



Town Council  
Regular Meeting Minutes  
May 28, 2019

The Bedford Town Council of the Town of Bedford held a regularly scheduled meeting Tuesday, May 28, 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 adjourned and regular Council Meeting held on May 14, 2019, were approved as distributed.

**REPORT OF TOWN MANAGER:**

Town Manager Bart Warner reported:

- In Public Works we are working with the new Recreation Association regarding scheduling and activities with that group and trying to develop a good relationship from the get go.

- Design work on the Burks Hill sidewalk to Liberty Lake Park area is progressing and we hope to have that complete pretty soon and have decisions finalized particularly about the crossing that will be involved to reach that area.
- The application deadline for Cop Camp has been extended to May 31st. That event will take place the last week of July.
- The line work on route 122 near Forbes Mill Road is delayed while VDOT works out some right of way issues.
- The contract for the crossing of the Blue Ridge Parkway is anticipated to be signed most anytime, hopefully in the next week or two.
- The first step in the rebuild of turbine no. 5 at the Snowden Hydroelectric Plant is underway.
- The Finance Department is working out the details related to implementation of the recently adopted fiscal year 2019/2020 budget.
- The National D-Day Memorial Foundation has several events scheduled commemorating the 75<sup>th</sup> anniversary of that event. On June 6<sup>th</sup> at 10:00 a.m. the aerial tribute is scheduled to begin. The Final Salute Observance Ceremony will commence at 11:00 a.m. that day. On Friday the 7<sup>th</sup> there will be an outdoor concert beginning at 7:00 p.m. and on Saturday June 8<sup>th</sup> at 11:00 a.m. there will be a downtown parade commemorating the generation that fought so heroically.
- On a personal note I would ask that you remember Councilman Schley and his family on the passing of his father.

Vice Mayor Black asked where are we on the tennis court.

Mr. Warner said we are hoping to get that done hopefully in a couple of weeks. At this point the contractor scheduled. We had actually hoped to get that done last year but we delayed it from a request from someone who wanted to use it then. Absent that activity it actually would have been done last summer.

#### **APPEARANCES BEFORE COUNCIL:**

None.

#### **CITIZEN COMMENTS:**

None.

**COUNCIL COMMENTS:**

Councilman Hailey – Condolences to Mr. Schley on his Daddy passing.

Councilman Johannessen – The Central Virginia Planning Commission met and I was at that meeting. There was discussion about giving \$150,000.00 from the central fund to Amherst for the redoing of the Central Virginia Training Center. That is going to be a major project for those folks in that area. There is something like 75 buildings there that would have to be redone. They asked for more money and I don't think we were trying to give them any more money than \$150,00.00.

Mayor Rush – I attended Brian's Dad funeral today along with Mr. Black. It was rather good and one of our employee's Rick Dillinger was the preacher and I was thoroughly impressed.

Another big event today is Mr. Wandrei's birthday.

On June 11<sup>th</sup>, which is our next meeting, in talking with the Town Manager it doesn't look like we are going to have any business or pressing issues so we are going to cancel that meeting and reconvene on the 25<sup>th</sup>, the second meeting of the month. That is when we will talk about the comp plan and go through that for our future plans as far as budgetary reasons and where we are and where we need to be.

I will be in Normandy June 3<sup>rd</sup> through the 15<sup>th</sup>.

**REPORT OF COUNCIL COMMITTEES:**

None.

**REVISIONS TO THE AGENDA:**

None.

**PUBLIC HEARINGS:**

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

**PUBLIC HEARING NOTICE**  
**(Exchange of Town Real Estate)**

Notice is hereby given that the Town Council of the Town of Bedford on Tuesday, May 28, 2019, at 7:00 P.M. in the Town Council Chambers, Municipal Building, 215 East Main Street, Bedford, Virginia 24523 will hold a public hearing pursuant to Virginia Code Section 15.2-1800 concerning an Agreement to Exchange of Real Estate between the Town of Bedford and Timothy E. Funk, pursuant to which the Town of Bedford will convey to Timothy E. Funk 0.392 acres

from Bedford County Tax Parcel No. 195-5-6-18T which fronts on Greenwood Street, and Timothy E. Funk in exchange will convey to the Town of Bedford 0.017 acres from Bedford County Tax Parcel No. 195-5-6-12A, as a result of which the resulting lot of Timothy E. Funk who resides at 916 Greenwood Street will containing 0.868 acres and the Town Electric Department Building lot at 877 Monroe Street will contain 2.377 acres.

Information concerning the proposed exchange including a plat of the parcels to be exchanged is on file in the Town Manager's Office at 215 East Main Street, Bedford, Virginia, 24523.

Individuals interested in the proposed exchange of real estate may appear at such time and place to present their views

Mayor Rush opened the Public Hearing at 7:07 p.m.

There being no one come forward, the Mayor closed the Public Hearing at 7:07 p.m.

#### **CONSENT AGENDA:**

None.

#### **OLD BUSINESS:**

None.

#### **NEW BUSINESS:**

##### Ordinance - Authorization for Exchange of Town Real Estate

#### **PRESENTATION:**

The Town of Bedford owns the property on which the Electric Department Building (877 Monroe Street) is located including an unimproved area running in a northerly direction from the western half of the building back to Greenwood Street. The lot behind the eastern half of the building running back to Greenwood Street (916 Greenwood) is owned by Timothy E. Funk.

Mr. Funk has contacted the Electric Department Director John Wagner and has indicated that he would like to own most of the unimproved Town property adjacent to his property running back to Greenwood Street. This would expand his side yard. He has offered to convey in an exchange to the Town a forty foot strip along the back of his lot adjoining the eastern half of the Town building. Mr. Funk has had a plat of survey prepared by Rodney Pearson, Surveyor, showing the areas of the lands being exchanged by the Town to Funk and by Funk to the Town. Mr. Wagner and the Town Manager recommend approval of the exchange of property which will result in the Town's having better access to a fuel tank that is located north of the Electric Building which serves the Town Building. The extra land also will allow easier access to the back of the building for fire or other emergency vehicles to the back side of the Electric Department building.

The Commissioner of the Revenue will calculate a pro-ration of real estate taxes based upon the parts of the Town real estate that will become taxable to Funk and the portions of the Funk property that will be exempt to the Town. The parties have agreed that Funk will be responsible for recording costs and his own expenses.

The proposed exchange of property must be approved by ordinance passed by the Town Council after a public hearing. Notice of the Public Hearing has been run in one edition of the Bedford Bulletin as required by Virginia Code § 15.2-1800. An appropriate ordinance has been drafted by the Town's attorney authorizing execution of a deed of exchange to be prepared by the Town Attorney.

**ACTION REQUESTED:**

Town Council, after the public hearing by appropriate motion, is requested to adopt the ordinance authorizing the exchange of real estate between the Town of Bedford and Timothy E. Funk.

On a motion by Councilman Wandrei, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council approved to adopt the ordinance authorizing the exchange of real estate between the Town of Bedford and Timothy E. Funk. 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.

The ordinance is as follows:

**ORDINANCE NO. 5**  
**AN ORDINANCE APPROVING AN EXCHANGE OF REAL ESTATE BETWEEN THE TOWN OF BEDFORD AND TIMOTHY E. FUNK INCLUDING A FINDING THAT A PARCEL CONTAINING 0.392 ACRES (PART OF BEDFORD COUNTY TAX PARCEL 195-5-6-18T) IS SURPLUS PROPERTY AND AUTHORIZING ITS CONVEYANCE TO TIMOTHY E. FUNK AND AUTHORIZING ACCEPTANCE BY THE TOWN OF A PARCEL CONTAINING 0.117 ACRES (PART OF BEDFORD COUNTY TAX MAP NO. 195-5-6-12A) TO BE CONVEYED BY TIMOTHY E. FUNK TO THE TOWN IN EXCHANGE.**

**WHEREAS**, the Town of Bedford owns a parcel of land fronting on Monroe Street upon which is located the Electric Department building and a portion of which behind the building runs northerly to Greenwood Street; and

**WHEREAS**, Timothy E. Funk owns a parcel of land constituting his residence fronting on Greenwood Street and bounded on the south by the Electric Department Building and on the west by the back portion of the Town property; and

**WHEREAS**, the parties desire to enter into an exchange through which the Town will convey a portion of its back lot containing 0.392 acres to Funk and Funk will convey a portion of his residential lot to the Town, all as shown on a plat of survey prepared by Roderick F. Pearson, dated March 12, 2019, and entitled “Plat Showing Part and Parcel Survey of Property Being Conveyed by: Timothy E. Funk Source: 060005040 T.M. 195-5-6-12AT and Town of Bedford T.M. 195-5-6-18T...”; and

**WHEREAS**, a public hearing on the conveyance has been duly held following a notice in the Bedford Bulletin pursuant to Virginia Code Section 15.2-1800, 1950, as amended.

**NOW, THEREFORE, BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA:**

**SECTION 1.** The Town Council determines that the Town has no need for any governmental purposes of the 0.392 acre Parcel “B” on the plat as described above and finds that the Town’s continued ownership of the property is no longer necessary or required for the best interests of the town, and it is accordingly declared to be surplus; and

**SECTION 2.** The Town Council hereby approves the conveyance to Timothy E. Funk of Parcel “B” containing 0.392 acres as shown on the above mentioned plat in exchange for the conveyance by Timothy E. Funk to the town of Parcel “A” containing 0.117 acres as shown on the above described plat of survey; and

**SECTION 3.** The Town Mayor and the Town Clerk are authorized and directed to enter into an appropriate deed of exchange conveying to Timothy E. Funk Parcel “B” containing 0.392 acres and conveying in exchange to the Town of Bedford from Timothy E. Funk Parcel “A” containing 0.117 acres as shown on the plat of survey and providing for the combination of the resulting parcels for the new town parcel 195-5-6-18 to contain 2.377 acres and the new Funk parcel number 195-5-6-12A to contain a new area of 0.868 acres, such deed by the Town to convey the real estate in form approved by the Town Attorney and subject to any easements, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice thereof in the chain of title, which have not expired by a time limitation or have otherwise become ineffective, and to such matters as may be apparent from an inspection of the premises; and

**SECTION 4.** This Ordinance shall be effective from and after the date of adoption.

Transfer of General Fund Economic Development Funds to the Town EDA

**PRESENTATION:**

The Town currently has \$278,241.18 in Economic Development funds in the General Fund Restricted Bank Account. Staff suggests those funds may be better utilized by the Economic Development Authority by way of incentives for economic development activities.

**ACTION REQUESTED:**

Staff recommends Town Council approve the transfer of \$278,241.18 from the General Fund Restricted Bank Account to the Town of Bedford Economic Development Authority Bank Account.

On a motion by Vice Mayor Black, seconded by Councilman Schley, voted upon and carried by a roll call vote, Council approved the transfer of \$278,241.18 from the General Fund Restricted Bank Account to the Town of Bedford Economic Development Authority Bank Account.

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.

Bedford-Waukeshaw Performance Agreement Funds Transfer

**PRESENTATION:**

In accordance with the Bedford-Waukeshaw Performance Agreement Section 2.a – Credit Line & Deed of Trust, as soon after execution of the Agreement as practical, the Town shall transfer \$400,000 to the Authority (the “Incentive Fund”), in trust to fulfill the terms of the Agreement. The Agreement was signed on April 18, 2019 and as such \$400,000 must be transferred from the Restricted Middle School funds to the Town of Bedford Economic Development Authority as the next compliance step of the Agreement.

**ACTION REQUESTED:**

Staff recommends Town Council approve the transfer of \$400,000 from Restricted Middle School funds to the Town of Bedford Economic Development Authority Bank Account.

On a motion by Councilman Hailey, seconded by Councilman Shoen, voted upon and carried by a roll call vote, Council approved the transfer of \$400,000 from Restricted Middle School funds to the Town of Bedford Economic Development Authority Bank Account. 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.

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

#### **PRESENTATION:**

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.

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 readopting and reenacting code provisions dealing with traffic laws. 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 ordinance is as follows:

### **ORDINANCE NO. 6**

**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, 2019, 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.

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 Councilman Hailey, seconded by Councilman Schley, the motion was voted upon and carried by the following roll call vote:

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.

Council adjourned into closed session at 7:11 p.m.

Non-Council members present: None.

Council reconvened into open session at 7:37 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 Schley, voted upon and carried by a roll call vote, Council adopted the resolution. 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.

**ADJOURNMENT:**

Mayor Rush adjourned the meeting at 7:38 p.m.