



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

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, July 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

Town Council member absent: Councilman Darren Shoen

Town Staff present:

Town Manager Bart Warner, Town Attorney Michael Lockaby, Police Chief Ronnie Lewis, Electric Department Director John Wagner, Public Works Director D. W. Lawhorne, Clerk of Council Debra B. Anderson, and Recording Secretary Julia Peters

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 on June 28, 2022 were approved as presented.

REPORT OF TOWN MANAGER

Town Manager Bart Warner reminded everyone of the National Night Out event which will be held, Tuesday, August 2, 2022, at Liberty Lake Park in the evening. He hoped all could attend.

APPEARANCES BEFORE COUNCIL

Clifton Krantz, 1469 Von Roy Road, Bedford, VA

Mr. Krantz said he wanted to speak to Council regarding signs and that Bedford had a lot going for it with the D-Day Memorial and the Bedford Boys Tribute Center. He was a veteran and he takes note of many of the signs and memorials. He is a member of the American Legion, VFW, and Commander of the Purple Heart Chapter in Lynchburg. During his travels, he has noticed signs such as Purple Heart Boulevard, Purple Heart Freeway, and the Purple Heart Trail, and the area of Bedford near the D-Day Memorial would be an appropriate spot for the sign he is requesting. He would like the bridge on Burks Hill Road going over the Route 460 bypass be named the Purple Heart Memorial Bridge. He would like a sign to be placed on both the eastbound and westbound sides of the bridge. He had spoken to Mr. Warner and VDOT has given approval and he spoke with Mr. Lawhorne whose department would be more than willing to install these signs. If Council approves his request, his next step would be to seek funding from individuals and businesses, and the local Purple Heart chapter is also onboard with support of this project. The size of the signs will be determined once funds are identified.

Consensus of Council was agreeable to the signs and a vote regarding them was added to the meeting's Agenda as the first item under **NEW BUSINESS**.

COUNCIL COMMENTS

Councilman Hartwick commended the Electric Department for keeping the lights on during the recent storms and the Public Works Department for taking care of the fallen trees and keeping the roads clear. He also thought the Scavenger Hunt with participating local businesses was a wonderful idea.

Councilman Johannessen attended the Central Virginia Planning District Commission meeting last week. Mr. Warner also participated. This was the first opportunity for the attendees to meet the new Executive Director, Alec Brebner, who has experience in Petersburg and North Carolina. They are looking forward to working with him. The Smart Scale projects were brought up. There are 18 projects in our area and the Town of Bedford has a project. It is the widening and improvements of Macon and Baldwin Streets, so hopefully, the Town can get its train station.

Mayor Black echoed Mr. Hartwick's comments. He knows that between the heat and the storms, staff have been busy and he appreciated their efforts. He also expressed condolences to the family of Carl Wells, the former Sheriff of Bedford County, and to Sheriff Miller, whose mother recently passed away.

REPORT OF COUNCIL COMMITTEES

Councilman Hailey reported that the Public Safety Committee met earlier that evening. New positions, such as Captains in the Police Department were discussed. East Main Street parking and animal control were also discussed, as well as concerns regarding the new police station.

REVISIONS TO AGENDA

Mayor Black noted he wanted to add two items; one being the request for Purple Heart Memorial Bridge signs, which would be addressed under **NEW BUSINESS**. He also wanted to add a Closed Session pursuant to Section 2.2-3711 (a) (29) for the discussion of the award of a public contract involving solid waste.

Mr. Johannessen moved, seconded by Mr. Stanley to adopt the revised agenda as presented by Mayor Black.

Voted upon and carried by the following roll call vote.

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

The motion carried with six members voting aye.

PUBLIC HEARINGS

Mr. Warner read the following public hearing notice.

PUBLIC HEARING NOTICE

Solid Waste Management Plan - Major Amendment

Pursuant to the requirements of the Virginia Solid Waste Planning and Recycling Regulations, the Town of Bedford, Virginia, is holding a Public Hearing to discuss the proposed Bedford County Solid Waste Management Plan - Major Amendment, dated June 9, 2022 (the Plan). The Planning Region consists of Bedford County and the incorporated Town of Bedford. The Plan by regulation must address collection, disposal and recycling in Bedford County (including the Town) for a 20-year period. The planning period under consideration runs from 2021 through 2040. The Plan must be submitted by Bedford County to the Virginia Department of Environmental Quality (DEQ) for approval.

The purpose of the public hearing is to acquaint the public with the proposed Plan and to allow the public an opportunity to comment on the Plan. Suggestions and comments will be reviewed and considered for inclusion in the final Plan prior to submittal to DEQ.

By Order of the Clerk of the
Town Council

Published: July 13, 2022

Mayor Black opened the public hearing at 7:11 p.m.

There being no one to come forward to speak, Mayor Black closed the public hearing at 7:11 p.m.

CONSENT AGENDA

None.

OLD BUSINESS

None.

NEW BUSINESS

Consideration of Signage and Renaming of the Burks Hill Road Bridge to the Purple Heart Memorial Bridge

Mr. Hartwick moved, seconded by Mr. Carson to approve the naming of the Burks Hill Road Bridge to the Purple Heart Memorial Bridge.

Voted upon and carried by the following roll call vote.

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

The motion carried with six members voting aye.

Resolution – Bedford County Solid Waste Management Plan

The Virginia Waste Management Board approved 9VAC20-130, Solid Waste Planning and Recycling Regulations which required submittal of solid waste management plans (the Plan) by approved Regions (aka solid waste planning units). Per 9 VAC 20-130-40, the purpose of the regulations was to:

1. Establish minimum requirements for solid waste management planning and recycling for protection of the public health, public safety, the environment, and natural resources throughout the Commonwealth; promote local and regional planning that provides for environmentally sound and compatible solid waste management with the most effective and efficient use of available resources;

2. Establish procedures and rules for designation of regional boundaries for solid waste management plans;

3. Establish state, local government, regional or area served by the plan responsible for meeting and maintaining the minimum recycling rates;

4. Establish the requirement in compliance with the Virginia Waste Management Act, §§ 10.1-1411 and 10.1-1408.1 D 1 (vi) of the Code of Virginia, for withholding issuance of permits for solid waste management facility; and

5. Provide for reasonable variance and exemptions.

Solid waste management planning units are required to maintain current solid waste management plans containing a 20-year planning window. A certification is required every five years stating that the plan has been maintained and is current.

ACTION REQUESTED:

Town Council is requested to adopt the resolution regarding the Solid Waste Management Plan.

Mr. Warner said this is something completed every five years. Solid waste management planning units are required to maintain current plans. Bedford County's facility takes care of this for the Town which is part of their plan. A certification is required every five years stating that the plan is maintained and is current, to which staff can certify.

Mr. Stanley moved, seconded by Mr. Johannessen to adopt the resolution regarding the Solid Waste Management Plan.

Mayor Black verified with staff that there were no major changes to this Plan that would affect the Town's operations in solid waste.

Voted upon and carried by the following roll call vote.

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

The motion carried with six members voting aye.

The resolution follows.

RESOLUTION

BEDFORD COUNTY SOLID WASTE MANAGEMENT PLAN

WHEREAS, Section 10.1-1411 of the Code of Virginia authorizes the Virginia Waste Management Board to promulgate regulations specifying requirements for local and regional solid waste management planning, and

WHEREAS, the Virginia Waste Management Board has promulgated such regulations entitled, “Solid Waste Planning and Recycling Regulations (the Regulations), as 9 VAC 20-130 *et seq.*, through the Virginia Department of Environmental Quality, and

WHEREAS, the Bedford County Planning Region consists of Bedford County and the incorporated Town of Bedford, and

WHEREAS, the original Bedford County Solid Waste Management Plan (the Plan) was approved by Bedford County, submitted to the Virginia Department of Environmental Quality (VDEQ) and approved by VDEQ on January 30, 2006, and

WHEREAS, the Regulations set forth criteria for identifying amendments to the Plan under 9VAC20-130-175 and established a process for public participation for approval of major amendments under 9VAC20-130-130, and

WHEREAS, the current amendment to the Bedford County Plan constitutes a major amendment given the significant changes in the solid waste management system of Bedford County since the original Plan was approved including (but not limited to) the reversion of the City of Bedford to Town status, the closure of the City/Town of Bedford landfill (SWP 569), the County’s expansion of its transfer station for long haul usage, and the future closure of the County landfill (SWP 560), and

WHEREAS, Bedford County enlisted the services of Draper Aden Associates to complete the major amendment to the Plan (Document entitled “*Solid Waste Management Plan - Major Amendment - Bedford County - Public Comment*,” dated June 9, 2022), and

WHEREAS, the Town has provided time for the public to review and comment on said Plan and held a public hearing relative to the plan on July 26, 2022, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Bedford has reviewed the Plan and addressed the Plan at their meeting in regular session on July 26, 2022, and hereby adopts the Plan, and authorizes its submittal to the Virginia Department of Environmental Quality.

Police Department Design For Bid Contract Consideration

Pursuant with Council’s approval of proceeding with Phase II of the original Request For Proposals for a new Police Department facility in a design for bid manner, Wiley-Wilson has presented a proposed contract with prices to include final design, schedule and construction management, which requires Council’s consideration and approval.

ACTION REQUESTED:

Council is requested to grant approval for staff to proceed with final negotiations and execution of the proposed contract for construction designs of a new Police Department facility, as presented.

Mr. Randal Vaughan from Wiley/Wilson was present to answer any questions from Council members.

Mayor Black stated that Council members would like to break down the process into phases due to the rising costs of construction. There is concern about getting to a point where it may not be feasible to finance and complete the construction project. He asked if the Town could put the brakes on the project at the Phase 2-50% design stage rather than waiting until the Phase 3-100% design stage for an out. Mr. Vaughan said this could be worked out. A professional cost estimator will be giving Wiley/Wilson the probable cost at the 50% level which will give them a better handle on the money involved and give the Town a stop number. Likewise, when they get to Phase 3, if the Town decides not to take it into bidding or construction, they can include some clauses to not go any further. Mr. Vaughan said the design phases would take approximately nine months to complete, with getting it out on the street sometime in late winter or early spring. He has met already with Police Chief Lewis and reviewed the project information and would make modifications to the design and floor plan as needed with Chief Lewis’ input as they move forward with the project.

Vice Mayor Stanley concurred with Mayor Black regarding the flexibility of putting on some brakes at the 50% design stage if it was necessary. He noted that Council is definitely committed to the project, but realistically there may be things that they will have to deal with at that point.

Mr. Lockaby finished a draft contract and reviewed it with Mr. Warner. He knows there will be changes made to the proposal and scope based on the meeting comments. If these can be straightened out within the next week, they can go to the Council the first meeting in August. Mayor Black noted the goal is to keep moving forward with the project and if needed, they can go to the second August meeting for approval. Mr. Warner noted that staff is proposing the use of America Rescue Plan Act (ARPA) funds to pay for the design work. Mr. Vaughan asked to be contacted when the amended contract language was ready for review.

Mr. Hartwick moved, seconded by Mr. Hailey, to grant approval for staff to proceed with final negotiations and execution of the proposed contract for construction designs of the new Police Department facility as presented.

Mr. Lockaby said he understood that staff was not to execute the contract, but to bring it back to Council for final approval based upon the revised scope of work as discussed.

Mr. Hartwick amended his motion to grant approval for staff to proceed with final negotiations of the proposed contract for construction designs of a new Police Department facility with the changes as presented. Mr. Hailey seconded his amended motion.

Voted upon and carried by the following roll call vote.

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

The motion carried with six members voting aye.

VBAF Grant Application

As mentioned at the regular meeting on June 28, 2022, the Bedford County School Board is interested in pursuing a grant through the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund (VBAF) for purposes of removing asbestos from their Administration Building located at 310 South Bridge Street. Eligibility for VBAF funding is currently limited to political subdivisions such as counties and municipalities. Consequently, the School Board has asked the Town to submit the application on its behalf.

All fiduciary responsibility related to the grant will be borne by the Bedford County School Board and no expenditure for matching funds will be required.

ACTION REQUESTED:

Town Council is requested to grant approval to staff to submit a VBAF Grant Application in the amount of \$50,000 for asbestos removal at the Bedford County School Board Administrative office located at 310 South Bridge Street.

Mr. Johannessen moved, seconded by Mr. Carson to authorize staff to apply for a VBAF grant in the amount of \$50,000 for asbestos removal at the Bedford County School Board administrative office.

Discussion followed. The question arose regarding why the Council was approving a grant for the County School Board. Mr. Warner responded that it is in the best interest of the Town that asbestos remediation take place in a building located within the Town. The County School Board has done quite a bit of the work already which is why there is no match required. The Town is eligible to apply and can apply for the School Board but the School Board cannot apply on their own for the grant. The grants are annually funded as part of the state’s budget so the pool of funds has been refreshed and it is more likely the Town can get the grant. Mr. Warner stated that the Town is at no risk for actual expenditures and as far as being the fiscal agent, the supporting documentation is currently in hand. Mayor Black noted that with most grants, there are grant administration funds built into the grant and he does not want the School Board to withdraw funds for grant administration when the Town has done the work unless some sort of reimbursement is made to the Town. Mr. Carson asked if this came about after the Town discussed other issues with the School Board. Mr. Warner said the timing is entirely coincidental and there is no quid pro quo.

Voted upon and carried by the following roll call vote.

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

The motion carried with six members voting aye.

Town of Bedford Equal Opportunity Employer Statement

The Town’s written position on Equal Opportunity needs to be updated on a regular basis. When approved by Town Council, the signed written statement is posted on the Town’s Legal Posting Board in the Municipal Building.

Legal counsel has reviewed and approved the updated Equal Opportunity Statement.

ACTION REQUESTED:

Town Council is requested to approve the written statement as the Town’s position on Equal Opportunity.

Mr. Hailey moved, seconded by Mr. Stanley to approve the Town of Bedford Equal Opportunity Employer written statement.

Voted upon and carried by the following roll call vote.

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

The motion carried with six members voting aye.

The approved statement follows.

Town of Bedford Equal Opportunity Employer Statement

The Town of Bedford is an Equal Opportunity Employer, and hereby affirms that it is the policy of the Town to maintain and promote equal opportunity and diversity for all employees, applicants for employment and contractors in accordance with the relevant federal and State Laws.

The Town will not discriminate on the basis of race, religion, color, national origin, sex, age, disability, marital status, veteran status, sexual orientation, ancestry, or citizenship status.

In support of a diverse workforce, decisions as to hiring, promotion and other aspects of the employment relationship will be based solely upon job related qualifications.

The Town will not tolerate any kind of harassment of employees or retaliation against an employee who brings a complaint forward. Allegations of harassment will be taken seriously, promptly investigated, and appropriate action taken depending on the severity of the situation.

Adopted this 26th day of July, 2022

Mayor

Clerk of Council

Mayor Black read Closed Session pursuant to Section 2.2-3711 (a) (29) of the Code of Virginia of 1950, as amended, for discussion of the award of a public contract and the terms or scope of the contract where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Mr. Hailey moved, seconded by Mr. Carson to enter into closed session at 7:33 p.m.

Voted upon and carried by the following roll call vote.

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

The motion carried with six members voting aye.

Mr. Warner, Mr. Lawhorne, and Mr. Lockaby remained present for the closed session.

Council reconvened into open session at 7:58 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.

Mr. Hailey moved, seconded by Mr. Hartwick, to adopt the resolution.

Voted upon and carried by the following roll call vote.

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

The motion carried with six members voting aye.

Mayor Black asked Mr. Warner about any update on the appraisal for the Chamber of Commerce property. Mr. Warner anticipated something around the middle of August. He has been in contact with the new Executive Director of the Chamber of Commerce and brought her up to speed on the negotiations and advised her the Town is waiting on new information. The relationship continues to be mutually supportive and they are working through a complicated real estate issue. Mayor Black suggested that a Property Committee meeting be planned and Mr. Warner concurred.

ADJOURNMENT

8:00 p.m.

Tim Black, Mayor

Debra Anderson, Clerk of the Council