



**Town Council
Regular Council Meeting Minutes
October 13, 2020**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, October 13, 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:

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

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 scheduled Council meeting of September 22, 2020 were approved as presented.

REPORT OF TOWN MANAGER

Assistant Town Manager Sonia Jammes reported that she was filling in for the Town Manager, Bart Warner, who was away tending to a family matter. She had a few items to report and then would relinquish the rest of her time to Chief of Police Todd Foreman for some remarks.

- In anticipation of the Council work session on Saturday, October 17, Council members were provided with a copy of the *Elected Officials' Guide to Government Finance*. This resource was created for elected leaders as a quick reference guide to local government operations and sound financial decision making. Hopefully, Council members will make some time to review it before their discussions on Saturday.
- In light of recent cyberattacks on all levels of government, the Town partnered with Managed Security Services on September 1, 2020 to protect the network against vulnerabilities. In little over a month and a half, 199,584,000 events have been blocked and of those events, there were 1,319 total incidents and six high incidents. This is a real eye-opener, given the Town is such a small locality but has been a target of so many events toward the network. Hopefully, the precautions that are in place will prevent the Town from getting into an event with a ransom situation when it comes to cyberattacks.
- The Town has spent \$1,045,462 on the current landfill closure. The installation of the liner was affected by the rain last week but work has resumed this week. The project will be finished up and come to a closure relatively quickly.
- Fall Cleanup went well. The Town crews picked up approximately 55 tons of waste on behalf of the customers. If any of the crew members are seen by Council members, please give them a thank you for picking up that much waste.
- The construction of the west side gateway sign will be completed by the end of the week. The final step will be to landscape the area around the sign. The east side gateway sign is in the preconstruction phase. Once that phase is completed, it is anticipated that the east side sign will be up rather quickly.
- To further improve the safety of the Town's buildings, in-duct air purifiers are being installed in all of the HVAC systems. This will help prevent the spread of any unclean air and it is anticipated that CARES funding will cover the costs.
- The Town has embarked on the second annual Turn the Fountain Pink event for the month of October for breast cancer awareness. Any donations that are received will go to the local chapter of the American Cancer Society.
- Just a reminder that tonight's meeting must be adjourned instead of dismissed for the Council work session on Saturday, October 17, 2020.

Ms. Jammes said that she would relinquish the rest of her time to Chief Foreman for his remarks.

Mayor Rush noted that the east and west gateway signs information was backwards and he hoped that spam could be eliminated now that the Town was protected against cyberattacks.

Chief Foreman thanked the Council for their time and said he wanted to recognize some of the police officers for their accomplishments. He called Officer Meade and Sgt. McCrickard forward and said that Sgt. McCrickard was aware of Officer Meade's commendable actions.

On August 7, 2020, Officer Meade responded to a report of a suspicious male behind the Bedford County Administration building. The male was walking around cars in the parking lot. Officer Meade searched the area for the individual and located him walking along West Main Street. Because Officer Meade is involved in the community and knows the citizens she serves and protects, she did not recognize this person as a Town resident. She continued her investigation and identified the young male as someone from Mississippi who was driving through Virginia taking pictures of scenery. Officer Meade noticed that the man was not wearing shoes and showed signs of distress and confusion. She showed the individual respect and concern while speaking with him and found that he had lost his camera, his phone, and his vehicle had been towed due to running out of gas and having no money. Officer Meade began searching for resources to assist him in getting back home. She was able to make contact with his mother by phone and once his mother spoke with him, she advised Officer Meade that he did not sound like himself. The mother said she was in Mississippi and it would take awhile for her to get to Bedford to pick up her son. Officer Meade also contacted the man's father in Tennessee who was unable to help. The father also noted that his son did not sound right. Due to both parents' concern for their son's condition, Officer Meade transported the individual to the hospital and continued to contact other family members who may have been closer in proximity than his mother. She also contacted Social Services. After speaking to a family member, a hotel room was reserved locally for him. His mother was then able to come pick him up. Due to Officer Meade's determination, innovation, and respect towards this male, she was able to assist a concerned family and coordinate a safe outcome for the young man in crisis. Because of her good work, the Town was spared possible crimes committed by this person, since he was in a desperate situation. She continues to show her character over compromise and represents the Town of Bedford well with her positive attitude and integrity. Chief Foreman presented Officer Meade with a Police Department coin.

Every year Mothers Against Drunk Driving (MADD) recognizes one of the Town's officers for their efforts in keeping the roads safe. This year, because of the COVID-19 pandemic, the banquet to formally recognize the officer was cancelled. Chief Foreman called Officer Brooke forward and recognized him for his efforts in ending impaired driving and keeping the Bedford citizens safe. Officer Brooke spends many extra hours enforcing impaired driver laws and has the most DUI arrests in the Town this year. He was presented with a plaque noting appreciation for his service to the community.

Six officers that completed milestones in the career progression program were presented with pins to recognize their achievements, although not all six were in attendance. The officers receiving the pins were Investigator Blackford, Officer Brooke, Officer Brooks, Officer Lawhorne, Officer Peltier, and Officer George.

APPEARANCES BEFORE COUNCIL

None.

COUNCIL COMMENTS

Councilman Johannessen said he was proud of the Town's police department and he appreciated their work.

Councilman Hailey agreed with Councilman Johannessen and said the officers do an awesome job.

Vice Mayor Black said he appreciated the hard work and professionalism the police officers provide for the community which does not go unnoticed.

Mayor Rush also voiced that sentiment and noted Chief Foreman's excellent job serving the community.

REPORT OF COUNCIL COMMITTEES

Councilman Hailey said he attended the Public Safety Committee meeting on September 29, 2020. Urban archery was discussed and changes were made to the ordinance and those changes will be voted upon tonight.

REVISIONS TO AGENDA

None.

PUBLIC HEARING

Ms. Jammes 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, October 13, 2020, at the Town Municipal Building, Council Hall, 215 East Main Street. The purpose for the public hearing is as follows:

- Receive public input regarding the Town's intended use of CARES Act funding.

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

Published: September 30, 2020

Mayor Rush opened the public hearing at 7:15 p.m.

Bruce Hartwick, 418 West Franklin Street, Bedford, VA

Mr. Hartwick stated that it was not only the smart thing to do but also the right thing to do and vote to accept and approve the CARES Act funding, which could help more businesses in Town stay afloat through this pandemic. Some of the funds may also be used to help the first responders, police officers, and firefighters.

There being no one else coming forward, Mayor Rush closed the public hearing at 7:16 p.m.

CONSENT AGENDA

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

The Bedford Area Family YMCA is requesting permission to hold the 41st YMCA's Annual Peaks of Otter Christmas Classic Foot Race on Saturday, December 5, 2020, and to block 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 Circle 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 lane to be used for participants from 7:30 a.m.- 11:00 a.m.

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.

ACTION REQUESTED:

Town Council is requested to approve the closing of the above streets for the 41st YMCA's Annual Peaks Otter Christmas Classic Foot Race from 7:30 a.m. to 11:00 a.m. on December 5, 2020.

Mr. Hailey moved, seconded by Mr. Stanley to approve the closing of the above noted streets on December 5, 2020, from 7:30 a.m. to 11:00 a.m. for the YMCA's Annual Peaks of Otter Christmas Classic Foot Race. Discussion followed.

Mayor Rush questioned whether an application was completed and whether the fee was paid. Ms. Jammes said she was not aware that either was done. Mayor Rush asked Mr. Lawhorne who also did not have knowledge of a completed application or fee paid.

Vice Mayor Black asked if the YMCA had reached out to Dave McCormack for permission because the foot race would be entering the Old Bedford Middle School parking lot, and the school was in the middle of a demolition/construction project.

Ms. Jammes was not aware that the YMCA had notified Mr. McCormack but she said they could follow up with the YMCA to see.

Mr. Black asked if there was a rain date but Ms. Jammes noted there was not.

Mayor Rush stated that they need to follow procedure and moved to table the request until the YMCA complied with procedure. Vice Mayor Black said the original motion could be amended to take into consideration the application and fee process and approval from Mr. McCormack for use of the school property.

Mr. Black moved, seconded by Mr. Shoen to amend the original motion and approve the street closure request under two conditions: the YMCA must complete the paperwork and pay the fee, and receive approval from Mr. McCormack regarding use of the school's parking lot.

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 amended motion carried with seven members voting aye.

OLD BUSINESS

None.

NEW BUSINESS

CARES Act Funding

As part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act passed by Congress in March 2020, the Town of Bedford is eligible for direct funding for qualified activities with Bedford County serving as the local fiduciary agent. The Town has already

received reimbursement for expenses related to the purchase of personal protective equipment, and the Town's direct assistance to businesses in the form of assistance grants.

In consultation with staff, the Finance Committee met on September 22, 2020, and recommended that the Town make use of CARES Act funding in an effort to mitigate the effects of the Covid-19 pandemic in the following manners: continued purchase of personal protective equipment; disinfection of public areas and facilities; improvement of telework and meeting capabilities; distance learning objectives; small business and non-profit assistance programs; citizen assistance programs; and other Covid-19 related expenditures including (but not limited to) hazard pay for Town employees and purchase of equipment, materials, and infrastructure related to maintain continuity of government services.

ACTION REQUESTED:

Town Council is requested to approve the recommendation of the Finance Committee for use of CARES Act funding allocated to the Town of Bedford.

Mr. Schley moved, seconded by Mr. Hailey, to approve the recommendation of the Finance Committee for use of the CARES Act funding allocated to the Town of Bedford. Discussion followed.

In response to a question from Mr. Shoen regarding whether Town employees were working remotely, Ms. Jammes said a handful of employees did work remotely during the thrust of the pandemic but everyone is back at work now unless someone tested positive for COVID-19 or was quarantined for a reason associated with the virus. Mr. Shoen said he is not sure that those working remotely were at risk. Ms. Jammes replied that she was told that everyone is at risk now, no matter what period of the pandemic it is. Mr. Shoen stated that he could work remotely but chooses to be here. Ms. Jammes noted that no one is currently working from home.

Vice Mayor Black said that he would like to go over what was talked about in the Finance Committee and to get them on the record, he would like to discuss the hazard pay and the vehicles, because there was some discussion about some items. Ms. Jammes noted that she had included all those expenditures in the last financial report that was sent to all of Council but the two big hot topics were included in information she brought tonight to redistribute to Council members if they wanted to look at it and discuss the specifics on what they wanted to spend the CARES Act money. She stated that the PPE equipment and the cleaning supplies and things of that nature she hoped the Council would trust staff to make a decision on that, but the big ticket items, she could pass out what she included in the financial report the last time. Mr. Shoen said he had not received the information in his packet but Ms. Jammes said it was in the finance packet. Mr. Shoen said as far as the Council being included for hazard pay, he was not comfortable with it for himself and he waived his. Mr. Black said it was some of the heartburn he had in the Finance Committee, to include the Council members, EDA, and Redevelopment and Housing Authority. Everything was included in the recommendation knowing that everyone would have to approve it. Mr. Johannessen said he agreed with Mr. Black and was not comfortable in receiving any kind of hazard pay. Mayor Rush said he would like Council to have time to digest the information. Mr. Black stated he would like to at least discuss it tonight. Ms.

Jammes reminded Council that the Action Requested was not to pinpoint the expenditures but to accept the use of that funding on any particular expenditures the Town had that could be allowable. Mr. Black asked if there would be a separate vote for the specific items and Ms. Jammes replied that was the intent and Council would be provided with itemized lists of what staff was requesting outside of the routine requests. Mr. Stanley and Mr. Johannesson said that tonight Council was just accepting the CARES money. In response to a question from Mr. Shoen regarding the Action Requested that reads “to approve the recommendation of the Finance Committee”, which connotes approval of specific expenditures, Town Attorney Will Berry noted that the Action Requested could be amended to say “approve to accept the recommendation to receive the CARES Act money”. Discussion continued regarding the motion to accept the money and that Council has discretion within the CARES Act to approve specific items. Ms. Jammes stated that Council had a public hearing to accept the funding and disburse the funding via the categories that were given. Later on, there will be a vote on the top areas that could be allowable expenses and to disburse the funding however Council decides. Tonight’s Action Requested was to accept spending in the categories listed in this Action Form. Specific funding must be spent by December 31, 2020. Mr. Shoen said the police cars would not be bought until next year but Ms. Jammes said there are some vehicles available that could be purchased and the purchase orders must be made before the end of the year. Mr. Black thought that at some point, the public must be aware of the items on which Council will consider spending the CARES Act money, such as the hazard pay and the police vehicles, and give the public a chance to comment/respond. Mr. Schley noted that in the Finance Committee meetings, there were these discussions, and in committee the recommendations were made and it is public knowledge for those records. He said that after discussion, the committee agreed to the following: full-time employees, \$1,500; part-time employees, \$1,000; everyone else, \$750. Mr. Schley said that in committee meetings there is discussion and then a consensus and time should not be wasted in committee if there will not be a consensus. Mr. Black thought that Council members that are not on the particular committee should have the opportunity to participate in the debate. Mayor Rush and Councilman Johannessen understood that the agreement out of committee was to have a discussion. Mr. Schley said he was just asking that the committee be consistent. He agreed that they need to have the discussion. Ms. Jammes affirmed to Mr. Stanley that any monies not used by the Town would be returned by December 31, 2020 and the County could reallocate it. Ms. Jammes said \$302,000 has been spent so far which includes the business grants and the salary loss for staff with positive Covid-19 test results. The HVAC air purifiers would be an expense and some additional cleaning materials as well. Mr. Shoen said he could not vote on something that he does not know how much he is voting on. Ms. Jammes said she could provide another itemized spreadsheet of everything that is going to be included. She has already provided Council with an itemized spreadsheet that entails the \$302,342 that was reimbursed previously. She could do another spreadsheet that would define all the PPE that is currently operating with, the HVAC system, and the two high dollar items, hazard pay and police vehicles, that are discussed tonight if it would make Council more comfortable. Mr. Schley said that staff is asking Council to vote on the parameters of how the money could be spent, and then staff will come to Council with specific expenditures and then Council can decide what will be paid. Mayor Rush noted that the Town would follow the County recommendations because his concern was if the money was misspent, he did not want it to come down on the Town. Ms. Jammes stated that the Town would not do anything that the County did not already approve for them to do. Mr. Schley wanted to vote on the motion which pertained to the parameters, and then staff can come back next

meeting. He also asked if a public hearing would be held for every expenditure. Ms. Jammes said a public hearing is not a requirement to accept the funding, but in Council's generosity of having full disclosure for their constituents, Council had the public hearing. The Town is one of the few localities that held a public hearing on the CARES Act funding. Mayor Rush expressed he wanted a public hearing because the funds are tax dollars. Mr. Stanley clarified that Council was simply voting on accepting the CARES Act funds and Council can later decide how much Covid hazard pay employees will receive. Ms. Jammes stated that prior to Council's next regular meeting, there will be a Finance Committee meeting if anyone wants to attend and she will include any information in the finance packet regarding any anticipated expenditures on the Covid funding. Mayor Rush said the Finance Committee made the recommendation and other Council members need to look and see if they have heartburn on what is recommended because it is new to some.

Mr. Shoen moved to amend the previous motion to reflect that Council will approve the funding of the CARES Act and the parameters established by the CARES Act. Mr. Black seconded the motion.

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 amended motion carried with seven members voting aye.

Ordinance - Amending Provisions of Town Code Dealing with required cutting of grass, weeds, etc.; unlawful accumulations of refuse; and maintenance of areas between public sidewalks and street curb lines

Gary McIver, the Town Code Official, has reported to the Town Manager that the existing Town Code provisions dealing with required cutting of grass and weeds on Town land and premises, accumulation of garbage and trash, and the maintenance of areas between Town sidewalks and the curb line of Town streets are costly, inefficient and time consuming.

Mr. McIver and the Town Attorney have prepared proposed amendments to the Town Code making revisions to simplify and streamline the process for more consistent, efficient and cost-effective enforcement in accordance with current state statutes and with administrative provisions enacted by other urban localities in the area. These include revisions that allow notification of violations by posting and personal service or first-class mail rather than certified mail which is time-consuming and inefficient when recipients decline to accept certified notices. Included also is a provision now found in state legislatures requiring only one written notice per

growing season for failure to cut brush and grass between March 1-October 31, provided that the property is properly posted for each subsequent violation after personal services or regular meeting notices have been made for the first violation.

Mr. McIver also has designed and drafted a form to be used as a Violation Notice for notification of violations of the proposed amended ordinance. This form will be adopted administratively for enforcement of the new regulations.

The proposed ordinance has been posted for one week as required by Town Code.

ACTION REQUESTED:

Town Council is requested to adopt the ordinance re-enacting Sections 26-85, 26-86, 46-35, and 50-7 of the Town Code.

Mr. Hailey moved, seconded by Mr. Stanley, to adopt the ordinance as written. Mr. Stanley asked how high can grass get before it needs to be cut. Mr. McIver said ten inches.

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.

The ordinance follows:

Ordinance No. 20-9

AN ORDINANCE AMENDING TOWN CODE SECTIONS 26-85 (REQUIRED CUTTING OF GRASS, ETC.); SECTION 26-86 (NOTICE TO CUT WEED, ETC.); SECTION 46-35 (UNLAWFUL ACCUMULATIONS OF REFUSE); AND SECTION 50-7 (MAINTENANCE OF AREAS BETWEEN SIDEWALKS AND CURBS)

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA:

Section 1. Section 26-85 and Section 86 of the Town Code are amended and readopted as follows:

Section 85 – Notice to occupant of land or premises to cut or remove.

Whenever it shall come to the knowledge of the Town Code Official that there exists upon any land or premises in the town any weeds, brush, grass, vegetable matter or other foreign growth which, in his opinion, is detrimental to the health, comfort, or general welfare of any of the inhabitants of the town, it shall be his duty to serve reasonable notice as provided in section 26-86 on the occupant thereof, or, if unoccupied, on the owner, to cause such weeds, brush, bushes, grass, vegetable matter of other noxious growth exceeding ten inches in height to be cut and removed from such land or premises within five days of notification.

Section 26-86 - Notice.

A Violation Notice under Section 26-85 shall be by means of posting the site and by personal service or first class mail to the owner of the property addressed to the owner at the last address provided to the Commissioner of the Revenue for purpose of real estate taxation. Such notice when posted on the property and when either served in person or deposited in the United States mail, postage prepaid with the USPS, addressed to the owner shall be deemed complete and sufficient.

For purposes of this provision, one written notice per growing season (March 1- October 31) given to the owner of record as set forth in the previous paragraph shall be considered reasonable notice to the owner, provided the property is properly posted for each subsequent violation during the season.

Section 2. Section 46-35 of the Town Code is amended and readopted as follows:

Duty of property owners; unlawful accumulations on premises.

- (a) The owner or his agent, or the occupant of any premises within the town, shall be responsible for the sanitary condition of the premises owned, handled, or occupied by him.
- (b) It shall be unlawful for any person within the town, whether in a commercial or any other area, a vacant lot or a developed lot, to allow garbage, rubbish, ashes, trash, or any other refuse to accumulate on such premises, except in accordance with the provisions of this chapter.
- (c) It shall be unlawful for any person to cast, throw, or dump any ashes, garbage, trash, or other rubbish in any streams or drainage areas in the town.
- (d) Any person responsible for refuse not acceptable for collection by the regular collection service as set forth in this chapter shall make arrangements for the collection and disposal of such refuse in some other fashion, either by special service handling by the town or by private collection.

- (e) Any person placing refuse for collection shall be responsible therefore until it is collected. Any person placing any refuse for collection which violates the provisions of this chapter shall remove such refuse from the public ways as directed by means of a Violation Notice. A Violation Notice shall be by means of posting the site and by personal service or first class mail to the owner of the property addressed to the owner at the last address provided to the Commissioner of the Revenue for purpose of real estate taxation. Such notice when posted on the property and when either served in person or deposited in the United States mail, postage prepaid with the USPS, addressed to the owner shall be deemed complete and sufficient.
- (f) Each day of refusal to remove such refuse after proper notice shall constitute a separate offense. The Town Code Official shall verify compliance within the time specified or may have the unlawful refuse removed at the expense of the owner. The cost of removal shall be a lien upon the land or premises and shall be reported by the town manager to the town treasurer, who shall collect the same in the manner in which town tax levies upon real estate are authorized to be collected.

Section 3. Section 50-7 of the Town Code is amended and readopted as follows:

Maintenance of areas between town sidewalks and curbs of town streets.

- (a) Where there is a strip of land between the sidewalk and curb line of any town street, the owners or occupants of land abutting such sidewalk may plant trees, flowers, or other ornamental plants thereon provided they obtain a permit from the town manager.
- (b) Where there is such a strip of land between the sidewalk and curb line of any town street, it shall be the duty of the occupant or owner of any land abutting such sidewalk to remove any refuse, rubbish, or trash from such strip and to cut and trim any grass, plant, weeds or other vegetation which exceeds a height of ten inches, other than trees, shrubbery, flowers or other ornamental plants. Nothing in this section shall authorize any person to cut or remove any tree or ornamental shrub without first obtaining a permit from the town's zoning administrator.
- (c) Whenever it shall come to the knowledge of the Town Code Official that there exists upon any such strip and condition constituting a violation of this section, it shall be his duty to serve a Violation Notice on the occupant thereof, or, if unoccupied, on the owner to have such refuse removed and to have any vegetated matter cut and removed within a reasonable time not to exceed five days from receipt of such notice. If such land or premises are unoccupied, such notice shall be posted on the land or premises and served on the owner thereof, if he be a resident, and if not, upon the owner's agent in charge thereof, or upon the owner by first class mail addressed to the owner at the last address provided to the Commissioner of Revenue for purposes of real estate taxation. The Town Code

Official may cause any violation of this section to be abated by removal at the expense of the owner, following proper notification and expiration of the time specified therein. The cost of such removal shall be a lien upon the land or premises and shall be reported to the town treasurer, who shall collect in the same manner in which town tax levies upon real estate are authorized to be collected.

Section 4. Severability:

Should any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 5. Effective date:

This ordinance involves penalties for violations and accordingly shall be effective upon posting of these or more public places in Town for one week or publication in a newspaper having general distribution in the Town.

Change in Ordinance – Hunting within Town limits with Bows and Arrows or Crossbows

The Public Safety committee of the Town Council met with the Chief of Police Todd Foreman and with the Town Attorney Will Berry to review the ordinance dealing with hunting with bows and arrows and with cross-bows (Town Code Section 30-82.1). A citizen had contacted Councilman Black requesting an explanation of the reasons for differences in the ordinances dealing with hunting with firearms (shotguns) and those dealing with hunting with archery.

The committee reviewed the regulations and directed the Chief to make the following changes to the provisions more consistent with each other and with the state code and Game and Inland Fishery regulations.

Recommended changes included:

- (a) Removing the existing prohibition upon hunting for bucks. Originally, this was based upon the idea that getting rid of does would result in fewer bucks. This had resulted in fewer hunters than would be the case if bucks also could be hunted.
- (b) There was no reason to require bow-hunting only from tree stands.
- (c) There was no reason not to require annual renewal of urban archery permits when 5 year permits were allowed.
- (d) The archery deer season will be extended from the first Saturday in October to the 31st day of March rather than the first Saturday in January.

These changes should promote more hunting to reduce the growing number of deer in the Town. The Police Chief and the Town Attorney have drafted the ordinance with proposed changes. The ordinance has been posted for one week as required by the Town Code.

ACTION REQUESTED:

Town Council is requested to adopt the ordinance re-enacting Section 30-82.1 of the Code of the Town of Bedford with the changes proposed by the Chief of Police.

Mr. Black moved, seconded by Mr. Hailey to adopt the revised ordinance.

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.

The ordinance follows:

Ordinance No. 20-10

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 30-82.1
OF THE CODE OF THE TOWN OF BEDFORD
PERTAINING TO THE USE OF BOWS AND ARROWS OR CROSS BOWS**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD,
VIRGINIA:**

Section 1. Chapter 30, Article I, Section 30-82.1 of the Code of the Town of Bedford is amended and re-enacted as follows:

Sec. 30-82.1. - Use of bows and arrows or crossbows.

- (a) No person shall discharge an arrow from a bow or crossbow within the town except as provided in this section.
- (b) This section shall not apply to the use of a bow ten pounds or less of draw rate with a blunt rubber-tipped arrow.
- (c) This section shall not apply to properly located and constructed archery ranges approved by the chief of police.

(d) No minor under 18 years shall discharge an arrow from a bow or crossbow except upon a properly located, constructed, and approved archery range, and then only under the immediate supervision of an adult.

(e) Deer may be hunted within the town with bows and arrows or crossbows in accordance with the town's urban archery program under the supervision of the chief of police and subject to the following conditions:

- (1) Hunters must abide by all applicable sections of the Virginia State Code, Virginia Hunting Regulations, and local ordinances.
- (2) Hunting with bow and arrow is permitted on any parcel which consists of three acres or more, or parcels with concurrent boundaries which in combination equals three acres or more.
- (3) In addition to the urban archery season, archery deer hunting is also allowed during the early archery season, the general firearms deer season, and during the late archery season (i.e. from the first Saturday in October through the 31st day of March).
- (4) It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons, except as allowed under state law.
- (5) The hunter must obtain written permission from the landowner before hunting and shall carry a copy of the written permission at all times while hunting.
- (6) The property owner must obtain an urban archery permit from the Bedford Police Department. The permit shall be valid for a period of five years, provided that there is no change of ownership.
- (7) No person shall discharge a bow from, over or across any street, sidewalk, alley, or public place, or towards any building or dwelling in such a manner that the arrow may strike it.
- (8) A hunter discharging a bow shall use reasonable care to ensure the arrow does not cross any property line and enter any property on which the hunter does not have permission to hunt. The discharge of an arrow across or over the boundaries of a property for which no permission has been given by the property owner shall create a rebuttable presumption that the use of the bow and arrow was not conducted with reasonable care.
- (9) Discharge of an arrow is permitted only in order to take a deer. No discharge of an arrow shall be made toward any animal other than a deer.
- (10) The hunter is responsible for the disposition of the deer carcass.
- (11) If a deer which has been shot with an arrow leaves the property on which the hunter has permission to hunt, the hunter shall obtain permission from any property owner over which he/she must travel to retrieve the deer.
- (12) No person shall hunt deer in the town by use of dog or dogs.

(f) Any person who violates the provisions of this ordinance shall be guilty of a Class 3 misdemeanor.

Section 2. Severability: Should any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. This ordinance includes a penalty for its violation, and the Clerk is directed to cause the ordinance to be published one time immediately after its passage in some newspaper published in the town or posted at three or more public places in Town for one week in accordance with Section 19 of the town Charter, and this ordinance shall be effective upon completion of such publication or posting.

ADJOURNMENT

Mayor Rush adjourned the meeting to October 17, 2020 for a Council work session in Council Hall. There will be a light breakfast at 8:30 a.m. The meeting will begin at 9:00 a.m. Mr. Berry will give a 30 minute presentation on the Freedom of Information Act (FOIA) and then Council will move into the work session.

7:53 p.m.

Steve Rush, Mayor

Debra Anderson, Clerk of the Council