENTS**

Councilman Hartwick said great things were done at the last meeting and great things are coming down the pike.

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

None.

#### **REVISIONS TO AGENDA**

Mayor Black added a **Closed Session** to the meeting’s Agenda to discuss personnel matters.

#### **PUBLIC HEARINGS**

None.

#### **CONSENT AGENDA**

None.

## OLD BUSINESS

Mr. Hartwick moved, seconded by Mr. Johannessen, to put the subject resolution permitting solar panels by Conditional Use Permit (CUP), that was tabled at the Council's April 13, 2021 meeting, back onto the Town Council's table for consideration.

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
Mayor Black	aye

The motion carried with seven members voting aye.

### **Resolution – Permitting a Private Utility (Solar Panels) by Conditional Use Permit - Old Yellow LLC**

The subject property is located at 503 Longwood Avenue (identified as Tax Parcel 194-A-170-T) and was the former Bedford Middle School. The property is zoned CNW and is owned by Old Yellow LLC, which is also the applicant. The applicant proposes to construct rooftop solar panels termed "Private Utility" in the zoning ordinance. The CNW zoning district allows this use with a Conditional Use Permit in Section 616.01.b.

The Planning Commission held a public hearing on April 1, 2021. No citizens spoke in the hearing. The Commission discussed visibility of the solar panels; plans presented do not show them to be visible from the ground. The Commission voted 5-0 to recommend approval without conditions.

### **ACTION REQUESTED:**

Town Council is requested to consider adopting a Resolution to issue a Conditional Use Permit for the plan presented for rooftop solar panels as a "Private Utility" use. As part of a Resolution approving the application for a CUP, Council may also require conditions. Council also has the option to not adopt the Resolution.

Mr. Hailey moved, seconded by Mr. Stanley to approve adopting a Resolution to issue a Conditional Use Permit for the plan presented by Old Yellow LLC for rooftop solar panels as a "Private Utility" use.

Town Manager Bart Warner spoke with Dave McCormack on April 14, 2021 and offered the following findings to Council:

- Even if the conditional use permit request were approved, the proposal to install solar panels on the former middle school building would still need to be vetted and approved by the Virginia Department of Historic Resources. Part of that process involves assessment with regard to rigorous standards related to character and appearance that would actually seem to be more stringent than the general nature of Council’s request for a “glare study”.
- Old Yellow LLC certifies that every effort will be undertaken to reduce glare in conjunction with the proposal and goes so far as to note that the presence of glare would actually represent an inefficiency related to the power generating intent of the proposal.
- Old Yellow LLC is now the bona fide owner of the property in question. Therefore, that entity would bear the responsibility of responding to any charges of damages or impact of glare that might be forthcoming from any citizen or property owner who had standing to pursue them. It does not seem practical for the Town to venture into any possibility of liability related to this matter by offering a formal comment on it as a matter of record.
- The Town’s action in tabling the request essentially delays further progress by Old Yellow LLC and its affiliates in commencing construction work to produce the results that the community is still patiently awaiting.

Voted upon and carried by the following roll call vote:

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

The motion carried with seven members voting aye.

The resolution follows:

**RESOLUTION**

**PERMITTING A PRIVATE UTILITY (SOLAR PANELS)  
BY CONDITIONAL USE PERMIT**

**WHEREAS**, the Planning Commission of the Town of Bedford held a public hearing on April 1, 2021 and recommended approval of the request without conditions; 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**, Section 616.01.b. of the Land Development Regulations allows “Private Utility” to be permitted with a conditional use permit in the CNW zoning district; and

**WHEREAS**, the Town Council finds as a fact that the proposed use is consistent with the intent of the land development ordinance and the land use plan, and is in the public interest; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA** that a conditional use permit is granted to Old Yellow, LLC. for the property tax parcel 194-A-170-T to allow a “Private Utility” for rooftop solar panels.

## **NEW BUSINESS**

Town Council continued its budget discussions.

### **Design/Build Projects (Police/Parking Deck/Farmers Market)**

Ms. Jammes reminded Council that on April 17, 2021 during the budget retreat meeting, they had directed her to restrict the balance of the available middle school funds to future projects being planned, including the needs assessment study for the new police department building, parking deck and farmers’ market area.

### **Chamber of Commerce Lease**

Mr. Warner reviewed with Council that the building the Chamber of Commerce occupies is owned by the Town. A long-standing lease had been renewed several times but the Town is currently on a month-to-month basis with them. For their next fiscal year, the Chamber is willing to pay rent but Mr. Warner did not know the dollar amount. He asked Council if they were willing to continue the month-to-month arrangement with a documented Memorandum of Understanding (MOU) but also notify the Chamber to enter into a new lease within the next six to twelve months.

Discussion followed regarding previous safety issues that needed correcting, the new roof, and other things identified that needed to be done to the building. Mr. Warner noted these improvements were to be referenced in a new lease which has not been negotiated. Mayor Black said the Town was willing to invest in the building improvements but wanted to get some rent from the Chamber. Consensus from Council members was to get at least a month-to-month lease until December, and during that time, calculate a dollar amount for monthly rental payments the Chamber would pay, which would be documented in a new lease beginning January 1, 2022.

### **Gateway Signage Phase II**

Mr. Warner said staff would like to implement Phase II in-house using Town staff and raw materials. An option to install the signs on either poles or foundational work such as brick was discussed. Budgetary costs were also discussed as well as designs and materials for future signs. Council requested to see previous conceptual designs that staff retained on file and Ms. Jammes will provide this information.

Vice Mayor Rush moved, seconded by Councilman Hailey to discontinue using Hill Studio for the gateway signs.

Voted upon and carried by the following roll call vote:

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

The motion carried with seven members voting aye.

### **Liberty Lake Park Master Plan**

Vice Mayor reminded Council of last year's purchase of two parcels of land to add to the Liberty Lake Park footprint and now some engineering work needs to be done to determine what Council can approve in developing the property. Conceptual work is necessary and costs need to be put into the budget.

Discussion followed regarding potential parking spaces; additional ball fields, shelters, and playgrounds; annual events that could be held at the park; and other uses.

Consensus of Council was to engage firms that are currently under contract with the Town for the design and engineering work for both parcels of land.

### **Phase II Boundary Adjustment**

Mr. Warner reviewed with the Council members that effective July 1, 2023, the Town will be expanding its boundaries, primarily to serve the North Hills and Town and Country neighborhoods but also some other areas. This will be the major focus of next year's budget discussions so that the Town is prepared to provide services to the new citizens. He asked Council members to be thinking about this expansion in preparation for absorbing those areas and any operational issues that may need to be addressed this upcoming July 1<sup>st</sup>.

Discussion followed regarding holding Town Hall meetings in the absorbed neighborhoods. Consensus was to hold some strategic planning meetings in June to prepare talking points.

### **Dog Park**

Councilman Johannessen noted that Bedford County Administrator Robert Hiss is interested in a possible joint project near the health department building. He thought it would be a good venture for the community and would like Council to research what other communities are doing.

Discussion followed regarding this project being a good joint venture with the County. Past conversations with County staff touched upon the Town providing fencing and the County being responsible for operation and maintenance, but no definite plans moved forward. Concerns with keeping a dog park clean were also discussed.

Council members were agreeable to Mr. Warner approaching Mr. Hiss about a joint project dog park and what each entity would provide for the space.

### **Outside Agency Funding Requests**

Ms. Jammes noted that the application process was followed and applications were vetted by staff.

Mayor Black said there were several requests this year. Vice Mayor Rush said he was inclined to only support the Bower Center's request because it came with a matching grant amount from the State of \$4,500.

The Farmers' Market request was discussed, but consensus was not agreeable to providing any funding.

The Bedford Boys Tribute Center request was discussed. Vice Mayor Rush noted he was landlord of the building and clarified the Tribute Center was exclusively for the Bedford Boys where the D-Day Memorial was for the entire invasion. Also discussed was the Bedford Museum request, the Wharton Garden request, and the Bower Center.

Mr. Warner said that the Town is already a sponsor of the D-Day Memorial Foundation, the Central Virginia Business Coalition, and the Bedford Chamber of Commerce. As a sponsor, the Town receives advertising services.

Vice Mayor Rush moved, seconded by Mr. Hartwick, to approve funds of \$3,000 to the Bedford Boys Tribute Center, \$3,000 to the Bedford Museum, \$9,000 to the Bower Center, and \$3,000 to the Wharton Garden.

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
Mayor Black	aye

The motion carried with seven members voting aye.

## **Solid Waste Fees**

Ms. Jammes provided Council with solid waste fees and rates for residential customers. Mayor Black stated that a \$1.00 rate increase raises revenues of \$28,452; a \$2.00 rate increase raises revenues of \$56,904; a \$3.00 rate increase raises revenues of \$85,356; \$4.00 raises revenues of \$113,808; and \$5.00 raises \$142,260. He reminded Council members that \$270,000 was used from the prior year General Fund balances that were restricted for solid waste use, which shows a \$270,000 yearly shortfall based on the current rates. Most municipalities have to supplement the Solid Waste fund with General Fund tax dollars but they are trying to make the User Fee pay for the expenses. Ms. Jammes said they are not sure what the charges for the old landfill combined with the charges for the new landfill will be and there may be a fluctuation variance. She also said a CD has been set aside that will not be cashed out and it will be for a 30-year down-the-road closure. Some restricted funds are being used for the current landfill closure but all those funds will not be expended, and will remain solid waste-related for however Council chooses to use them.

Vice Mayor Rush moved, seconded by Mr. Stanley to increase the residential solid waste rates by \$5.00.

Discussion followed. Mr. Warner said that in terms of rates compared to other localities, Bedford is high but he is not aware of any other locality who runs their solid waste operation as an enterprise fund. On an out-of-pocket basis he thinks Bedford is competitive and provides a high level of service. It would be easy for someone to compare Bedford to Lynchburg, where the fee is \$10 per month, but residents there must also buy a decal and bags, so their customer out-of-pocket expenses may be more, although he did not have the numbers in front of him to verify.

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
Vice Mayor Rush	aye
Mayor Black	aye

The motion carried with seven members voting aye.

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

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

Voted upon and carried by the following roll call vote:

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

The motion carried with seven members voting aye.

Council adjourned into Closed Session at 8:43 p.m.

Non-Council members present: none

Council reconvened into Open Session at 8:55 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 Hailey	aye
Councilman Hartwick	aye
Councilman Johannessen	aye
Vice Mayor Rush	aye
Councilman Shoen	aye
Councilman Stanley	aye
Mayor Black	aye

The motion carried with seven members voting aye.

**ADJOURNMENT**

8:56 p.m.

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Tim Black, Mayor

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Debra Anderson, Clerk of the Council