



**Town Council  
Regular Council Meeting Minutes  
September 22, 2020**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, September 22, 2020 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 Steve Rush, Vice Mayor Tim Black, Councilman Stacey Hailey, Councilman Bruce Johannessen, Councilman Bryan Schley, Councilman Darren Shoen, and Councilman C. G. Stanley

**Town Council members absent:**

None.

**Town Staff present:**

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

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

## **APPROVAL OF MINUTES**

Mayor Rush stated that Council would take a recess at 7:30 p.m. to go downstairs and check out the new fire truck and then resume tonight's meeting.

Mayor Rush declared that the minutes of the regular scheduled Council meeting of August 25, 2020 were approved as presented.

## **REPORT OF TOWN MANAGER**

Town Manager Barrett Warner reported:

- Because some customers had questions regarding an extension of a moratorium on late fees and disconnections for delinquent electric utility accounts, Mr. Warner wanted to clarify the present situation. He said the recent actions by the Governor and General Assembly only applied to those utilities that are regulated by the State Corporation Commission (SCC). Public utilities such as the Town's are not under the purview of the SCC currently.
- The Electric Utility has completed line relocation work on Route 43 and has submitted invoices to VDOT for reimbursement of the Town's costs.
- The Bedford Gateway sign along Highway 460 on the western end of Town is scheduled to be installed during the week of October 12.
- The closure of the operating landfill on Orange Street is approximately 40% complete.
- To date, the Town has received a little over \$300,000 in reimbursement from Bedford County for costs covered by the CARES Act. This specifically covers Personal Protective Equipment (PPE) and the Town's cost for the business assistance grants.
- Cleanup Week commences September 28, 2020. Mr. Warner asked citizens to be patient since the Public Works crews would be diverted from their normal tasks and the department is currently short-staffed as well.
- The Fire Company's newest pumper tanker will be on display at 7:30 p.m. tonight in the parking lot adjacent to the Municipal Building if anyone wishes to check it out.

In response to a question about today's power outage, Mr. Warner said it was due to an error in the grid outside of the Town's service area. A piece of equipment failed in Roanoke, and the power passes through there to get to Bedford. Fortunately, power was restored within 15 minutes by re-routing the Town's system.

## **APPEARANCES BEFORE COUNCIL**

None.

## **COUNCIL COMMENTS**

Vice Mayor Black thanked the Public Works and Police Departments for their efforts on Saturday night at the Battle of the Bands. It was a well-attended community event and went well. He also attended a rally on Sunday afternoon in support of the local law enforcement which was another well-organized event.

Mr. Black said he was approached by a citizen who brought to his attention some discrepancies regarding the hunting ordinances. Vice Mayor has spoken to Chief Foreman, Mr. Warner, Mr. Berry, and Mayor Rush about the subject. There are two ordinances, one for hunting with a gun and one for hunting with a bow, and he thinks they can be corrected fairly easily with a redraft of the ordinances if Council members agree. When hunting by gun, the permission slip is good for five years and does not require listing the names of the hunters who will be hunting on the property. When hunting by bow, the names of the hunters are required to be listed and the permission slip is only good for one year. Also, when hunting by gun, the property must be ten acres or more in Town and the hunter can be on the ground or in a stand; while the bow hunting ordinance states the hunter must be in a stand only and the property must be three acres or more. He added that the two ordinances were drafted at separate times, which is probably why there are discrepancies between the two. He asked Mayor Rush if the Public Safety Committee could take a look at these hunting ordinances to see what can be done. Mayor Rush agreed with Vice Mayor Black and asked Mr. Warner to address the issue with the committee members.

Mayor Rush said he also attended the Liberty Lake event on Saturday and it was a good time with about 94 cars showing up and everyone properly social distancing. He thinks the facilities at Liberty Lake need to be used more often for these types of events. He was a little late getting to the Sunday event for law enforcement but Vice Mayor Black did the Welcome for him.

Mayor Rush asked the Councilmen if they wanted to change dress to coat and tie the first meeting in November. He said it was Council's decision but they did not have to, it was just what they normally do. Vice Mayor Black said business casual was fine with him and no Council member objecting, Mayor Rush said dress would be business casual.

Mayor Rush said the visioning meeting will be held on October 17, 2020 at 9:00 a.m. at Liberty Lake Park. He would like Council members to make a list of all the wants and wishes they would like to see the Town do and send their lists by email to him. The first subject to be addressed will be the Freedom of Information Act (FOIA) with Town Attorney Will Berry. Then he asked the Department Heads to do a synopsis on their capital list, not a full blown presentation. After lunch, Council members, Mr. Warner, and Ms. Jammes will get together for visioning on any short-term, mid-term, or long-term capital projects so that next year's budget can be passed with ease.

## **REPORT OF COUNCIL COMMITTEES**

Councilman Johannessen said the Streets Committee met tonight and discussed several things. One item was the highway department bringing a vision of a roundabout. There will be a public meeting about it in the near future. A left turn lane at Longwood and the Stop In is coming up and should be carefully considered by the Council.

Another item discussed was the cost for tire recycling. The Town charges \$1.00 per tire taken in, but Emanuel Tire is going to charge \$3.00 per tire. The Town has between 1,000 and 1,400 tires each year and will incur additional costs if the Town's fee is not increased to \$3.00 this year.

Vice Mayor Black noted the Finance Committee met earlier this evening. The CARES Act funding was discussed. A couple of proposals for hazardous pay were also discussed. Those proposals will be fine-tuned and brought to Council at the first meeting in October. The possible purchasing of police vehicles with CARES Act funds was discussed as well. There will be a Public Hearing scheduled in the future for explanation and citizen comment.

## **REVISIONS TO AGENDA**

Mayor Rush said he would like to add a Closed Session regarding the acquisition of property at the end of tonight's meeting.

## **PUBLIC HEARING**

Mr. Warner read the following public hearing notice.

### **PUBLIC HEARING NOTICE**

Notice is hereby given that the Town Council of the Town of Bedford, Virginia, at 7:00 PM on Tuesday, September 22, 2020, will hold a public hearing at the Council Hall in the Town municipal building at 215 E. Main Street, Bedford, Virginia, 24523 to consider a budget amendment for rollover of FY 2020 funds and reappropriation of FY 2020 purchase orders into the FY 2021 Adopted Budget.

At the end of FY 2020, the Town had numerous projects which were not completed and/or were encumbered by a purchase order. The funds for these projects are needed in order to complete designated work and therefore must be reappropriated to FY 2021. The cumulative total of FY 2020 rollover of funds is \$1,597,174.31 and the cumulative total of FY 2020 Purchase Orders is \$1,201,214.88. Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. This code section applies to all locality funds, i.e., General Fund, Enterprise Fund, Capital Fund, etc. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

A copy of the detailed budget amendment request including an itemized list of FY 2020 rollover of funds and FY 2020 Purchase Order reappropriations are available for inspection by the public in the Office of the Clerk of the Town Council, Town Manager's office, 215 E. Main Street, Bedford, Virginia 24523.

By the Authority of the Town Council of the  
Town of Bedford

Mayor Rush opened the public hearing at 7:17 p.m.

There being no one coming forward, Mayor Rush closed the Public Hearing at 7:17 p.m.

## **CONSENT AGENDA**

### **Appointment of Members– Redevelopment and Housing Authority**

Mr. Rusty Mansel and Mr. Jim Messier are currently serving on the Redevelopment and Housing Authority and have expressed an interest in being reappointed to the Authority. A vacancy currently exists on the Authority and Ms. Gail Davis has expressed an interest in being appointed to fill that vacancy. The positions and vacancy have been appropriately advertised, and no other citizens have volunteered to serve.

#### **ACTION REQUESTED:**

Council is requested to reappoint Mr. Rusty Mansel and Mr. Jim Messier to serve on the Redevelopment and Housing Authority, said terms to expire October 13, 2024, and consider appointment of Ms. Gail Davis to serve on the Authority, said term to expire October 13, 2023.

Mayor Rush noted that Ms. Davis currently serves on the Planning Commission so she has been previously vetted.

Councilman Hailey moved, seconded by Councilman Schley, to reappoint Mr. Rusty Mansel and Mr. Jim Messier to the Redevelopment and Housing Authority, with said term to expire October 13, 2024; and appoint Ms. Gail Davis to serve on the Authority, with said term to expire October 13, 2023.

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

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

The motion carried with seven members voting aye.

**Appointment of Members– Economic Development Authority**

Ms. Lynn Scott and Mr. David Sensenig have requested reappointment to the Economic Development Authority, said terms to expire November 30, 2024. A vacancy exists on the Authority and Mr. Ryan Kirkpatrick has expressed an interest in being appointed to fulfill the remainder of that term, said to expire November 30, 2022. These positions and vacancy have been appropriately advertised, and no other citizens have volunteered to serve.

**ACTION REQUESTED:**

Staff is requesting that Council reappoint Ms. Lynn Scott and Mr. David Sensenig to the Economic Development Authority, said terms to expire November 30, 2024; and take whatever action deemed appropriate regarding Mr. Ryan Kirkpatrick’s interest to serve on the Authority, with said term to expire November 30, 2022.

Councilman Schley moved, seconded by Councilman Hailey, to reappoint Ms. Lynn Scott and Mr. David Sensenig to the Economic Development Authority, said terms to expire November 30, 2024; and appoint Mr. Ryan Kirkpatrick to serve on the Authority, with said term to expire November 30, 2022. Discussion followed.

Mayor Rush stated that on March 14, 2017, Mayor Wandrei formed a special committee on board appointments and persons interested had to fill out an additional form for the appointment. Mr. Kirkpatrick has sent an email but has not completed the application. Mayor Rush suggested that Council hold off the appointment of Mr. Kirkpatrick until he has completed the appointment application form. Mr. Sensenig and Ms. Scott are reappointments and Council has paperwork or previous experience with them. Therefore they do not need to complete new application forms.

Councilman Black moved, seconded by Councilman Hailey, to amend the current motion to reappoint Ms. Lynn Scott and Mr. David Sensenig to the Economic Development Authority, said terms to expire November 30, 2024; but table Mr. Kirkpatrick’s appointment until Council has obtained his completed application.

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

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

The motion carried with seven members voting aye.

## OLD BUSINESS

None.

## NEW BUSINESS

### **Rollover and Reappropriation of Funds for Incomplete Projects as of June 30, 2020**

At the end of Fiscal Year 2020, the Town had numerous projects which were not completed or encumbered by a purchase order. The funds for these projects are needed in order to complete designated work. After review of the requests for rollover of funds, the Town Manager has recommended that the attached list of projects be approved for rollover from Fiscal Year 2020 and reappropriated to Fiscal Year 2021. A detailed listing of the amounts requested by account number is attached to this action form. The cumulative total of the FY 2020 appropriations itemized is \$1,597,174.31. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required. The public hearing was held on September 22, 2020 during the regularly scheduled Town Council meeting for discussion regarding this budget amendment.

#### **ACTION REQUESTED:**

Town Council is requested to approve the rollover and reappropriation of funds in the amount of \$1,597,174.31 to provide funds for various local government and enterprise projects (**Attachment 1**). Council is also requested to designate that amount from FY 2020 prior year fund balance to offset the increase in expenditures.

Councilman Black moved, seconded by Councilman Stanley to approved the rollover request from FY 2020 and reappropriate \$1,597,174.31, and designate that same amount from FY 2020 prior year fund balance to offset the increase in expenditures.

Mr. Black asked Ms. Jammes if the items discussed in the last meeting of the Finance Committee, including the Gateway signage were added into this rollover request. Ms. Jammes said yes, they were included.

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

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

The motion carried with seven members voting aye.

## **Reappropriation of Funds from Outstanding Purchase Orders from Fiscal Year 2020**

At the end of each fiscal year, the Town has purchase orders which are outstanding representing work that has not been completed. These represent goods and services that have already been ordered but have not yet been received or any invoices that have not been paid as of June 30, 2020. Town staff is requesting the reappropriation of the funds that are outstanding on purchase orders as of June 30, 2020 to the budget for Fiscal Year 2021. Attached is a detailed list of the amounts requested by account number (**Attachment 2**). The total of the requested FY 2020 purchase order appropriations is \$1,201,214.88.

### **ACTION REQUESTED:**

Town Council is requested to approve the reappropriation of purchase orders per the attached list in the amount of \$1,201,214.88 to provide funds for incomplete local government projects. Council is also requested to designate \$1,201,214.88 from FY 2020 prior year fund balance to offset the increase in expenditures.

Mr. Johannessen moved, seconded by Mr. Stanley to approve the reappropriation of funds of \$1,201,214.88 from outstanding purchase orders and designate that amount from FY 2020 prior year fund balance to offset the increase in expenditures.

Vice Mayor Black noted that a lot of the rollover request is in the electric utility fund with the biggest part being the turbine and improvements with the speed increaser.

Councilman Schley questioned whether the line item for Gateway Signage, was just for Phase One. Mr. Black said the rollover amount that was just approved included Phase Two, so both phases were reappropriated.

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

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

The motion carried with seven members voting aye.

Mayor Rush called for a recess at 7:28 p.m. so that Council members could go downstairs to see the new fire truck.

Mayor Rush called for a return to the meeting at 7:46 p.m.

Mayor Rush read Closed Session pursuant to Section 2.2-3711 (a)(3) of the Code of Virginia of 1950, as amended, for the acquisition or disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position.



Councilman Hailey moved, seconded by Councilman Johannessen to enter into **Closed Session** pursuant to §2.2-3711(a) (3).

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

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

The motion carried with seven members voting aye.

Council adjourned into **Closed Session** at 7:48 p.m.

Non-Council members present: Bart Warner, Todd Foreman, Will Berry, Sonia Jammes, Julia Peters

Council reconvened into **Open Session** at 8:05 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 Mr. Black, seconded by Mr. Hailey, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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

The motion carried with seven members voting aye.

**ADJOURNMENT**

8:07 p.m.

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Steve Rush, Mayor

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Debra Anderson, Clerk of the Council