



Town Council
Regular Meeting Minutes
May 14, 2019

The Bedford Town Council of the Town of Bedford held a regularly scheduled meeting Tuesday, May 14, 2019, at 7:00 p.m. in the Town Municipal Building Council Hall.

Town Council members present:

Mayor Steve Rush, Vice Mayor Tim Black, Councilman Stacey Hailey, Councilman Bruce Johannessen, Councilman Bryan Schley, Councilman Darren Shoen and Councilman Robert Wandrei

Town Council members absent:

None.

Town Staff present:

Town Manager Bart Warner, Assistant Town Manager Sonia Jammes, Town Attorney William W. Berry, IV, and Mary Boone Recording Secretary.

Town Staff absent:

None.

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

APPROVAL OF MINUTES:

Mayor Rush declared that the Minutes of the regular Council Meeting held on April 23, 2019, were approved as distributed.

REPORT OF TOWN MANAGER:

Town Manager Bart Warner reported:

- I want to recognize Mr. Robert Hiss who is our County Administrator is was nice enough to stop by and say hello. Please step up and introduce yourself.

- Mr. Hiss said I have been here since late February. In my last job I was the assistant City Manager for Athens. I am happy to be here and look forward to working with each and every one of you.
- This is National Police Week.
- We will be having some guest on May 23. Some Vietnam Veterans will be participating in the ride to the wall event. They are planning to arrive at D-Day at about 2 p.m. and departing along 460 at 3:15 p.m. I understand that they will not be traveling through Town, they will be using the highway.
- We have 150 applications out for our cop camp event that is scheduled for the end of July. Those are due back on May 20. If you know anyone that is interested I think the ages are 8-14 for children. Please make sure we get those back in a timely manner.
- Within the Electric Department a couple of items of note. Mr. Wagner, our Electric Director, met with representatives of AMP last week. They will be assisting with restructuring our portfolio for our purchase power contracts. We expect to go out for bids either right before or right after the summer peak months to make sure we can take advantage of the best possible prices. Once we get that information we will be passing it along probably to the Electric and/or Finance Committees and the Council in general.
- Just last week I signed the contract for work on the number 5 turbine at Snowden Power Plant which means hopefully we get that work done and get it started pretty so. That is a significant \$900,000 project that may be reflected in a roll over discussion in a couple of months.
- The Bedford Economic Development Authority is sponsoring a business appreciation event at Beale's Thursday May 16 from 5 p.m. to 7 p.m.

Mayor Rush said we changed the format for Department Head Reports. Bart meets with them and they do work for him so I felt that Bart was the proper man to report all of their activities and our department heads do not have to be here at night. If we have a big action items that would affect one of those departments the department head will be present.

APPEARANCES BEFORE COUNCIL:

None.

CITIZEN COMMENTS:

None.

COUNCIL COMMENTS:

Councilman Johannessen – I took on the project of hanging baskets around Town. We put up 35 baskets and they are going to look great. Wipledale did a great job on them. All of the Town Council contributed to financing this little project out of their own pockets along with Mary Boone, Andy Dooley, Bedford Urban Gardens, Ken Towler, Julie Stanley, Elizabeth Gereau, Wynn Creasy, Anonymous, Arthur’s Jewelry, Plattus gave money toward Quincy and Lea Simpkins. It is a good project and I think we are going to have them up for the D-Day Memorial Event.

Councilman Bryan Schley – I just wanted to mention that since the last Council we had two events in Town. The Tribute Center being one where I think we had somewhere around 150-200 show up for that and it was a huge success and the Outdoor Fitness Center was opened on Tuesday and we had a really good crowd out there for that. We had a lot of positive feedback on both events that I think affected the Town in a large way.

Mayor Rush – I did a speech at the Tribute Center and I think it was more than that. Anyway, it was a lot people there and a lot of good feedback. It was a good event.

REPORT OF COUNCIL COMMITTEES:

Finance Committee

Vice Mayor Black reported the Finance Committee met yesterday and went over changes to our budget which we presented tonight in the work session.

REVISIONS TO THE AGENDA:

None.

PUBLIC HEARINGS:

Town Manager Bart Warner read aloud the following Public Hearing Notice:



NOTICE

**SYNOPSIS OF BUDGET FOR FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020
TOWN OF BEDFORD, VIRGINIA**

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE TOWN COUNCIL TUESDAY, MAY 14TH AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE TOWN MUNICIPAL BUILDING IN RELATION TO THE BUDGET FOR THE TOWN OF BEDFORD FOR FISCAL YEAR 2019-20, AT WHICH TIME ANY CITIZEN OF THE TOWN SHALL HAVE THE RIGHT TO ATTEND AND STATE HIS OR HER VIEWS. DETAILED COPIES OF THE BUDGET ARE AVAILABLE FOR INSPECTION DURING NORMAL OFFICE HOURS IN THE OFFICE OF THE TOWN MANAGER AND THE OFFICE OF THE CLERK OF COUNCIL.

REVENUE		EXPENDITURES	
GENERAL FUND		GENERAL FUND	
Use of Prior Year Reserves	1,428,089	Legislative department	68,319
General property taxes	1,759,583	General & Financial Administration	946,749
Other local taxes	2,250,150	Judicial Administration	4,200
Permits & regulatory licenses	18,600	Public Safety	2,560,641
Fines & forfeitures	46,500	Public Works	3,982,550
Revenue from use of money & property	108,000	Education	75,000
Charges for services	1,000	Parks, Recreation & Cultural	33,050
Miscellaneous revenue	1,413,371	Community Development	358,799
Recovered costs	350,950	Non-departmental	11,200
State non-categorical	725,581	Debt Service	737,741
State categorical aid	1,405,925	Transfer to other funds	1,141,000
Non-revenue receipts	11,500	Contingency	0
Transfer from Electric Fund	400,000		
TOTAL GENERAL FUND	9,919,249	TOTAL GENERAL FUND	9,919,249
SOLID WASTE FUND		SOLID WASTE FUND	
Refuse collection charges	664,313	General administration	138,682
Refuse disposal charges	257,277	Refuse collection	234,979
Revenue from use of money & property	8,500	Refuse disposal	436,188
Other revenue	9,200	Debt service	74,441
Transfer from General Fund	125,000	Transfer to other funds	180,000
		Contingency	0
TOTAL SOLID WASTE FUND	1,064,290	TOTAL SOLID WASTE FUND	1,064,290
ELECTRIC FUND		ELECTRIC FUND	
Use of Prior Year Reserves	0	Supervision & Engineering	1,621,724
Revenue from use of money & property	368,004	Power generation	269,108
Sale of electricity	19,338,360	Purchased Power	17,346,572
Electricity Sales - Open Market	1,000,000	Transmission & Distribution	1,203,672
Power cost adjustment	3,105,080	Maintenance - Street Lights	21,000
Gross receipts tax	232,500	Maintenance - Meters	15,000
Other non-revenue receipts	209,000	Transmission & Substations	80,000
Recoveries & Rebates	100,000	Meter Reading	56,509
		Right of Way Crew	289,316
		Distribution Transformers	42,500
		Other Expenses	1,200
		Debt Service	1,453,843
		Transfer to Other Funds	1,952,500
		Contingency	0
TOTAL ELECTRIC FUND	24,352,944	TOTAL ELECTRIC FUND	24,352,944
GENERAL CAPITAL PROJECTS FUND		GENERAL CAPITAL PROJECTS FUND	
Transfer from General Fund	916,000	Capital Outlay	916,000
TOTAL GENERAL CAP PROJ FUND	916,000	TOTAL GENERAL CAP PROJ FUND	916,000
SOLID WASTE CAPITAL PROJECTS FUND		SOLID WASTE CAPITAL PROJECTS FUND	
Transfer from Solid Waste Fund	180,000	Capital Outlay	180,000
TOTAL GENERAL CAP PROJ FUND	180,000	TOTAL GENERAL CAP PROJ FUND	180,000
ELECTRIC CAPITAL PROJECTS FUND		ELECTRIC CAPITAL PROJECTS FUND	
Transfer from Electric Fund	1,552,500	Capital Outlay	1,552,500
TOTAL ELECTRIC CAP PROJ FUND	1,552,500	TOTAL ELECTRIC CAP PROJ FUND	1,552,500

Mayor Rush opened the Public Hearing at 7:13 p.m.

There being no one come forward, the Mayor closed the Public Hearing at 7:14p.m.

CONSENT AGENDA:

PRESENTATION:

Request to Close Street for 5K Run – The National D-Day Memorial Foundation

The National D-Day Memorial Foundation will be holding their annual Armed Forces Day 5K run on May 18, 2019, and is requesting Council’s permission to use Tiger Trail as part of the run route from 7:30 a.m. to 9:30 a.m. for the event.

The National D-Day Memorial Foundation will notify the Fire Department, EMS and Police Department of the street closing. The Foundation has coordinated with the administration of Bedford Elementary School.

ACTION REQUESTED:

Town Council is requested to close the above street for a 5K Run on Saturday, May 18, 2019, from 7:30 a.m. to 9:30 a.m.

On a motion by Councilman Hailey, seconded by Councilman Schley, voted upon and carried by a roll call vote, Council approved to close Tiger Trail street for a 5K Run on Saturday, May 18, 2019, from 7:30 a.m. to 9:30 a.m. Roll call vote follows:

Vice Mayor Black	aye
Councilman Hailey	aye
Councilman Johannessen	aye
Councilman Schley	aye
Councilman Shoen	aye
Councilman Wandrei	aye
Mayor Rush	aye

The motion carries with all members voting aye.

OLD BUSINESS:

None.

NEW BUSINESS:

Adoption of Budget for Fiscal Year 2019-2020

PRESENTATION:

The Fiscal Year 2019-2020 Budget is a document that has resulted from a very structured and formal development process. Town Council conducted work sessions to further refine it on February 2nd and February 12th. A public hearing on the budget was conducted April 23, 2019, and interested parties were given an opportunity to publicly voice their opinion of its contents.

Having gone through this process, staff feels that the Fiscal Year 2019-2020 Budget in its current form is a policy document that is adequate to serve as the Town’s work plan for the coming year.

ACTION REQUESTED:

Town Council is requested to adopt the budget for Fiscal Year 2019-2020.

On a motion by Vice Mayor Black to adopt the 2019-2010 budget as amended in the 05-14-2019 work session that resulted in a reduction of the overall budget, seconded by Councilman Hailey, voted upon and carried by a roll call vote. Roll call vote follows:

Councilman Hailey	aye
Councilman Johannessen	aye
Councilman Schley	aye
Councilman Shoen	aye
Councilman Wandrei	aye
Vice Mayor Black	aye
Mayor Rush	aye

The motion carries with all members voting aye.

Ordinance - Establishing Personal Property Tax Rate - Calendar Year 2019

PRESENTATION:

Section 58.1-3005 of the Code of Virginia of 1950, as amended, requires that Council shall annually levy a tax on tangible personal property located within the Town. The attached ordinance establishes a tax rate for calendar year 2019 of \$1.06 per one hundred dollars of one hundred per centum (100%) of assessed value on all taxable tangible personal property, with the exception of household goods and personal effects as classified in §58.1-3504 and horses, mules and other kindred animals, hogs, poultry, grains and other feeds used for the nurture of farm animals, grain and tobacco; cattle, sheep and goats, farm machinery and farm implements as such items are classified in Section 58.1-3505. All tangible personal property employed in a trade or business other than that described in subdivisions 1 through 16 of §58.1-3503 is taxed at a levy of \$0.000001 per one hundred dollars of one hundred per centum (100%) of the assessed valuation. One vehicle owned by disabled veterans are taxed at a rate of \$0.000001 per one hundred dollars of one hundred per centum (100%) of assessed value on taxable tangible personal property, separately classified in Section 58.1-3506 (a) (19). The ordinance also

establishes a tax rate of \$0.000001 per one hundred dollars of one hundred per centum (100%) of assessed valuation on machinery and tools as classified in §58.1-3507, motor carriers as separately classified in §58.1.3506, and motor vehicles with a seating capacity of not less than 30 persons, including the driver as classified in §58.1—3506(a)(39). The ordinance has been posted in accordance with §2-54 of the Town Code.

ACTION REQUESTED:

Town Council is requested to adopt the ordinance establishing the personal property tax rate for calendar year 2019.

On a motion by Councilman Hailey, seconded by Vice Mayor Black, voted upon and carried by a roll call vote, Council approved to adopt the ordinance establishing the personal property tax rate for calendar year 2019 as outlined above. Roll call vote follows:

Councilman Johannessen	aye
Councilman Schley	aye
Councilman Shoen	aye
Councilman Wandrei	aye
Vice Mayor Black	aye
Councilman Hailey	aye
Mayor Rush	aye

The motion carries with all members voting aye.

The ordinance is as follows:

AN ORDINANCE LEVYING TAX UPON TANGIBLE PERSONAL PROPERTY AND ESTABLISHING THE TAX RATES THEREON FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2019

ORDINANCE No. 3

BE IT ORDAINED by the Town Council of the Town of Bedford, Virginia, that there be, and is hereby levied, for the calendar year 2019, a tax rate of \$1.06 per one hundred dollars of one hundred per centum (100%) of assessed value on all taxable tangible personal property, including property separately classified in Section 58.1-3503 of the Code of Virginia, 1950, as amended, unless exempted from taxation or subject to a different rate under this ordinance. All tangible personal property employed in a trade or business other than that described in subdivision 1 through 18 of Section 58.1-3503 is taxed at a levy of \$0.000001 per one hundred dollars of one hundred per centum (100%) of the assessed valuation. Household goods and personal effects as classified in Section 58.1-3504 and horses, mules and other kindred animals, hogs, poultry, grains and other feeds used for the nurture of farm animals, grain and tobacco; cattle, sheep and goats, farm machinery and farm implements as such items are classified in Section 58.1-3505 are exempted in whole from tangible personal property taxation. The

following items are taxed at a rate of \$0.000001 per one hundred dollars of one hundred per centum (100%) of the assessed valuation: (a) machinery and tools separately classified in Section 58.1-3507; and (b) motor carriers as separately classified in Section 58.1-3506; (c) one vehicle owned by disabled veterans, of the Code of Virginia, 1950, as amended, as separately classified in Section 58.1-3506(a)(19); and (d) motor vehicles with a seating capacity of not less than 30 persons, including the driver, as separately classified in Section 58.1-3506 (a) (39).

Resolution - Setting Percentage Tax Relief to Exhaust PPTRA Relief Funds

PRESENTATION:

The Virginia General Assembly in 1998 passed the Personal Property Tax Relief Act with the philosophy that relief would be gradually implemented to eliminate personal property tax on personal use motor vehicles. By 2004, the Virginia General Assembly had revised its philosophy and capped the contribution from the Commonwealth to localities for reimbursement for personal property taxes.

As a result, the City Council, on November 22, 2005, in accordance with state statutes, adopted an ordinance which provided that the funds to be reimbursed to the City of Bedford by the Commonwealth would be allocated in such a manner as to eliminate personal property taxation on each qualifying vehicle with an assessed value of \$1,000 or less and that the Council would set, annually by resolution, a percentage of relief in respect to assessed values of more than \$1,000 as applied to the first \$20,000 in value of each such qualifying vehicle so as to exhaust fully the PPTRA funds provided to the City by the Commonwealth.

The Finance Director has been advised that the State has allocated **\$280,647** toward personal property tax relief in the Town of Bedford for fiscal year 2019-2020. Based upon projected personal property tax valuations, staff recommends that Council resolve to provide that the state relief funds be allocated in the following ways for fiscal year 2019-2020: (a) personal property taxation upon qualifying vehicles with an assessed value no more than \$20,000 will have 100% of the applicable tax relieved, and (b) the applicable tax rate shall apply to all assessed values over \$20,000 and to all non-qualifying vehicles.

ACTION REQUESTED:

Town Council is requested to adopt the resolution as recommended by staff.

On a motion by Councilman Schley, seconded by Councilman Wandrei, voted upon and carried by a roll call vote, Council approved to adopt the resolution setting percentage tax relief to exhaust PPTRA relief funds as outlined above. Roll call vote follows:

Councilman Schley	aye
Councilman Shoen	aye
Councilman Wandrei	aye
Vice Mayor Black	aye

Councilman Hailey	aye
Councilman Johannessen	aye
Mayor Rush	aye

The motion carries with all members voting aye.

The resolution is as follows:

A RESOLUTION ESTABLISHING A PERCENTAGE TAX RELIEF RATE PURSUANT TO THE VIRGINIA PERSONAL PROPERTY TAX RELIEF ACT

WHEREAS, the Virginia General Assembly in 1998 passed the Personal Property Relief Act based upon a philosophy that in passing the Act the personal property tax on personal motor vehicles would be eliminated; and

WEHREAS, in 2001, the Virginia General Assembly set the reimbursement rate to localities for personal property taxes for personal vehicles at seventy percent (70%) of the personal property tax amount; and

WHEREAS, in 2004, the Virginia General Assembly enacted statutes which drastically changed the philosophy of the Act and capped the contribution of the Commonwealth to localities for reimbursement for personal property taxes; and

WHEREAS, on November 22, 2005, the City Council of the City of Bedford passed an ordinance (Ordinance No. 05-24) which provided, among other things, that the allocation of personal property tax relief be allocated in such a manner as to eliminate personal property taxation on each qualifying vehicle with an assessed value of \$1,000 or less and that with respect to qualifying vehicles with assessed values of more than \$1,000 the City Council, by resolution, would set annually a percentage to be applied to the first \$20,000 in value of each such qualifying vehicle that based upon estimates of assessments would use up all remaining available state personal property tax relief; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BEDFORD AS FOLLOWS:

Section 1. In accordance with the requirements set forth in Section 58.1-3524(C) (2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle having a situs within the Town commencing January 1, 2019, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued up to \$20,000 will be eligible for 100% tax relief;

- Personal use vehicles valued at \$20,001 or more shall only receive 100% tax relief on the first \$20,000 of value with the applicable tax rate applied to the value over \$20,000; and

- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor home, etc.) will not be eligible for any form of tax relief under this program.

Section 2. Any amount of Personal Property Tax Relief Act relief not used within and the Town’s fiscal year shall be carried forward and used to increase the funds available for personal property tax relief in the following fiscal year.

Section 3. This Resolution shall take effect on July 1, 2019.

Ordinance - Appropriating Funds - Fiscal Year 2019-2020

PRESENTATION:

Section 58.1-3005 of the Code of Virginia of 1950, as amended, requires that Council shall, on a regular basis, make an appropriation of funds for expenditure by the Town. The attached ordinance directs that the funds as set out in the budget for Fiscal Year 2019-2020 be appropriated and set aside to the appropriate funds, and authorizes the Town Manager to expend the funds in accordance with said budget and in accordance with prior appropriations. The ordinance denoting the original appropriations has been posted in accordance with §2-54 of the Town Code.

ACTION REQUESTED:

Town Council is requested to adopt the ordinance appropriating funds as set out in the budget for Fiscal Year 2019-2020 and authorize the Town Manager to expend the funds in accordance with said budget.

On a motion by Councilman Wandrei, seconded by Councilman Schley, voted upon and carried by a roll call vote, Council approved to adopt the ordinance appropriating funds as set out in the budget for Fiscal Year 2019-2020 and authorize the Town Manager to expend the funds in accordance with said budget. Roll call vote follows:

Councilman Shoen	aye
Councilman Wandrei	aye
Vice Mayor Black	aye
Councilman Hailey	aye
Councilman Johannessen	aye
Councilman Schley	aye
Mayor Rush	aye

The motion carries with all members voting aye.

The ordinance is as follows:

**AN ORDINANCE DIRECTING THE APPROPRIATION OF FUNDS
FOR THE FISCAL YEAR BEGINNING JULY 1, 2019**

ORDINANCE No. 4

BE IT ORDAINED that the Town Council of the Town of Bedford, Virginia, hereby directs that the funds as set out in the budget for Fiscal Year 2019-2020 for the Town of Bedford are appropriated and set aside to the General Fund, to the Solid Waste Fund, to the Electric Fund, to the General Capital Projects Fund, to the Solid Waste Capital Projects Fund, and to the Electric Capital Projects Fund, as shown in said budget, and that the Town Manager is authorized to expend the funds in the General Fund, Solid Waste Fund, Electric Fund, General Capital Projects Fund, Solid Waste Capital Projects Fund, and Electric Capital Projects Fund in accordance with said budget and in accordance with prior appropriations.

Resolution – Business Appreciation Month 2019

PRESENTATION:

The month of May 2019 has been designated as Business Appreciation Month in Virginia, in recognition of the many benefits to Virginia communities derived from their industries. In appreciation of our local industries, Council is being requested to adopt a Resolution declaring Business Appreciation Month in the Town.

ACTION REQUESTED:

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

On a motion by Councilman Hailey, seconded by Councilman Schley, voted upon and carried by a roll call vote, Council approved to adopt a Resolution in support of Business Appreciation Month. Roll call vote follows:

Councilman Wandrei	aye
Vice Mayor Black	aye
Councilman Hailey	aye
Councilman Johannessen	aye
Councilman Schley	aye
Councilman Shoen	aye
Mayor Rush	aye

The motion carries with all members voting aye.

The resolution is as follows:

BUSINESS APPRECIATION MONTH 2019

WHEREAS, Governor Ralph S. Northam has recognized the month of May 2019, as **BUSINESS APPRECIATION MONTH** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and,

WHEREAS, the Town of Bedford supports its businesses and their spirit of entrepreneurship to create a vibrant and sustaining community; 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 2019, as **BUSINESS APPRECIATION MONTH** in the Town of Bedford, and call this observance to the attention of all our citizens.

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

On a motion by Vice Mayor Black, seconded by Councilman Schley, the motion was voted upon and carried by the following roll call vote:

Vice Mayor Black	aye
Councilman Hailey	aye
Councilman Johannessen	aye
Councilman Schley	aye
Councilman Shoen	aye
Councilman Wandrei	aye
Mayor Rush	aye

The motion carries with all members voting aye.

Council adjourned into closed session at 7:23 p.m.

Non-Council members present: None.

Council reconvened into open session at 7:50 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 Vice Mayor Black, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Councilman Hailey	aye
Councilman Johanessen	aye
Councilman Schley	aye
Councilman Shoen	aye
Councilman Wandrei	aye
Vice Mayor Black	aye
Mayor Rush	aye

The motion carries with all members voting aye.

ADJOURNMENT:

Mayor Rush adjourned the meeting at 7:52 p.m.