



**Town Council  
Regular Council Meeting Minutes  
May 11, 2021**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, May 11, 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 Council members absent: None**

**Town Staff present:**

Town Manager Bart Warner; Town Attorney William W. Berry, IV; Chief of Police Todd Foreman; Assistant Town Manager Sonia Jammes; 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 budget retreat meeting of April 17, 2021 and the regularly scheduled meeting of April 27, 2021 were approved as presented.

## **REPORT OF TOWN MANAGER**

Town Manager Bart Warner reported that the power outage that occurred about one week ago was due to the afternoon storm that popped up. As the storm moved west to east, it took out some circuits in AEP that fed the Town's connection. The Town was able to reroute its circuits

based on the capital projects that the Council has put in place. It allowed power to be restored within a couple of hours. The electric system functions as it was designed and situations like this one prove the value of the capital projects.

Mr. Warner made two revisions to the meeting agenda. A request was received to have a Parade of Grads honoring the Senior Class of Liberty High School on Thursday, May 27, 2021 at 6:00 p.m. He asked the Council to add a street closure as an item of **New Business**. There are also two vacancies on the Economic Development Authority and two applications for these seats have been received, from Michelle Crumpacker and Liz Brown. He wanted to add the appointments of these citizens as an item under **New Business** if Council agrees.

Mr. Warner also wanted to recognize that it was National Police Week, and the Town truly appreciates Chief Foreman and all the colleagues in blue and said the Town has top-notch police coverage.

#### **APPEARANCES BEFORE COUNCIL**

Mayor Black said he wanted to recognize a group of individuals and a Bedford County family who truly represent the values of the community and he considers them hometown heroes. He welcomed Keith Campbell and James Lindsay from the Bedford Elks Lodge and invited them to make their presentation. They noted that every year, the Elks Lodge in Bedford chooses someone as an outstanding citizen. Bedford has many outstanding citizens so they struggle with this decision but one person stood above the others. They presented the Elks Lodge 2844 Distinguished Citizenship Award to Fire Chief Brad Creasy.

Chief Creasy thanked the Elks Lodge for the award and was humbled by being selected. Mayor Black noted that Chief Creasy was a selfless public servant who answers the call and offered congratulations on behalf of the Town Council and thanked him for his service, dedication, and commitment to public safety in Bedford.

Mayor Black said that besides it being National Police Week, it was also National Hospital Week. He took a moment to acknowledge and thank all the health care workers in the community. He was proud that a community of this size has its own hospital that can meet the medical needs and provide quality care for Bedford residents. He thanked the employees at Centra Bedford Memorial Hospital for continuing their excellent work especially through the last year dealing with the Covid Pandemic. On Wednesday, May 12, 2021, at noon there will be a parade to show support for these wonderful heroic people and give citizens a chance to show their appreciation for health care workers.

Mayor Black also wanted to recognize the Daniels family. This Bedford County family has a tradition of serving in the military and defending the country. In October 2020, the Bedford County Board of Supervisors (BOS) passed a resolution recognizing this family. The mayor read the resolution:

**WHEREAS**, Private First Class Bobbie Ray Daniels, at the age of 17, joined the U.S. Army from Bedford, Virginia, and served with Company G, 2<sup>nd</sup> Battalion, 5<sup>th</sup> Cavalry Regiment, 1<sup>st</sup> Cavalry Division; and

**WHEREAS**, in August of 1950, the 5<sup>th</sup> Cavalry Regiment of the U.S. Army's 1<sup>st</sup> Cavalry Division was spread thinly on a front south of the Naktong River, fighting to hold back the advance of North Korean People's Army (NKPA) forces; and

**WHEREAS**, on August 15, NKPA troops surrounded and cut off Company G of the regiment's 2<sup>nd</sup> Battalion, which was holding the line's northernmost position on a prominence called Hill 303. The rest of the battalion was ordered forward to relieve the men on Hill 303, but the enemy drove them back with heavy fire; and

**WHEREAS**, it wasn't until two days later, with the combined efforts of the regiment's 1<sup>st</sup> and 2<sup>nd</sup> Battalions, that Company G was finally relieved. The U.S. Units involved in this fighting suffered heavy casualties, and a number of men went missing in action; and

**WHEREAS**, PFC Daniels went missing in action during the fighting around Hill 303, though specific details regarding his loss are unknown. PFC Daniels was never reported as a prisoner of war and until recently, had not been acknowledged with any of the remains recovered from the battle area; and

**WHEREAS**, in 1953, after the conflict ended, PFC Daniels was declared dead although his remains had not been identified and were buried as "unknown" at the National Memorial Cemetery of the Pacific in Hawaii; and

**WHEREAS**, PFC Daniels' remains were finally identified 70 years after his death through DNA in September 2020; and

**WHEREAS**, Bobbie's younger brother, U.S. Marine Corp Sergeant Edward (Eddy) Earl Daniels was killed in Quang Nam, South Vietnam on November 5, 1968 where he served as a Mortarman with Company C, 1<sup>st</sup> Battalion, 5<sup>th</sup> Marines, 1<sup>st</sup> Marine Division; his name on The Wall At Panel 39W, Line 20; and

**WHEREAS**, another brother, U.S. Army Sergeant Van J. Daniels, served in Vietnam for 18 months. He was exposed to Agent Orange and suffered the effects of that until his death in 2012 at the age of 66; and

**WHEREAS**, others that served in the Daniels family include Bobbie's father U.S. Navy Ensign Ray Daniels; U.S. Army Sergeant Thomas M. Daniels; U.S. Air Force Sergeant Samuel W. Daniels; U.S. Army Irvan J. Daniels; Virginia National Guard Sergeant Eldo O. Daniels; Virginia National Guard SP4 Clifton D. Daniels; and Virginia National Guard Sergeant Clifford G. Daniels.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bedford County Board of Supervisors hereby recognizes and humbly thanks the Daniels family for their generations of service and ultimate sacrifice to their Country.

Mayor Black said he believed it was important that the community tells the story of PFC Bobbie Daniels. After 70 years, this soldier is coming home and it is an honor that he will be laid to rest in Greenwood Cemetery here in the Town of Bedford on May 22, 2021. Out of respect and gratitude for PFC Daniels and other servicemembers in the area, who have given the ultimate sacrifice to protect and defend the community and nation, he authorized that flags on Town property be flown half-mast from Friday, May 21, 2021 until Monday on Memorial Day

weekend, May 31, 2021. Mr. Daniels' brother was in attendance that night and Mayor Black thanked him and the audience recognized him with applause.

## **COUNCIL COMMENTS**

Councilman Stanley extended thanks to the Bedford police department for their fine work and also to the electric department who responded to the outage and did it safely.

Councilman Hailey also offered thanks to all staff in all departments for everything they do, especially the police and fire departments.

Vice Mayor Rush gave kudos to the Town's staff.

Councilman Johannessen said the Town cannot operate without the employees and he hoped they continue working for the Town for a long time. He also said that the flower baskets will be going up again for the summer. There will be 34 baskets throughout the Town and most have been paid for but if anyone wants to give a little more contribution to the project, it will be greatly appreciated. He said the Daniels family was amazing and that they have given so much and he appreciated their dedication and patriotism.

Councilman Hartwick recognized the police officers during National Police Week and thanked them for protecting the Town citizens. He was reading through the newspaper this week and some said the Council didn't want to help the Farmers' Market out but they were asking for more than a couple thousand dollars and it wasn't to help the market but to pay for a position. He also thanked the firefighters and congratulated Chief Creasy on his award and recognized the Daniels family for their service to the country.

Mayor Black apologized that he did not know it was National Police Week and it was an oversight. He and the Council members all appreciate what the police do for the Town and he thanked Chief Foreman.

## **REPORT OF COUNCIL COMMITTEES**

Councilman Hailey said the Streets Committee met and discussed the new smaller versions of the gateway signs that will be installed on some of the routes, such as Route 122 and Route 221, coming into Town.

Vice Mayor Rush said the Property Committee met and discussed two pieces of property on South Street. The committee decided to put these properties on the market for fair market value and Mr. Warner will handle the signage. The lease that was talked about at the last meeting was also discussed.

**REVISIONS TO AGENDA**

Mayor Black noted that Mr. Warner spoke earlier about two revisions added to **New Business**.

**PUBLIC HEARINGS**

None.

**CONSENT AGENDA**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**Resolution – Business Appreciation Month 2021**

The month of May 2021 has been designated as Business Appreciation Month in the Commonwealth of Virginia in recognition of the many benefits to Virginia communities derived from their businesses. In appreciation of our industries, small businesses and entrepreneurs, Council is asked to adopt a Resolution declaring May to be Business Appreciation Month in the Town.

**ACTION REQUESTED:**

Town Council is requested to adopt a resolution in support of Business Appreciation Month.

Mr. Hartwick moved, seconded by Mr. Hailey, to adopt a resolution in support of Business Appreciation Month.

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.

The resolution follows:

### **BUSINESS APPRECIATION MONTH 2021**

**WHEREAS**, the month of May 2021 is recognized as **BUSINESS APPRECIATION MONTH** in the **COMMONWEALTH OF VIRGINIA**; and,

**WHEREAS**, the Town of Bedford supports its businesses and their spirit of entrepreneurship to create a vibrant and sustaining community, recognizing the struggles and resilience of the business owners, especially during the devastating pandemic; and

**WHEREAS**, the citizens of the Town of Bedford benefit from the positive business climate, economic growth, and job opportunities that result from the contributions of businesses; and

**WHEREAS**, Bedford has joined the Commonwealth in creating long-term economic revitalization by embracing diversity in its business community, fully integrating technology into business practices, and providing opportunities that support the economic well-being and ensuring safety for its citizens; and

**WHEREAS**, businesses in the Town of Bedford are integral in moving Bedford forward by contributing their presence and energy to our robust economy; and

**WHEREAS**, Business Appreciation Month increases public awareness of the valuable contributions that businesses make in our community.

**NOW, THEREFORE**, the Town Council of the Town of Bedford does hereby recognize the month of May 2021, as **BUSINESS APPRECIATION MONTH** in the Town of Bedford, and call this observance to the attention of all our citizens.

### **Ordinance - Readopting and Reenacting Code Provisions Dealing with Traffic Laws**

Attached is an ordinance which readopts and reenacts §34-2 of the Town Code, incorporating by reference current provisions of the Code of Virginia dealing with traffic laws and motor vehicle operation. Failure to adopt this ordinance would mean that offenders would have to be charged under the State law rather than the Town law. Any fines collected would then be payable to the State rather than to the Town. The ordinance has been posted in three locations in the Town, in accordance with §2-54 of the Town Code.

### **ACTION REQUESTED:**

Town Council is requested to adopt the ordinance readopting and reenacting code provisions dealing with traffic laws.

Mr. Hartwick moved, seconded by Mr. Stanley to adopt the ordinance readopting and reenacting code provisions dealing with traffic laws.

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

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 ordinance follows:

#### **ORDINANCE NO. 21-2**

### **AN ORDINANCE TO READOPT AND REENACT SECTION 34-2 OF THE TOWN CODE INCORPORATING BY REFERENCE CURRENT PROVISIONS OF THE CODE OF VIRGINIA DEALING WITH TRAFFIC LAWS AND MOTOR VEHICLE OPERATION**

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

Section 1. Sec. 34-2 of the Town Code is hereby readopted and re-enacted as follows:

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 in Article 9 (Sec. 16.1-278 *et seq*) of Chapter 11 of Title 16.1, and in Article 2 (Sec. 18.2-266 *et seq*) of Chapter 7 of Title 18.2, of the Code of Virginia, except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the Town, are hereby adopted and incorporated herein by reference and made applicable within the Town. References to "Highways of the State" contained in such provisions and requirements hereby adopted, shall be deemed to refer to streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this Chapter as fully as those set forth at length herein, and it shall be unlawful for any person, within the Town, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 9 of Chapter 11 of Title 16.1 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, which are adopted by this Section; provided, that in no event shall the penalty imposed for the violation

of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under such titles of the Code of Virginia.

Section 2. This Ordinance shall become effective on July 1, 2021, upon publication one time, immediately following its passage, in some newspaper published in the Town or upon posting at three or more public places in the Town for one week, as required by Section 19 of the Town Charter.

### **Change in Ordinance – Hunting within Town limits with Bows and Arrows or Crossbows**

The Public Safety committee of the Town Council met with the Chief of Police Todd Foreman to review the ordinance dealing with hunting with bows and arrows and with cross-bows (Town Code Section 30-82.1). Department of Game and Inland Fisheries read the ordinance and suggested some updates.

The committee reviewed the regulations and directed the Chief to make the following changes to the provisions more consistent with each other and with the state code and Game and Inland Fishery regulations.

Recommended changes included:

- (a) Only antlerless deer may be taken during the Urban Archery Season as defined by the Department of Wildlife Resources as the first Saturday in September through the first Friday in October and the first Sunday in January through the last Sunday in March.
- (b) In addition to the urban archery season, archery deer hunting is also allowed during the early archery season, the general firearms deer season, and during the late archery season (i.e. from the first Saturday in October through the first Saturday in January). Deer of either sex may be harvested during this period and the Town of Bedford falls under the Earn A Buck (EAB) guidelines.
- (c) Antlerless deer taken during Urban Archery time periods do count towards EAB for Town of Bedford.
- (d) There was no reason not to require annual renewal of urban archery permits when 5 year permits were allowed.

These changes should promote more hunting to reduce the growing number of deer in the Town.

The Police Chief and the Town Attorney have drafted the ordinance with proposed changes. The ordinance has been posted for one week as required by the Town Code.

### **ACTION REQUESTED:**

Town Council is requested to adopt the ordinance re-enacting Section 30-82.1 of the Code of the Town of Bedford with the changes proposed by the Chief of Police.

Mr. Hartwick moved, seconded by Mr. Hailey to adopt the ordinance, re-enacting Section 30-82.1 of the Code of the Town of Bedford with the changes proposed by the Chief of Police.

In response to a question by Vice Mayor Rush, Chief Foreman said the Town follows the guidelines of the Department of Game and Inland Fisheries, but the Town needed to delineate the timelines for the urban archery and the regular hunting season to specify when does and/or bucks can be hunted.

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
Councilman Hailey	aye
Councilman Hartwick	aye
Mayor Black	aye

The motion carried with seven members voting aye.

The ordinance follows:

### **ORDINANCE NO. 21-3**

#### **AN ORDINANCE RESTRICTING THE USE OF BOWS AND ARROWS WITHIN THE TOWN AND PROVIDING FOR URBAN ARCHERY AS PART OF A DEER MANAGEMENT PROGRAM**

**WHEREAS**, the City Council in December 2011 amended the Bedford Code, Section 30-82 which dealt with discharge of various weapons, specifically creating new regulations for the use of pneumatic guns in accordance with state legislation, and all reference to the use of bows and arrows in the City were removed in anticipation of adoption of an urban archery ordinance; and

**WHEREAS**, the Town Council deems it proper to amend the ordinance restricting the use of bows and arrows and crossbows in the Town and providing for an urban archery program;

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

**Section 1.** That the Code of the Town of Bedford is amending, Section 30-82.1 as follows:

**SEC 30-82.1.** Use of Bows and Arrows or Crossbows

- (a) No person shall discharge an arrow from a bow or crossbow within the Town except as provided in this Section.
- (b) This section shall not apply to the use of a bow ten (10) pounds or less of draw rate with a blunt rubber-tipped arrow.
- (c) This section shall not apply to properly located and constructed archery ranges approved by the Chief of Police.
- (d) No minor under eighteen (18) years shall discharge an arrow from a bow or crossbow except upon a properly located, constructed, and approved archery range, and then only under the immediate supervision of an adult.
- (e) Deer may be hunted within the Town with bows and arrows or crossbows in accordance with the Town's Urban Archery Program under the supervision of the Chief of Police and subject to the following conditions:
1. Hunters must abide by all applicable sections of the Virginia State Code, Virginia Hunting Regulations, and local ordinances.
  2. Only antlerless deer may be taken during the Urban Archery Season as defined by the Department of Wildlife Resources as the first Saturday in September through the first Friday in October and the first Sunday in January through the last Sunday in March.
  3. Hunting with bow and arrow is permitted on any parcel which consists of three (3) acres or more, or parcels with concurrent boundaries which in combination equals three acres or more.
  4. In addition to the urban archery season, archery deer hunting is also allowed during the early archery season, the general firearms deer season, and during the late archery season (i.e. from the first Saturday in October through the first Saturday in January). Deer of either sex may be harvested during this period and the Town falls under the Earn A Buck (EAB) guidelines.
  5. Antlerless deer taken during the Urban Archery time periods do count towards the EAB for the Town of Bedford.
  6. It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons, except as allowed under state law.
  7. The hunter must obtain written permission from the landowner before hunting and shall carry a copy of the written permission at all times while hunting.
  8. The property owner must obtain an annual Urban Archery permit from the Bedford Police Department. The Permit shall be valid for a period of (5) five years, providing there is no change of ownership.
  9. No person shall discharge a bow from, over or across any street, sidewalk, alley, or public place, or towards any building or dwelling in such a manner that the arrow may strike it.
  10. A hunter discharging a bow shall use reasonable care to ensure the arrow does not cross any property line and enter any property on which the hunter does not have permission to hunt. The discharge of an arrow across or over the boundaries of a property for which no permission has been given by the property owner shall create a rebuttable presumption that the use of the bow and arrow was not conducted with reasonable care.
  11. Discharge of an arrow is permitted only in order to take a deer. No discharge of an arrow shall be made toward any animal other than a deer.
  12. The hunter is responsible for the disposition of the deer carcass.
  13. If a deer which has been shot with an arrow leaves the property on which the hunter has permission to hunt, the hunter shall obtain permission from any property owner over which he/she must travel to retrieve the deer.

14. No person shall hunt deer in the Town by use of dog or dogs.  
(f) Any person who violates the provisions of this ordinance shall be guilty of a Class 3 misdemeanor.

**Section 2.** This ordinance includes a penalty for its violation, and the Clerk is directed to cause the ordinance to be published one time immediately after its passage in some newspaper published in the Town or posted at three or more public places in the Town for one week in accordance with Section 19 of the Town Charter, and this ordinance shall be effective upon completion of such publication or posting.

**Temporary Road Closure Permit Request**

Mr. Warner said the request for the temporary road closure was submitted by Jamie Slusser on behalf of Liberty High School. They were proposing having a second annual Bedford Parade of Grads on Thursday, May 27, 2021, at 6:00 p.m. The route would be the same as last year’s event which was both meaningful and popular. The gathering point will be at Westgate Shopping Center and the traffic will be routed beside Fishers, around to the Bedford Avenue extension along the Bedford County Rec Department, up along College Street, North Bridge Street, and then progressing out to East Main Street. It will be a moving event without stop-and-go traffic and once the final vehicles clear out, traffic will resort back to its usual pattern.

The request did not specify whether it pertained to all three high schools or just Liberty High School, although the request came from Liberty.

Mr. Rush moved, seconded by Mr. Johannessen to grant a temporary road closure permit for the Bedford Parade of Grads (Seniors 2021)

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.

**Appointment of Members – Economic Development Authority**

For quite some time, there have been vacancies on this board. Two citizen applications have been received. Mr. Warner recommended that Council appoint Michelle Crumpacker to the Economic Development Authority for a term that would end November 30, 2025; and appoint

Elizabeth Brown for a term to end November 30, 2022. The recommendation is based on the order in which the applications were received. There are no other completed applications.

Mr. Hailey moved, seconded by Mr. Hartwick, to appoint Michelle Crumpacker to the Economic Development Authority for a term that would end November 30, 2025; and appoint Elizabeth Melton Brown for a term to end November 30, 2022.

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 noted that the next meeting will have the public hearing on the tax rate and the fiscal year budget. The procurement process will also be discussed at the next meeting and he requested that all Council members be given a copy of the procurement policy.

## **ADJOURNMENT**

7:28 p.m.

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Tim Black, Mayor

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Debra Anderson, Clerk of the Council