



Town Council
Regular Meeting Minutes
October 22, 2019

The Bedford Town Council of the Town of Bedford held a regularly scheduled meeting Tuesday, October 22, 2019, at 7:00 p.m. in the Town Municipal Building Council Hall.

Town Council members present:

Mayor Steve Rush, Vice Mayor Tim Black, Councilman Stacey Hailey, Councilman Bruce Johannessen, Councilman Bryan Schley, and Councilman Darren Shoen.

Town Council members absent:

Councilman Robert Wandrei.

Town Staff present:

Town Manager Bart Warner, Assistant Town Manager Sonia Jammes, Town Attorney William W. Berry, IV, Chief of Police, Todd Foreman, Clerk of Council Debra B. Anderson and Mary Boone Recording Secretary.

Town Staff absent:

None.

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

APPROVAL OF MINUTES:

Mayor Rush declared that the Minutes of the adjourned Council Meeting held on October 8, 2019 were approved as distributed. The Minutes of the regular Council Meeting held on October 8, 2019, with the correction of a quote made by Mayor Rush, were approved as distributed.

REPORT OF TOWN MANAGER:

Town Manager Bart Warner reported:

- While we are very happy to support Liberty High School we did have several issues related to the execution of the Homecoming Parade about a week ago. Some of those are logistical in nature and we will work that out with the leadership at LHS, but, perhaps more concerning is we had some that involved citizen interactions in particular the non-

observance of barricades for street closure that required further staff attention. I just wanted to let you know we are working to address those issues and I will keep you advised with regards to our progress and findings.

- The facility use policy has been in place for the better part of a year. Accordingly, I just wanted to report that staff is in the practice of enforcing all aspects of the policy and we will direct any requests for waivers or exceptions directly to the full membership of Council for consideration. Staff will not be entertaining exemptions for that since it is your policy.
- The electric department reports that the price cost adjustment will be reduced by approximately 17% effective November 1st which should translate into lower bills for our electric customers. There will be a scheduled power outage which will affect most of the Big Island area on Saturday November 9th from approximately 8 a.m. – 5 p.m. This is due to the bridge relocation project being executed by VDOT on Route 122 in the vicinity of Forbes Mill Road. We regret the inconvenience and we are certainly willing to work with customers to mitigate that impact on an individual basis.
- Also with the electric department we are aware of several issues related to underground power lines that are resulting in random outages around our service area. We are implementing a program of targeted replacement and repair work in order to proactively address that issue.
- The proposed Gateway Signs along Highway 460 have been approved by VDOT at the State level, however, at this point we are currently waiting similar action by the district traffic engineer. The replacement Civic Signs for East Main Street and Blue Ridge Avenue have been ordered and will be installed as soon as possible when they arrive.
- The documents for the borrowing that you approved at your last meeting have been executed.

At this time I would like to turn the floor over to Chief Foreman for a couple of very special presentations.

Chief Foreman said we accepted a One Mind Campaign challenge through the International Association of Chief of Police. There were only nine agencies in Virginia that accepted the challenge and we were the second or third to complete it which the completion is that we have everybody in the department trained in mental health first aid and that over 22% of the department had Crisis Intervention Training which is a 40 hour class. We also have many projects that we work with Horizon Behavioral Health. I wanted to let you know we received that completion and we are one of the nine agencies in Virginia that were able to complete that.

I want to bring up two of our officers to be sworn in tonight.

Clerk of Council, Debra B. Anderson, swore in Odair Casteneda and Austin Brugh as Police Officers for the Town of Bedford.

APPEARANCES BEFORE COUNCIL:

None.

COUNCIL COMMENTS

Councilman Johannessen: I attended the Bedford Area Educational Foundation breakfast this past week on October 18th and the Town of Bedford was presented a plaque for its contribution to this foundation. The foundation does a lot of really good work in providing teachers with funding at times that normally comes out of their pockets. It is a good thing that we do this and they really appreciate the fact that we contributed money to that foundation.

Councilman Hailey: I just wanted to thank Todd and the police force for the effort they did with the Liberty High School Parade.

Councilman Johannessen: The fact that the police force has done crisis training is really important. There are a lot of communities that are looking at that at this point but our community is advancing quicker than others and it is a really good thing to have done. Todd, as usual, is working real hard for the community so thank you and I think we all thank Todd for making sure that happened.

Mayor Rush: Just to remind everybody you have seven days if you have not completed the computer training to get it done or you will not have access to the website. I attended the Planning District Committee meeting last week with Ms. Zirkle and other members of the planning district. It was a round table discussion on goals and objectives they want to accomplish.

REPORT OF COUNCIL COMMITTEES:

Finance Committee: Vice Mayor Black

The finance committee met yesterday and went over the monthly reports. A couple of things that popped up that you may have seen in the email - electric we had the wood chipper that went bad and we are going to have to replace and that is about a \$36,000 deal and then part of that turbine rebuild there is a part that was damaged that has to be replaced and they made the best decision to go ahead and replace that.

Mr. Warner: Yes, that will add an additional cost of \$100,000 to a \$900,000 project.

Vice Mayor Black: There will be a warranty and I think that is the big thing.

Mr. Warner: Yes, just to explain further that is a stub shaft for the turbine that is faulty. The people who are installing the turbine can do that repair work but they can not warrant that work and for \$900,000 we are concerned about taking that kind of risk. For approximately \$100,000

we can have someone provide that work and guarantee it which would also extend the warranty of the entire project. I will have to get the information to you regarding the length of the warranty, for \$100,000 we will have someone on standby without that we don't have a warranty on any of the work but I will get the terms of the warranty to you.

Vice Mayor Black: We will have our audit report that we will go over at the next Council meeting.

Mayor Rush: I think we can save from other capital projects to take care of the chipper.

Mr. Warner: Yes.

REVISIONS TO THE AGENDA:

Mr. Warner: I did circulate amongst your places a request from the Central Virginia Business Coalition for a street closing on Saturday, December 7th. If you wanted to entertain that tonight you can, it is up to you all.

Mayor Rush: Lets add that to the last of new business and we also want to add the discussion about the sale of the fire truck.

PUBLIC HEARINGS:

Amending the Land Development Regulations to Create and Adopt New Zoning Use for Short-Term Rentals

Mr. Warner: Mayor Rush, members of Council and our public here let me speak to that. The Planning Commission has been talking for some time about developing a new zoning category related to short term rentals. That would be a category that is not currently on our books and I guess the common term most people are familiar with are air B & B's, a lot of localities are wrestling with this. Despite the fact that the public hearing has been advertised for tonight and certainly anybody is free to speak to that issue the Planning Commission has not forwarded a recommendation at this time so Council therefore can't act on that. What I can tell you is if there is anyone who wishes to speak you can open the hearing but there will be no action taken.

PUBLIC HEARING NOTICE

Notice is hereby given of public hearings to be held by the Town Council at 7:00 p.m. on Tuesday, October 22, 2019, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- Consideration of amending Sections 302, 602.02, 605.01, 607.02 and 608.02 of the Land Development Regulations of the Town of Bedford, Virginia, to create and adopt a new zoning use, "Short-term Rental". The request is being submitted per the direction of the Town of Bedford Planning Commission.

Information is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to the requests will have an opportunity to express his/her views at these hearings.

Mayor Rush opened the public hearing at 7:16 p.m.

There being no one coming forth the public hearing was closed at 7:16 p.m.

Mr. Warner read the following public hearing notice.

PUBLIC HEARING NOTICE

Notice is hereby given of public hearings to be held by the Town Council at 7:00 p.m. on Tuesday, October 22, 2019, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- Request to rezone 503 & 507 Longwood Avenue, Bedford, VA 24523 (Tax Parcels 194-A-170-T, and 174-5-1-T, 174-5-2-T, 174-5-3-T, 174-5-4-T) consisting of approximately 9.54 acres, located on the north side of Longwood Avenue and Peaks Street and parcels along Westview Avenue, from R-1, Single Family Residential District to CNW, Central Neighborhood Workplace District. The request is being made by Old Yellow, LLC, 245 E. Bank Street, Petersburg, VA.

Information is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to the requests will have an opportunity to express his/her views at these hearings.

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

Daniel W. Roberts 414 Avenel Bedford, Virginia 24523

I would urge you not to make these changes in the zoning regulations unless the proffer that has been offered as part of this transaction survives any subsequent transfer or sale of that property. If that is not a condition of the proffer then I would urge you to not make these changes in the zoning regulations. The second comment/request, in the proffer it is described as a central neighbourhood workplace (CNW) and what I read of the proposed change it is a commercial neighbourhood workplace and I would just ask that you make certain that we are talking about the same zoning changes that are in the zoning change and the proffer.

Noel Ward 524 Westview Avenue Bedford, Virginia 24523

Arguably we would probably be the most effected by any of this that happens. I appreciate that Mr. McCormack talked at the last Council meeting and said that he would not turn that portion

into a parking lot. I just want to understand why the entire thing needs to be rezoned instead of just what is going to be actually used by Old Yellow. I don't understand why it all has to be rezoned. So, I guess that is my only comment. I just want to understand that because if it is rezoned and I guess I am a simple person, but if it is rezoned and we don't have to do this again we wouldn't have to get approval, no one would have to speak up and I know how everything works sometimes it is like we have to use this let's just use it so I want to make sure that does not happen to us because we would literally have headlights in our living room if it was turned into a parking lot. I am hoping it is not, I am trusting it is not, but just for the record I wanted to get my comments down.

David Hagan via email to Mr. Bart Warner

Good morning, Bart.

Thank you for your time during our call this morning. As I explained, our family owns the home at 520 Peaks Street which abuts much of the Bedford Middle School property. The historic red brick Victorian house was built in 1884 by Judge Martin P. Burks who was born in Bedford County, practiced law in Bedford, became the Dean of the Law Department at W & L University and was ultimately elected to the Virginia Supreme Court of Appeals.

Judge Burks wrote two books – Burks on Separate Estates (1893) and Burks' Pleading and Practice (1913), both of which were adopted by virtually every law school in Virginia. Our great grandfather, James R. Guy, bought the house from Judge Burks in the early 1900's and it has remained in the Guy/Hagan family for over 100 years. It is interesting to note that our great grandfather and great grandmother were both educators. Our property includes the original house, a separate cottage that originally housed Judge Burks' law offices the original smokehouse and a log corn crib. The house and other structures are listed on both the Virginia and National Registers of Historic Places not only due to their architectural style but also because of their association with the significant life of Judge Burks.

In order to insure the preservation of this Bedford historic treasure, our family granted an Historic Preservation Easement to Virginia on the buildings. This Preservation Easement also includes most of the land to preserve not only the street view of the house but also to preserve the beautiful sweeping vistas looking at the majestic Peaks of Otter to the north. We have made every effort to maintain our property so that it contributes to the historic ambiance of Bedford as a destination tourist spot along with the economic impact that tourism provides our beautiful town.

If the Town of Bedford chooses to sell the Bedford Middle School property for redevelopment, it is our hope that the Town will require the developer to include the following items in their development plan and site work so their development does not adversely impact the historic setting of our home that we have worked so diligently to preserve:

- 1) Earthen Berm with an evergreen planting screen along the west and south boundaries of the school where it abuts the Hagan and Soukhanov properties. The height of this

evergreen screen should be 8'-10' above the surface of the parking lots. I do not think we want deciduous trees unless the developer is responsible for removing the leaves those trees drop onto our property.

- 2) Exterior lighting shielded to prevent light pollution.
- 3) Remove vines/invasive plants along our shared fence line. If the developer installs a decorative fence along its western boundary, we would be willing to consider removing our chain link fence to make it easier to maintain and to enhance our shared views.
- 4) Manage storm water run-off onto our property which continues to cause erosion in our pasture.
- 5) Do not pour/discharge any pollutants into storm drains – we periodically keep livestock in our pasture that drink water from the creek, some of which were previously sickened by mop buckets and the cleaning products they contained being dumped into the storm drains which ended up flowing into the creek.

Thank you for your kind consideration of our request. We appreciate your offer to have this email entered into the Minutes at tonight's Town Council Meeting. Please contact me with any questions.

Mayor Rush closed the public hearing at 7:22 p.m.

CONSENT AGENDA:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

Ordinance - Requested Zoning Amendment – 503 and 507 Longwood Avenue (former Bedford Middle School)

Waukeshaw Development, Inc. has a performance agreement with the Town of Bedford and the Town of Bedford Economic Development Authority to redevelop the former Bedford Middle School property identified as 503 and 507 Longwood Avenue (Tax Parcels 194-A-170-T, 174-5-1-T, 174-5-2-T, 174-5-3-T, and 174-5-4-T) within the Town of Bedford. The property is currently zoned R-1, Single Family and is vacant. The intent of Waukeshaw is to redevelop the property in accordance with the site plan entitled "Bedford Middle School" and under the provisions of the performance agreement. Exhibit B of the performance agreement contains a list of proffered conditions in conjunction with the rezoning request.

The Planning Commission conducted a public hearing regarding this matter at its regular meeting on October 3, 2018. Nick and Anne Soukhanov voiced their concerns about fire safety, Fire Department access, noise and traffic.

That same evening the Planning Commission recommended approval of the rezoning request with the conditions proffered by Waukeshaw Development, Inc. by a vote of five members for, one member against, and one member absent.

ACTION REQUESTED:

Town Council is requested to adopt the attached ordinance rezoning the former Bedford Middle School property identified as 503 and 507 Longwood Avenue.

On a motion by Councilman Schley, seconded by Vice Mayor Black, discussion ensued:

Councilman Hailey: We they talked about it in the planning commission the traffic study was complete correct?

Mr. Warner: The traffic study had not been submitted as of that time but we have received that information since then.

Vice Mayor Black: Mr. McCormack is here would it be appropriate if I could ask him just a few questions on some clarification.

Mayor Rush: Let him come forward in case there are other questions we will address those.

Vice Mayor Black: The planning commission talked about the traffic study and we got that traffic study if you could walk me through it a little bit, basic numbers and how you came up with that and what that means from what it was to what is with your proposal traffic wise.

Mr. McCormack: I hired Chuck Robinson Associates to do this for me that is our civil engineer. He is qualified to do the study. These numbers are generated from my understanding from tables based on the proposed use of the project and then that is compared to what the building was used for. In very simple terms on that mean just beneath the cover page what Jeff did was he took the traffic numbers from when the two buildings were used as a school and, I just going from memory, the traffic was about 1,200 a day, somewhere in that range, and based on the new use it is about 790. When we did the comparison of those tables clearly we are well under the traffic counts that were there when this was being used as a school so actually decreasing the traffic on and off of the property.

Vice Mayor Black: The second one there was a questions that I had had and I talked to Bart about this and mentioned it to you and just wanted to kinda get it clarified for the record as well. On the original site plan that we got a copy of the parking for the use of the hotel and the apartments added up to 125 but when you broke those out separate for each use it added up to 119. There is a difference of 6 units there which could help you with a little bit of your deficiency. Can you walk me through what the right number is, is it the 125 or the 119?

Mr. McCormack: The right number is 119, when we went back and did the you know, it is all based on square footage and then there was a little bit of interpretation questions. The most recent iteration of the site plan is 119. If anyone does not have a copy of that I can certainly circulate that. We did get that 6 back just doing the math.

Vice Mayor Black: The last couple of questions and these come from the planning commission, some from the community and some you have heard tonight. The issue of lighting, parking and the issue of noise abatements. Can you clarify maybe what your plans are and how to mitigate those as much as you can?

Mr. McCormack: In all of these residential properties the residents of the building have the same concerns as the neighbours no one wants to get blinded by site lighting or any of that stuff. We use some pretty high tech LED lights, they are all down facing, they have a cone that light certain areas and it really does not impede in any way on any neighbours. If anybody lived next door what they would see if they looked onto the site would not be the light they would just see a lit parking lot in those specific areas. They are really intended for the safety of the residence and they do a really good job of lighting the site but they do not cast light across or into anybody else's property. Just so everyone is aware we have several multi-family properties around all over the place and if anyone wants to see what we are talking about.

Councilman Shoen: That covers it, that is what I was looking at. The proffers as far as whether the proffered non uses run with the land it is a legal question and I am comfortable after talking with our Town attorney that it does. If you did someday sell the property that all these restrictions would go with it. That was the concern tonight and it is certainly understandable. This is really what protects us, the proffers, because under CNW there is a lot that can be done but within this agreement we have it does. I feel comfortable that it restricts inessentially what you are going to be doing.

Mr. McCormack: I just wanted to relay because I know everyone was not here at the last meeting. Really the parking down at the field was only again trying satisfy code it was not something that we wanted to do at all. I am very happy with the outcome and my interest are aligned with the neighbours on that. I think we got a great solution.

Vice Mayor Black: That is outlined in the performance agreement that that will not happen.

Councilman Shoen: I did not count them up there is a lot there that can't be done.

Mayor Rush: But it is specifically defined in the performance agreement what you can and can't do.

Councilman Shoen: The concern was that if you sell someday that these go with it. My understanding is yes it does.

Town Council adopted the attached ordinance rezoning the former Bedford Middle School property identified as 503 and 507 Longwood Avenue. 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 Wandrei	absent
Mayor Rush	aye

Motion carries with six members voting aye, one member absent.

The Ordinance is as follows:

Ordinance No. 19-11

AN ORDINANCE CHANGING THE ZONING MAPS FOR THE TOWN OF BEDFORD BY REZONING PROPERTY AT 503 AND 507 LONGWOOD AVENUE FROM R-1 TO CNW (TAX PARCELS 194-A-170-T, and 174-5-1-T, 174-5-2-T, 174-5-3-T, and 174-5-4-T)

WHEREAS, the Planning Commission of the Town of Bedford held a public hearing on October 3, 2019; and

WHEREAS, the Town Council 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, it is found that the public necessity, convenience, general welfare, and good zoning practice are best served by changing the zoning district boundaries;

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

Section 1. The Zoning Map of the Town of Bedford is amended by rezoning from Single Family Residential (R-1) to Central Neighborhood Workplace (CNW) Tax Parcels 194-A-170-T, and 174-5-1-T, 174-5-2-T, 174-5-3-T, and 174-5-4-T and a Conditional Use Permit is hereby granted to Old Yellow, LLC for uses contained in the site plan entitled “Bedford Middle School” on the site subject to the proffered conditions contained in Exhibit B of the Performance Agreement between the Town of Bedford, the Town Economic Development Authority, and Waukeshaw Development, Inc.

Section 2. This ordinance is effective upon enactment.

Request for Proposals – Phase I of Crenshaw Street Proposal

As part of the FY19-20 budget funds are included for proposed improvements to Crenshaw Street. In order to proceed with the project, construction documents need to be developed for Phase I. A Request for Proposals has been drafted and is attached for this purpose.

**REQUEST FOR PROPOSALS
Development of Construction Documents for Phase I of
Proposed Crenshaw Street Improvements**

1.0 GENERAL TERMS AND CONDITIONS

- 1.1 It is the intent of this Request for Proposal (RFP) to secure the services of an experienced professional (the “Consultant”) to create and publish construction documents related to Phase I of proposed improvements to Crenshaw Street within Town of Bedford (the “Town”).
- 1.2 Sealed proposals shall be submitted no later than Friday, November 22, 2019 at 5:00 PM to:

Town of Bedford
Bart Warner
Town Manager
215 East Main Street
Bedford, VA 24523
- 1.3 Proposals shall be submitted at the place and time specified in the RFP advertisement. No responsibility will be attached to any Officer or Agent for the premature opening of a proposal not properly addressed and identified.
- 1.4 It is the responsibility of the Offeror to assure that the proposal is delivered to the place designated for receipt of proposals prior to the closing time set for receipt of proposal. No proposal received after the time designated shall be considered.
- 1.5 If any respective Offeror has questions about the specifications or other solicitation documents, the prospective Offeror should contact Bart Warner, Town Manager via email at bwerner@bedfordva.gov or by telephone at (540)587-6022 no later than five (5) working days before the due date.
- 1.6 Offerors are advised that oral explanations or instructions given by Town Personnel during the Request for Proposals process, or at any time prior to the award shall be nonbinding.
- 1.7 Persons intending to submit a proposal are specifically cautioned that the Offeror is barred from pleading misunderstanding or deception because of estimates of

quantities, character, location or other conditions surrounding the same.

- 1.8 Modifications, additions or changes to the Terms and Conditions of this Request by the Offeror may be cause for rejection.
- 1.9 Any proposal in response to this solicitation shall be valid for 60 days. At the end of the 60 days the proposal may be withdrawn at the written request of the Offeror. If the proposal is not withdrawn at that time, it remains in effect until an award is made or the solicitation is cancelled.
- 1.10 By submitting their proposals, Offerors certify that their proposals are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other Offeror, supplier, manufacturer or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised unless consideration of substantially equal or greater value was exchanged.
- 1.11 By submitting their proposal Offerors certify to the Town that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, The Americans With Disabilities Act, and §11-51 of the Virginia Public Procurement Act.
- 1.12 By submitting their proposal, the Offeror certify that they do not and will not during the performance of this contract employ illegal alien workers or otherwise violate the provisions of the federal Immigration Reform and Control Act of 1986.
- 1.13 By submitting their proposals, Offerors certify that they are not currently debarred by the Commonwealth of Virginia from submitting proposals on contracts for the type of services covered by the solicitation, nor are they an agent of any person or entity that is currently debarred.
- 1.14 The Town may make such reasonable investigations as deemed proper and necessary to determine the ability of the Offeror to perform the services, and the Offeror shall furnish to the Town all such information and data for this purpose as may be requested. The Town further reserves the right to reject any proposal if the evidence submitted by, or investigations of, the Offeror fails to satisfy the Town that such bidder is properly qualified to carry out the obligations of the contract.
- 1.15 Upon award of a contract, it shall not be assignable by the contractor in whole or in part without the written consent of the Town.

1.16 Changes to the contract can be made in any of the following ways:

- a. The parties may agree in writing to modify the scope of the contract. An increase or decrease in the price of the contract resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the contract.
- b. The Town may order changes within the general scope of the contract at any time by written notice to the contractor. The contractor shall comply with the notice upon receipt. The contractor shall be compensated for any additional costs incurred as the result of such order and shall give the Town a credit for any savings. Compensation shall be determined by one of the following methods:
 1. By mutual agreement between the parties in writing; or
 2. By agreeing upon a unit price or using a unit price set forth in the contract; or
 3. By ordering the contractor to proceed with the work and keep a record of all costs incurred and savings realized. A markup for overhead and profit may be allowed if provided by the contract. The same markup shall be used for determining a decrease in price as the result of savings realized. The contractor shall present the Town with all vouchers and records of expenses incurred and savings realized.

1.17 The Town reserves the right to reject any or all bids, in whole or in part, to make separate awards, to waive informalities and to delete items prior to making the award, whenever it is deemed in the sole opinion of the Town to be in its best interest. Due consideration will be given to price, previous experience and the ability of the Offeror to render required services. The Town also reserves the right to conduct any tests it may deem advisable and to make all evaluations.

1.18 **Insurance Requirements:**

Indemnification - The Contractor agrees, to the fullest extent of the law, to indemnify and save the Town harmless from and against all losses, damages, injuries, claims and demands whatsoever, regardless of the case thereof, and expenses in connection therewith, including reasonable counsel fees, arising out of or incidental to the performance of Contractor's duties and responsibilities under this agreement. This covenant of indemnity shall continue notwithstanding any revocation or termination of this agreement. The Contractor shall be given prompt notice of any claims, demands or causes of action and reasonable

opportunity to defend the same.

2.0 CODES & STANDARDS

The Consultant, its officers, agents, employees, and any subcontractors, in the performance of this Agreement shall comply with all applicable statutes and laws of the United States and the Commonwealth of Virginia, the Charter and ordinances of the Town of Bedford, and the applicable rules and regulations of the agencies of each.

3.0 BACKGROUND

3.1 The Town of Bedford is interested in securing the services of an experienced professional for the purpose of creating and publishing construction documents related to proposed improvements to Crenshaw Street within the Town. The specific improvements are contained in a document titled “Crenshaw Street Streetscape: D-Day Connectivity to Downtown Bedford” which was submitted by Hurt & Profitt on July 9, 2018 and revised on July 24, 2018. More specifically, the requested documents will reflect the necessary activity to complete Phase I of the project proposal contained within the document.

4.0 SCOPE OF SERVICES TO BE PROVIDED BY THE CONSULTANT

4.1 Provide the necessary professional services to create and publish construction documents necessary to provide guidance for completing the elements of Phase I of the proposed project as follows:

- A. Construction of a five (5) foot concrete walk to be buffered from Crenshaw Street by a landscape strip varying from three (3) to five (5) feet in width;
- B. Inclusion of street lamps and ornamental trees within the area of the landscape strip;
- C. A foot bridge crossing the creek on the east side at the lowest point of the concrete walk; and
- D. Crosswalks along the concrete walk to include Town of Bedford and National D-Day Memorial logos.

4.2 Communicate details of all the data necessary to formalize reports, plans, and other documentation suitable and sufficient for the Town Council to make final decisions about implementation of Phase I of the proposed improvements. Such reports should be in sufficient detail, form, and appearance with suitable graphics to present to financial markets.

5.0 CONTRACT TERM

- 5.1 Final construction documents shall be submitted not later than March 15, 2020. Extension of the contract may be authorized by Town Council at the written request of the Consultant.
- 5.2 The Town reserves the right to engage other sources if Consultant cannot complete individual tasks in a timely manner.
- 5.3 The Town, as a municipal corporation of the Commonwealth of Virginia, is obligated and bound by the terms of this Agreement only to the extent that funds are lawfully appropriated therefore and are allocated and available to pay its obligations hereunder. In the event that and at such time as funds have not been appropriated or are not allocated and available to pay the Town's obligations under this Agreement, then the Town shall not be liable for any obligation to pay for the services referred to in this Agreement.

6.0 CONSULTANT'S RELATIONSHIP TO THE TOWN

6.1 Independent Contractor

It is expressly agreed and understood that the Consultant is in all respects an independent contractor as to work and is in no respect any agent, servant, or employee of the Town. The contract specifies the work to be done by the Consultant, but the method to be employed to accomplish the work shall be the responsibility of the Consultant.

6.2 Subcontracting

The Consultant may subcontract services to be performed hereunder with the prior approval of the Town, which approval shall not be unreasonably withheld. No such approval will be construed as making the Town a part of, or to, such subcontract, or subjecting the Town to liability of any kind to any subcontractor. No subcontract shall, under any circumstances, relieve the Consultant of its liability and obligation under this contract; and despite any such subcontracting the Town shall deal through the Consultant and subcontractors will be dealt with as representatives of the Consultant.

7.0 RESPONSIBILITIES OF THE TOWN

- 7.1 The Town designates Bart Warner, Town Manager, as its representative with respect to the services to be rendered under this project. Such person shall have authority to transmit instructions, receive information, and to interpret and define the Town's policies and decisions with respect to the Consultant's services for the project.
- 7.2 Provide access to and make all provisions for the Consultant to enter upon public and private property as required for the Consultant to perform services under this Agreement.

- 7.3 Give prompt written notice to the Consultant whenever the Town observes or otherwise becomes aware of any development that affects the scope or timing of the Consultant's services.

8.0 INDEMNIFICATION

The Consultant shall be solely responsible and liable for the accuracy and completeness of all work performed hereunder and hereby agrees to indemnify, defend, and hold harmless the Town, its officers, agents and employees, from and against any and all claims, demands, actions, suits and proceedings arising out of, based upon Consultant, its officers, agents, employees or subcontractors, in the performance of this Agreement. The approval or acceptance by the Town of any work performed by the Consultant, its officers, agents, employees or subcontractors, under this Agreement, or any part of such work, shall neither constitute nor be deemed a release from the responsibility or liability of the Consultant, its officers, agents, employees or subcontractors, for the accuracy, completeness, timeliness, and competency thereof, or negligence with respect thereto, nor shall such approval or acceptance constitute or be deemed an assumption by the Town of the responsibility and liability for the accuracy, completeness or competency of such work, or any negligence in the performance thereof.

9.0 EVALUATION CRITERIA

Each proposal will be evaluated based on the following:

- 9.1 Overall qualifications of the firm, to include experience with land development, building construction, and review and drafting of public land development regulations such as zoning.
- 9.2 Prior experience of the firm in providing professional consulting services to local governments, developers, and the general public with regard to projects regulated by municipal building and zoning officials.
- 9.3 Qualifications and experience of key personnel to be assigned to the project.
- 9.4 Overall structure and quality of the proposal.
- 9.5 The ability of the firm to initiate work on this project in a timely manner.
- 9.6 The firm's ability to provide its services within the project budget established by the Town.
- 9.7 The firm's familiarity with the Town of Bedford Comprehensive Plan.
- 9.8 The proposed cost of services relative to other qualified proposals.

10.0 AWARD PROCEDURES

- 10.1 The Town Manager shall review the proposals submitted and make a recommendation to Town Council.
- 10.2 Negotiations shall be conducted beginning with the firm ranked first. If a contract satisfactory and advantageous to the Town can be negotiated at a price considered fair and reasonable, the award shall be made to that bidder.
- 10.3 The Town reserves the right to reject any or all proposals submitted, and to waive any informality in the proposals. The right is also reserved to award the contract where it appears to be in the best interest of the Town of Bedford.

11.0 SUBMITTAL REQUIREMENTS

Proposals should include the following information in the order detailed:

- 11.1 Letter of Transmittal
Limit two (2) pages. Make a positive commitment to perform the required work. Also, give the name(s) of the person(s) who will be authorized to make representation for your firm, their title, and telephone number.
- 11.2 Firm Experience
Indicate prior experience for your firm in performing work of this nature. Provide resume(s) for key personnel who would be assigned to this project.
- 11.3 Project Approach
Indicate your understanding as to the scope of work requested and describe your firm's approach and give specific illustrations of the procedures that will be employed.
- 11.4 Cost Estimate
Proposals shall include an estimate of costs anticipated to perform the tasks as outlined in the RFP. These costs are to be the proposer's best estimation of expected charges but are subject to review and discussion in the negotiation process.

ACTION REQUESTED:

Town Council is requested to take action related to the release of a Request for Proposals in order to initiate activity related to the Crenshaw Street improvement project.

On a motion by Councilman Schley, seconded by Vice Mayor Black, discussion ensued:

Mayor Rush: Did you all read your RFP's? We appropriated \$75,000 to do that right?

Mr. Warner: Yes and that would come from that line item.

Vice Mayor Black: So, we had a study done, a concept done to do some improvements out there on Crenshaw Street. Maybe I was kinda misinformed, I don't know, asking for construction documents implies almost that we are pretty far along on this project, that if we are going to get construction documents we are going to do something. I'm still torn on this, is this the most important infrastructure project in the Town that we need to spend a good bit of money on. I can't remember the number, the estimated cost of the infrastructure but it was fairly substantial and I know we can't get a final figure until we had construction documents I understand that, but, there are a lot of needs in this community from an infrastructure standpoint. We have a sidewalk on Burks Hill Road off Crenshaw. I know it is a little more than that but it seems like it is an awful lot of money down the road that I'm not sure I'm ready to commit to yet. I think certainly we need to do something to enhance that corridor as it is a corridor that comes into downtown, but, like I said I'm not sure I'm ready to issue this RFP for construction yet. That is kinda where I am right now.

Councilman Shoen: I came on Council in January, the drawings had already been done I think last July so I felt this was something y'all had sorta voted to go forward on so I was just kinda going along and see where we were with it. I have looked at it and I feel like committing to \$75,000 for some construction documents I think at that point it gets like well I guess we spent this much we got to keep going. I would like to see that road get prettier but I just don't know that anybody is going to be walking up and down that hill, maybe I'm wrong. I think we can make it prettier without going through all of this. Right now I'm just not sold on the project because I think it is going to end up being too expensive.

Councilman Schley: I'm confused on where the confusion came in. Hurt & Proffitt came out and did the study and Hurt & Proffitt came and did a presentation before we discussed the budget we discussed what the purpose was for. The \$75,000 was approved by Council for this so it was not that we put \$75,000 in and no one knew why. We discussed it in detail of why it was being put in the budget so it was approved to be in the budget but now we are not sure why we approved it to be in the budget. That is what is confusing me. You approved the \$75,000 you didn't say maybe let's do it then let's not, we discussed it in depth. It was not a confusion of is the \$75,000 for a study, is it for construction documents, we even had them come in and talk about the reason for doing construction documents. The reason for doing construction documents was you are going to go out to grants so if you are going out to grants to be able to do the structure capital improvement projects you have to do projects. You can't write for grants and say hey we think we want to do this in the future they want to know if you are doing work in the future and we all sat up here and said we want to do work in the future so if this isn't high on your capital improvements you have no capital improvements because nobody put forth so if we are going to continue to say no to capital improvement projects we are never going to enhance Bedford. The State is just not going start giving you money in hopes that you do something, we have to step forward and do something. If we are going to make our neighbourhoods nicer we got to do something so we vote and we bring people in to put it in the budget I'm not sure why we come back after the fact and go you know what I thought about for the last four months and maybe I'm just not happy with it. So, either we are going to say no to capital improvements across the board or when we say we are going to do something we do it. I'm not sure where the confusion came in there wasn't a one time somebody came in and said something this was

multiple times, we had a budget work session, we had a budget session and then we redid the budget again, it was like four or five times this number was in there. As a matter of fact it started out as \$175,000 am I correct and we brought it down to \$75,000 to just do Phase I construction documents it was clear.

Vice Mayor Black: It was the design work.

Councilman Schley: Yes that is construction documents. We can't move forward with grants until we done something. We can't write the State of Virginia and say hey we are thinking about doing something they don't care. When we do the construction documents we said this doesn't make us do the project but here is what it does it says hey we are doing stuff and they told us we could get up to 80% so I talked to Council, everybody here, and said listen we got a chance to build a project where the State is going to pay 80% it would probably be a good idea and we all said you know what if we can get 80% of the funding it is not a bad idea. That is the reason we started to move forward with it and now we have gotten to the point where we move with it and we are like nah maybe not. There is a little frustration here.

Councilman Shoen: Do we have a commitment from the State to give 80%?

Councilman Schley: No and that was the thing so you do the construction documents and we don't get the funding guess what you can do.

Councilman Shoen: We are paying \$75,000, we are already in for the drawings already what was that \$16,000.

Councilman Schley: Tonight we are not voting on the \$75,000 we voted on that six months ago.

Councilman Shoen: It is to make part of budget that can be changed.

Councilman Schley: So from now on we should just put stuff in the budget and then just constantly change it.

Councilman Shoen: If I remember right we compromised on the \$175,000, I wanted zero and we met in the middle.

Councilman Hailey: I like the point of being a visionary and Bryan is a visionary over some projects that goes on in Town. I agree with Mr. Shoen about who will walk that street and if you look at some of the plans yes we looked at this during the budget session but we do have another project, am I correct Mr. Warner, that is going on right now that is not finished on Phase III of the project or whatever.

Mr. Warner: Yes that part of the project is being funded with VDOT revenue sharing funds.

Councilman Hailey: At the present moment and time I just think like Mr. Black said, the infrastructure in Town, we do have other infrastructure within the Town that probably needs more attention than spending \$75,000 just on a study then we still are going to have to spend the other money to do the project later down the road.

Vice Mayor Black: What is the 20% of the estimated cost to the Town.

Mayor Rush: Estimated cost is \$572,000 for Phase I and that is not including the \$100,000 that we have to cough up.

Vice Mayor Black: If we got the grant.

Mayor Rush: That does not include real estate purchases if necessary. I do remember this was a long discussion and we were going to appropriate \$75,000 for the engineering studies and come up with a better estimate than the \$572,000 I do believe and then from that somebody was going to be writing grants to ask for the other 80%. The issue tonight is do we want to issue this RFP is what I am understanding, right Mr. Warner.

Mr. Warner: Yes sir that is correct.

Vice Mayor Black: So we can issue the RFP and depending it may not cost \$75,000 it may cost more I mean the bid may come back more than \$75,000 then we will have an opportunity at that point to accept or reject the bid or if we send the RFP we have to accept the low bid.

Mr. Warner: No we would draft the RFP in such a way we could reject all bids.

Councilman Shoen: What is our cost if we vote yes on this?

Mr. Warner: Well the cost is nothing to issue an RFP.

Vice Mayor Black: We don't know the cost of the design.

Mr. Warner: Cost of advertising.

Vice Mayor Black: That is what we are sending the RFP for is to get the cost.

Councilman Shoen: So we are letting them know it is with a \$75,000 cap.

Mayor Rush: If it is over \$75,000 Council will have to decide.

Mr. Warner: I think that is correct. We have a line item dedicated to this but obviously we prefer to pay less for that.

Vice Mayor Black: We can certainly go ahead and issue the RFP I mean I just don't want that to imply that we are going to do the project.

Mayor Rush: I think that was the discussion before.

Councilman Hailey: If we are not going to do the project why are we going to spend \$75,000.

Councilman Schley: I will make this last statement. I have heard from multiple Council members saying we have a higher priority on other infrastructure projects, name them. If there are so many other projects out there none of you have stepped up to say you know what we need to get these infrastructure projects taken care of.

Councilman Shoen: We got pipes breaking in Town, we have water pipes, electrical lines that need to be fixed.

Councilman Schley: It is put in the budget for those things.

Councilman Shoen: Water pipes.

Councilman Schley: Actually we don't do water....

Councilman Shoen: I have checked with Brian Key they have an allotment that they can spend but we had a water shutoff last week because the pipes are breaking.

Councilman Schley: Is that our dime?

Mr. Warner: It is not, however, if the Council choose to make a contribution to the Water Authority you have that right.

Councilman Schley: We have some old pipes in Town.

Mayor Rush: That will be for another discussion.

Councilman Shoen: He asked about other projects.

Councilman Schley: What is the other stuff, that is all I'm saying.

Vice Mayor Black: We keep trying to identify additional sidewalk projects and there are streets in Town that don't have any sidewalks.

Councilman Schley: We have sidewalk money that we haven't spent.

Vice Mayor Black: I agree.

Council to take action related to the release of a Request for Proposals in order to initiate activity related to the Crenshaw Street improvement project. Voted upon and carried by a roll call vote. Roll call as follows:

Councilman Hailey	nay
Councilman Johannessen	nay
Councilman Schley	aye
Councilman Shoen	nay
Councilman Wandrei	absent
Vice Mayor Black	aye
Mayor Rush	aye

Motion fails with three members voting nay, three members voting aye and one member absent.

Mayor Rush: I think we need further discussion at another time.

Mr. Warner: I think as a matter of procedure anyone who voted for the matter can bring it back.

Street Closing Request for the Tree Lighting Ceremony & Centertown Christmas Market

via letter to Mr. Bart Warner. A copy of the letter was distributed to all Council members.

The Central Virginia Business Coalition is partnering together with Jonathan Hayden to host the Bedford Tree Lighting Ceremony and Centertown Christmas Market. Please accept this letter as a formal request pursuant to a street closing for this event. This event will be held on Saturday December 7, 2019 from 4:00 p.m. – 8:00 p.m. We would also like to add that if it were to rain hard on Saturday, we would like to secure the date of Sunday December 8th from 3 p.m. – 7 p.m.

We are requesting the following areas of the streets to be closed to traffic from 3:00 p.m. – 9:00 p.m.

- North and South Bridge Street – from the bridge on North Bridge Street to the corner of South Bridge Street and Washington Street
- West Main Street and East Main Street – from the corner of West Main Street and Center Street to the corner of East Main Street and South Street

The Central Virginia Business Coalition has current liability insurance and will provide the Town with a copy of the certificate. We will work closely with the police department, public works and the electric department. Suitable public service announcements regarding these closing will be placed in the newspaper and social media.

ACTION REQUESTED:

Town Council is requested to close the above streets for the Tree Lighting Ceremony & Centertown Christmas Market on Saturday December 7, 2019 from 4:00 p.m. – 8:00 p.m. with a rain date of Sunday December 8th from 3 p.m. – 7 p.m. and streets to be closed to traffic from 3:00 p.m. – 9:00 p.m.

On a motion by Councilman Hailey, seconded by Councilman Shoen, discussion ensued:

Councilman Shoen: Did we do this last year?

Mr. Warner: We have had closures for holiday events but not to this extent. The time frame is much longer than we usually have.

Vice Mayor Black: Is that the same day as the parade?

Mr. Warner: Yes sir that is correct.

Vice Mayor Black: And the 5K?

Mr. Warner: Yes, staff will be pretty darn busy that day.

Councilman Shoen: Chief Foreman do you have any thoughts on this?

Chief Foreman: The one that will cause the most work to is public works. We will actually have to have less police officers at this time. We are going to have a lot of people working from early in the morning until 9:00 p.m. You will start at 6:00 a.m. and end at 9:00 p.m. and probably a lot of them will be out the whole time. The difficulty will be man power.

Mr. Warner: They will be paid overtime.

Mayor Rush: How is your overtime budget?

Chief Foreman: It is way over.

Mayor Rush: I can remember this, we used to do it later at night instead of four hours and did it at the Town park. But four hours?

Mr. Warner: They are actually requesting six hours.

Mayor Rush: Have they filled out the paperwork for the events?

Mr. Warner: No, this is the request that we received.

Mayor Rush: I think they need to fill out the request for events and pay the fees. That is a long day and we do have downtown merchants who will be open. That is the whole downtown. They do a good job but.

Councilman Shoen: What would happen if we put it on Sunday? It would not effect the merchants.

Mr. Warner: They requested that as a rain date.

Councilman Hailey: I would suggest that we go ahead this year and then next year we can look into something different if we need to.

Vice Mayor Black: I went last year. Do they really need all these streets? I mean it was basically right there at the center intersection. It was a nice event but are they talking about from American National to East Washington and Center Street to Court Street.

Mayor Rush: The Centerfest loop.

Vice Mayor Black: Could we ask them if they could maybe revisit the need to close that much of these streets and get the footprint to come down a little bit. That would be my suggestion to see if they can find a way to cut down the number of streets they need.

Vice Mayor Black: Can we table it and let Bart have a discussion with them.

Mr. Warner: If it is the consensus of Council I will certainly do that.

Vice Mayor Black: Tell them our concerns, it is a long day for our employees. We want to support them but can they help us.

Mr. Warner: If it is the pleasure of Council someone could make a motion to table the matter until the November 12, 2019 meeting.

On a motion by Vice Mayor Black to table this matter until the November 12, 2019 Council meeting, seconded by Councilman Hailey, there being no discussion. Voted upon and carried by a roll call vote. Roll call as follows:

Councilman Johannessen	aye
Councilman Schley	aye
Councilman Shoen	aye
Councilman Wandrei	absent
Vice Mayor Black	aye
Councilman Hailey	aye
Mayor Rush	aye

Motion carries with six members voting aye, one member absent.

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.

On a motion by Vice Mayor Black, seconded by Councilman Johannessen, the motion was voted upon and carried by the following roll call vote:

Councilman Schley	nay
Councilman Shoen	aye
Councilman Wandrei	absent
Vice Mayor Black	aye
Councilman Hailey	aye
Councilman Johannessen	aye
Mayor Rush	aye

Motion carries with five members voting aye, one member voting nay and one member absent.

Council adjourned into closed session at 7:51 p.m.

Non Council members present Town Manager Bart Warner, Assistant Town Manager Sonia Jammes and Town Attorney William W. Berry, IV.

Council reconvened into open session at 8:14 p.m.

The Recording Secretary read aloud the following resolution:

BE IT RESOLVED that the Council of the Town of Bedford hereby certifies that (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification Resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

On a motion by Councilman Schley, seconded by Councilman Shoen, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Councilman Shoen	aye
Councilman Wandrei	absent
Vice Mayor Black	aye
Councilman Hailey	aye
Councilman Johannessen	aye
Councilman Schley	aye
Mayor Rush	aye

Motion carries with six members voting aye, one member absent.

ADJOURNMENT:

Mayor Rush adjourned the meeting at 8:15 p.m.