



**Town Council
Regular Council Meeting Minutes
September 28, 2021**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, September 28, 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, Assistant Town Manager Sonia Jammes, Town Attorney Michael Lockaby, Chief of Police Todd Foreman, Electric Department Director John Wagner, Director of Planning and Community Development Mary Zirkle, Director of Public Works D. W. Lawhorne, Clerk of Council Debra B. Anderson, and Recording Secretary Julia Peters

Mayor Black called the meeting to order.

APPROVAL OF MINUTES

Mayor Black declared that the minutes of the Town's regularly scheduled meeting of September 14, 2021 were approved as presented.

REPORT OF TOWN MANAGER

Town Manager Bart Warner reported:

- The Electric Department will be performing some aggressive trimming of trees throughout the Town during the next month. The tree trimming is to ensure the

reliability of the electric service for customers by deterring blips and pings in the system due to branches and/or animals touching lines.

- The Fall Cleanup is scheduled for next week. Citizens should have their bulk goods in limited amounts out from the 4th until the 8th and the Public Works crew will haul them off.

APPEARANCES BEFORE COUNCIL

None.

COUNCIL COMMENTS

Councilman Stanley said everyone would like to know that the weather at Myrtle Beach was very good, nice and sunny and the water was warm.

Councilman Hailey thanked the hard work of all the departments during Centerfest. The event turned out very well due to the efforts of staff and supervisors.

Councilman Johannessen said that a group of people that look at towns all over the United States came through Bedford and commented on Facebook, saying how great the Town looked. They mentioned the greenery and plants around Town and saluted it, because it shows how much the Town cared. He will get a copy of the comments and send them to Council members.

Councilman Hartwick thanked all the department heads for helping to see Centerfest was a success. He also thanked all the first responders, sheriff and police departments, and firefighters, and those that set up and cleaned up for the event.

Mayor Black appreciated all the efforts of staff to make Centerfest a great event as they always do. In addition, this past Saturday, the event that the Boys with a Dream put on, the Parade of Heroes was a very nice event and well-attended. The wreath they put together will be displayed in different locations in-rotation for some time. Mayor Black also thanked those that were instrumental in getting the Kyle Petty Charity Ride to visit Bedford and the D-Day Memorial. It was a very enjoyable event.

REPORT OF COUNCIL COMMITTEES

None.

REVISIONS TO AGENDA

Mr. Warner asked Mayor Black to add an Item under **NEW BUSINESS** to authorize allocation of the American Rescue Plan Act (ARPA) funds for projects referenced in the Work Session. Mayor Black agreed to add it as the last item on the Agenda.

PUBLIC HEARINGS

Mr. Warner read the following public hearing notice:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the Town Council at 7:00 p.m. on Tuesday, September 28, 2021, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of hearing:

Consideration of a request for a conditional use permit for an “Open Air Market” located at 980 Orange Street, Bedford, VA (Tax Parcel 198-A-3B T) consisting of 1.219 acres and the adjoining property (Tax Parcel 198-A-3C T) consisting of 1.375 acres. The property is zoned M-1, Manufacturing, and is owned by Michael W. & Sybil S. Wray. The request is being made by Sybil Wray. The market hours are proposed to be Friday, Saturday, and Sunday from April to October during the hours of 8am to 2pm. The request is subject to conditions.

Information is on file in the office of Planning & Community Development at 215 East Main Street. Anyone who is in favor of or opposed to the request will have an opportunity to express his/her views at this hearing.

By the Authority of the Town of Bedford Town Council

Published: September 15, 2021
September 22, 2021

Mayor Black opened the public hearing at 7:10 p.m.

There being no one to come forward, Mayor Black closed the public hearing at 7:10 p.m.

CONSENT AGENDA

Appointment of Member – Redevelopment and Housing Authority

Ms. Ann Duncan has expressed an interest in being reappointed to the Redevelopment and Housing Authority, if reappointed by Council. The vacancy has been advertised in the local newspaper, and no other citizens have volunteered to serve.

ACTION REQUESTED:

Council is requested to reappoint Ms. Ann Duncan to serve on the Redevelopment and Housing Authority, said term to expire October 13, 2025.

Mr. Hartwick moved, seconded by Mr. Johannessen to reappoint Ms. Ann Duncan to serve on the Redevelopment and Housing Authority, said term to expire October 13, 2025.

Voted upon and carried by the following roll call vote:

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.

Appointment of Member – Economic Development Authority

Mr. Jonathan Buttram has expressed an interest in reappointment to the Economic Development Authority, if reappointed by Council. The vacancy has been advertised in the local newspaper, and no other citizens have volunteered to serve.

ACTION REQUESTED:

Council is requested to reappoint Mr. Jonathan Buttram to serve on the Economic Development Authority, said term to expire November 30, 2025.

Mr. Hartwick moved, seconded by Mr. Stanley to reappoint Mr. Jonathan Buttram to serve on the Economic Development Authority, said term to expire November 30, 2025.

Vice Mayor Rush noted that Mr. Buttram has been Chairman of the EDA and has done a marvelous job and they are lucky to have him. Mayor Black concurred and was glad Mr. Buttram wanted to continue to serve.

Voted upon and carried by the following roll call vote:

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.

Request to Close Streets - YMCA's Annual Peaks Otter Christmas Classic Foot Race - Bedford Area Family YMCA

The Bedford Area Family YMCA is requesting permission to hold the 42nd YMCA's Annual Peaks Otter Christmas Classic Foot Race on Saturday, December 4, 2021, and to close the following streets:

The 5K course will start at the Bedford Baptist Church. Starting at the exit, enter across Oakwood St. and turn left then continue on Oakwood, turn right on Longwood, then right onto Hampton Ridge, left turn on Locust St. then left onto Elm St., right turn back on Longwood Ave., turn right into Old Bedford Middle School parking lot, across parking lot then turn right onto Peaks St., right onto Whitfield Dr., right on Oakwood St., cross over Oakwood St and back into the exit of Bedford Baptist Church. They are also requesting the use of Newton Cir. as part of the Kids Fun Run 1 mile.

They are requesting that the right lane of traffic be closed off using cones beginning at Longwood Baptist Church, and continuing to Elm Street on Longwood. This will provide participants with an extra margin of safety on Longwood Street. This road will need to be coned off for the inside line to be used for participants from 7:30am- 11:00am.

The race start time will remain the same as in years past, 8:30 a.m. with approximately 500 runners participating. A letter will be sent to the residents of that area.

The YMCA will notify the Fire Department, Police Department and Bedford County Fire & Rescue of the street closings. The residents of the affected streets will also be notified and will have ingress and egress to their homes.

ACTION REQUESTED:

Town Council is requested to approve the closing of the above streets for the 42nd YMCA's Annual Peaks Otter Christmas Classic Foot Race from 7:30 a.m. to 11:00 a.m. on December 4, 2021.

Mr. Hailey moved, seconded by Mr. Hartwick, to approve the closing of the above listed streets for the 42nd YMCA's Annual Peaks Otter Christmas Classic Foot Race from 7:30 a.m. to 11:00 a.m. on December 4, 2021.

Voted upon and carried by the following roll call vote:

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.

Request to Close Streets –Bedford Area Chamber of Commerce

Bedford Area Chamber of Commerce is requesting permission to hold a walk through the Town to learn its history on October 29, 2021, from 5:30 p.m. until 8:00 p.m. and close the following streets:

102 N. Bridge Street (Bedford Boys Tribute Center) to 305 N. Bridge Street (Bower Center for the Arts)

They will notify the Fire Department, Police Department and Bedford County Fire & Rescue of the street closings. The residents of the affected streets will also be notified and will have ingress and egress to their homes.

ACTION REQUESTED:

Town Council is requested to close the above streets for a walk through the Town to learn its history on October 29, 2021, from 5:30 p.m. until 8:00 p.m.

Mr. Hailey moved, seconded by Mr. Hartwick, to approve the closing of the above listed streets for a walk through the Town to learn its history on October 29, 2021, from 5:30 p.m. until 8:00 p.m. for the Bedford Area Chamber of Commerce.

Vice Mayor Rush noted that at 5:30 p.m. on a Friday night, there is traffic downtown coming and going from businesses. He also asked why does North Bridge Street need to be closed because it is a main artery and there are sidewalks.

Ms. Candace Hall, Marketing Director for the Bedford Area Chamber of Commerce, stated that they wanted to close the streets for safety reasons for those walking the route, and to keep the groups of people together. Mayor Black asked if the intersection of Bridge and Jackson Street would be closed which would be problematic since the Rescue Squad and Fire Department are located there. Ms. Hall said yes, the goal was to close Bridge Street from the Bedford Boys Tribute Center to the Bower Center for Arts. Vice Mayor Rush said there would not be a way for

people to get through Town coming from the west to the east. Discussion followed. Chief Foreman’s concern was involving the tractor trailers where they could not get through the area and they could not go under the underpass. Ms. Hall stated they were expecting about 75 people to attend the history walk and a food truck was going to be parked hopefully on the sidewalk. There would be two sessions for the people to take the walk. Mayor Black asked if the walk could start at 6:00 p.m. and not to close the intersection at Jackson. It was also noted that the food truck should not park on the sidewalk but find an appropriate place to park.

Mr. Hartwick amended the motion to approve the closing of N. Bridge Street from 6:00 p.m. until 8:00 p.m. The road closure would begin at the intersection of Main Street and N. Bridge Street and end at the entry of the public parking lot on N. Bridge Street across from the Bridge Street Café so that the public parking lot would remain open. Mr. Hailey seconded the amended motion.

Voted upon and carried by the following roll call vote:

Vice Mayor Rush	nay
Councilman Shoen	aye
Councilman Stanley	aye
Councilman Hailey	aye
Councilman Hartwick	aye
Councilman Johannessen	aye
Mayor Black	aye

The motion carried with six members voting aye and one member voting nay.

OLD BUSINESS

None.

NEW BUSINESS

Resolution – Conditional Use Permit (CUP) for an “Open Air Market” at 980 Orange Street at Wrays Body Shop

The subject property located at 980 Orange Street (identified as Tax Parcel 198-A-3B-T and Parcel 198-A-3C-T) is zoned Manufacturing (M-1). Wrays Body Shop is the current use of the property. The applicant is requesting an “Open Air Market” use as added to the zoning ordinance with amendments made in June 2021.

The Open Air Market use can be permitted in the M-1 zoning district with a conditional use permit. In the zoning ordinance, there are specific site and special requirements that must be met

and conditions may be imposed by both the Planning Commission and Town Council for any aspects of the request.

The Planning Commission held a public hearing on September 2, 2021. The applicant spoke and described the request and stated she expected the Market to occur on the third weekend of the month to begin. No members of the public were present to speak. The Commission discussed the suggested conditions, standards required in the ordinance, and the sign type that could be placed. There was also discussion about the applicant's reference to possibly adding a bathroom building in the future, and how this would not be allowed based on the Special Requirement Section 908.02.c. that does not allow structures related to the Market to be on site when the Market is not open.

There were six suggested conditions in the staff report to formally set the location and number of vendors, days, months and times of operations, and signage. The Commission amended the sixth condition as noted with added language (underlined) and text removed to read:

6. One permanent sign meeting the standards of the M-1 zoning district may be permitted on site with a sign permit issued through the Town. The sign shall be on the property of the parcel approved for a Market and shall not be in the public right-of-way. If the owner does not wish to have a sign visible all of the time, the permitted sign shall not be visible more than 48 hours prior to the Market and must be removed within 24 hours after the Market.

The Commission voted 7-0 to recommend approval of the CUP to Council with the following conditions:

1. All activity associated with the Open Air Market shall occur on Tax Map parcels 198-A-3B-T and 198-A-3C-T. Activity, including parking and vendors, shall not be permitted in the public rights-of-way.
2. The Market shall only be open on Fridays, Saturdays and Sundays, yet need not operate all of those days.
3. The Market shall operate in the months of April through October, yet need not operate all of those months.
4. The Market hours of operation shall not exceed 8:00am to 2:00pm on approved days.
5. There shall be no more than 38 vendors present on any Market day.
6. One permanent sign meeting the standards of the M-1 zoning district may be permitted on site with a sign permit issued through the Town. The sign shall be on the property of the parcel approved for a Market and shall not be in the public right-of-way. If the owner does not wish to have a sign visible all of the time, the permitted sign shall not be visible more than 48 hours prior to the Market and must be removed within 24 hours after the Market.

The Zoning Ordinance Section 1002.03.e. describes the time for Council action: The Council shall consider the proposed conditional use after notice and public hearing in accordance with Code of Virginia, § 15.2-2204, and shall take action on the proposed conditional use within 60 days from the date of the public hearing.

ACTION REQUESTED:

Town Council is requested to consider a Resolution issuing a Conditional Use Permit for the request as recommended for approval by the Planning Commission with six conditions imposed. The Council may deny the request or approve the request with or without conditions. Council may also require additional conditions or amend those presented.

Mr. Hartwick moved, seconded by Mr. Stanley to authorize the issuance of a Conditional Use Permit for the request as recommended for approval by the Planning Commission with the six conditions imposed for an “Open Air Market”.

Discussion followed and Ms. Wray answered Council members’ questions. Mayor Black was concerned about traffic safety because Orange Street and Independence was a busy intersection especially on Fridays. Ms. Wray stated that they would not be setting up on Fridays, her goal was for Saturdays and Sundays. In response to a question regarding providing enough parking spaces, Ms. Zirkle said the required amount of parking spaces was included in the ordinance itself in the site requirements so there was no minimum size set for a parcel that could request a special CUP for this. Basically, the size of the site had to accommodate all vendors and the parking spaces, which is how 38 vendors was calculated. The site should also be able to accommodate the crowds that would occur for 38 vendors. Ms. Zirkle noted this market would be considered “temporary” because nothing would be left on the property after market days. This is a fill-in opportunity for businesses to do something on their site where they are already doing something else. Other questions from Council were answered by Ms. Wray and Ms. Zirkle.

Vice Mayor Rush moved to amend the motion, seconded by Mr. Hailey, to authorize the issuance of the CUP as stated to include the six conditions recommended by the Planning Commission but eliminating Fridays from days of operation.

Voted upon and carried by the following roll call vote:

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.

The resolution follows.

RESOLUTION

Permitting AN “OPEN AIR MARKET” By CONDITIONAL USE PERMIT IN THE M-1 ZONING DISTRICT

WHEREAS, the Planning Commission of the Town of Bedford held a public hearing on September 2, 2021; and

WHEREAS, the Town Council has held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204; and

WHEREAS, Section 611.04.g. and Section 908 of the Land Development Regulations allow an Open Air Market use as defined in Section 302.101.a. to be permitted with a conditional use permit in the Manufacturing (M-1) zoning district; and

WHEREAS, the Town Council finds as a fact that the proposed use is consistent with the intent of the land development ordinance and the land use plan, and is in the public interest; and

NOW, THEREFORE, BE IT Resolved BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA that a conditional use permit is granted to Michael W. and Sybil S. Wray for the property located at 980 Orange Street (identified as tax parcel 198-A-3B-T and parcel 198-A-3C-T) to allow an Open Air Market with the following conditions:

1. All activity associated with the Open Air Market shall occur on Tax Map parcels 198-A-3B-T and 198-A-3C-T. Activity, including parking and vendors, shall not be permitted in the public rights-of-way.
2. The Market shall only be open on Saturdays and Sundays, yet need not operate all of those days.
3. The Market shall operate in the months of April through October, yet need not operate all of those months.
4. The Market hours of operation shall not exceed 8:00am to 2:00pm on approved days.
5. There shall be no more than 38 vendors present on any Market day.
6. One permanent sign meeting the standards of the M-1 zoning district may be permitted on site with a sign permit issued through the Town. The sign shall be on the property of the parcel approved for a Market and shall not be in the public right-of-way. If the owner does not wish to have a sign visible all of the time, the permitted sign shall not be visible more than 48 hours prior to the Market and must be removed within 24 hours after the Market.

ARPA Funds Allocation

Staff requested that Council move to authorize allocation of funds provided by the ARPA for projects referenced in the Work Session conducted on September 28, 2021 as follows:

- Up to \$500,000 towards the extension of a water line to Belltown Road and Draper Road.
- Up to \$2 million towards Town and Country Subdivision sewer improvements.
- Up to \$2 million for the Helm Street water tank replacement.
- Up to \$100,000 toward broadband internet improvements within Town limits.

Vice Mayor Rush moved, seconded by Mr. Stanley to authorize ARPA funds be allocated as referenced in the September 28, 2021 Work Session and as delineated above.

Voted upon and carried by the following roll call vote:

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

The motion carried with seven members voting aye.

ADJOURNMENT

7:43 p.m.

Tim Black, Mayor

Debra Anderson, Clerk of the Council