

April 25, 2017

A regular meeting of the Council of the Town of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., April 25, 2017.

Members present: Mayor Robert T Wandrei; Vice Mayor Tim Black; Councilman Stacey L. Hailey; Councilman Bruce M. Johannessen; Councilman Steve C. Rush; Councilman Bryan Schley; and Councilman James A. Vest

Members absent: None

Staff present: Town Manager Charles P. Kolakowski; Town Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

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

Mayor Wandrei declared that the following minutes were approved as distributed: March 6, 2017, adjourned Council meeting (5:30 p.m.); March 6, 2017, adjourned Council meeting (7:00 p.m.); March 14, 2017, regular Council meeting; and March 28, 2017, Council work session.

Town Manager Kolakowski announced that Valley Processing has ceased production at its facility and will be laying off all of its forty employees. He said the Town, the County, and regional entities are all working to provide assistance and information for the employees who have been affected by the shutdown.

Nancy Owen, Bedford Elks Lodge #2844, presented an American flag for display by the statue of the elk at the Longwood/Oakwood Cemetery.

Mayor Wandrei spoke about the following upcoming events: Ceremony at the Bedford Welcome Center on May 3 at 11:00 a.m. unveiling the new LOVE sign; Regional Water Authority dedication of its treatment facility on May 11 at 1:30 p.m.; and a service at Main Street United Methodist Church on May 7 at 2:00 p.m. followed by an open house at the Free Clinic located on Fourth Street.

Councilman Rush, Chairman of the Community Development and Economic Development Committee, reported that the committee met on April 19 and discussed the following: had a short presentation from a group out of Lynchburg on marketing; reviewing the incentives for downtown, possibly increasing the incentives; the SWOT Analysis.

Councilman Johannessen, Chairman of the Property Committee, said the committee met on May 19 and it was decided to try to use food trucks at Liberty Lake Park for most of the events that are going to occur. Public Works Director Lawhorne is contacting the food trucks to make sure that is covered properly.

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Councilman Schley, Chairman of the Public Safety Committee, reported the committee met on April 24 to discuss funding for the fire department and the uniqueness of the funding between Bedford County and the Town. He said a list of questions was given to Chief Creasy. The Chief gave the committee an update on how the funding is done.

Clerk of Council Hatcher read aloud the following Notice of Public Hearing:

PUBLIC HEARING NOTICE

Notice is hereby given of public hearings to be held by the Town Council at 7:00 p.m. on Tuesday, April 25, 2017, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- Consideration of repeal of Section 30-26 of the Town of Bedford Municipal Code
- Consideration of amendment of Section 609.03 of the Town of Bedford Land Development Regulations to define fortunetelling as a conditional use within the B-2, General Business District.
- Consideration of amendment of Section 609.03 of the Town of Bedford Land Development Regulations to extend the allowance of conditional uses within the B-1, Limited Business District to the B-2, General Business District.

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

Anyone who is in favor of or opposed to the request will have an opportunity to express his/her views at this hearing.

By the Authority of Town Council
of the Town of Bedford

Mayor Wandrei opened the public hearing at 7:10 p.m. regarding consideration of repeal of Section 30-26 of the Town of Bedford Municipal Code. As there were no comments the Mayor closed the public hearing at 7:10 p.m.

Mayor Wandrei opened the public hearing at 7:11 p.m. regarding the following items:

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- Consideration of amendment of Section 609.03 of the Town of Bedford Land Development Regulations to define fortunetelling as a conditional use within the B-2, General Business District.
- Consideration of amendment of Section 609.03 of the Town of Bedford Land Development Regulations to extend the allowance of conditional uses within the B-1, Limited Business District to the B-2, General Business District.

As there were no comments, the Mayor closed the public hearing at 7:11 p.m.

The Mayor added the following item to the agenda: Closed Session

On motion by Councilman Vest, seconded by Councilman Rush, voted upon and carried by a roll call vote, Council adopted the ordinance repealing Section 30-26 of the Town Code. Roll call vote follows:

| | |
|------------------------|-----|
| Vice Mayor Black | aye |
| Councilman Hailey | aye |
| Councilman Johannessen | aye |
| Councilman Rush | aye |
| Councilman Schley | aye |
| Councilman Vest | aye |
| Mayor Wandrei | aye |

The ordinance follows as adopted:

ORDINANCE NO 17-5

AN ORDINANCE AMENDING SECTION 30-26 OF THE TOWN OF BEDFORD CODE OF ORDINANCES

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

Section 1. Section 30 of the Town of Bedford Code of Ordinances is amended by repealing the following language:

Section 30-26 Fortunetelling, etc.

It shall be unlawful for any person to engage in business as a fortuneteller or in any like occupation.

Section 2. This ordinance is effective upon enactment.

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Mayor Wandrei stated that the next item on the agenda was the ordinance concerning an amendment of Section 609.03 of the Land Use regulations.

Councilman Hailey moved that the ordinance be adopted. The motion was seconded by Councilman Rush.

Mr. Warner explained that the Town is allowing the conditional uses that are in the B-1 Commercial District to also be allowed as conditional uses in the B-2 Business District.

Mr. Warner said the two ordinances are two separate matters: one would be to allow fortunetelling as a conditional use in B-2, and the Planning Commission actually recommended denial of that request; the other would be to allow conditional uses in B-1 within the B-2 district.

The Town Manager stated that the recommendation was to deny the adoption of the ordinance (amending Section 609.03 of the Land Development Regulations to define fortunetelling as a conditional use.)

The motion was then voted upon by the following roll call vote and did not pass:

| | |
|------------------------|-----|
| Councilman Hailey | nay |
| Councilman Johannessen | nay |
| Councilman Rush | nay |
| Councilman Schley | nay |
| Councilman Vest | aye |
| Vice Mayor Black | nay |
| Mayor Wandrei | nay |

Town Manager Kolakowski stated that with very few exceptions, the Town of Bedford exercises a “pyramid zoning” arrangement within its Land Development Regulations. Pyramid zoning is a term that describes the notion of zoning districts as representing a hierarchy of uses (usually rated in terms of density, intensity, and/or impact). The idea is that R-2 represents a more intense level of development than R-1, for example. Under this arrangement, less intense uses within the hierarchy (or “pyramid”) are generally transferrable – or allowed as a matter of practice – within the more intense zoning classifications that may be applicable. For the most part, this practice is currently applied within the Town of Bedford’s residential and employment-based zoning classifications. Within the Town’s commercial districts (B-1 and B-2), the arrangement is in place for permitted uses. However, the same is not true for conditional uses. It is the opinion of staff that no public interest is served by this particular inconsistency. Mr. Kolakowski reported that on April 6, the Planning Commission conducted a public hearing related to the proposed amendment. No one spoke at the public hearing. After discussion of the matter, a motion to recommend approval of the proposed amendment was passed by a vote of 5 members for and 2 members absent. Mr. Kolakowski said it was the recommendation of the

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Planning Commission that Council adopt the proposed ordinance that would amend Section 609.03 of the Land Development Regulations to extend the application of conditional uses in the B-1 zoning district to the B-2 district as well.

Councilman Rush moved that Council adopt the ordinance. The motion was seconded by Councilman Johannessen, voted upon and carried by a roll call vote:

| | |
|------------------------|-----|
| Councilman Johannessen | aye |
| Councilman Rush | aye |
| Councilman Schley | aye |
| Councilman Vest | aye |
| Vice Mayor Black | aye |
| Councilman Hailey | aye |
| Mayor Wandrei | aye |

The ordinance follows as adopted:

ORDINANCE NO 17-6

**AN ORDINANCE AMENDING
SECTION 609.03 OF THE TOWN OF BEDFORD
LAND DEVELOPMENT REGULATIONS**

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

Section 1. Section 609 of the Land Development Regulations of the Town of Bedford, Virginia, is amended and re-enacted as follows:

Section 609 General Business District (B-2)

Section 609.03 Conditional Uses. When, after review of the application and hearing thereon, in accordance with Section 1002.03, the Council finds as a fact that a proposed use is consistent with the intent of this Ordinance and the Land Use Plan, and is in the public interest, the following uses may be permitted:

g. All conditional uses specified in Limited Business District B-1

Section 3. This ordinance is effective upon enactment.

Town Manager Kolakowski reported that as a result of provisions in the Reversion documents and agreements between the City of Bedford and Bedford County which became effective on July 1, 2013, the new Town of Bedford by contract agreed that

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administration of the Part I and Part II of the Uniform Statewide Building Code dealing with new construction and rehabilitation, respectively, in the Town would be administered by the County Building Department. Part III of the building code which had been adopted by the City Council continues in effect in the Town, but is not enforced by the County. Consequently the Town has a duly qualified Property Maintenance Code Official to enforce the Property maintenance Code in the Town. Mr. Kolakowski said that Council must maintain a duly constituted Local Board of Building Code Appeals to hear appeals from decisions of the Property Maintenance Code Official. Under the state law, the Appeals Board shall consist of at least five members appointed for a specific term established by a written policy. Alternative members may be appointed to serve in the absence of regular members.

The Town Manager explained that members of the Appeals Board under the state building code shall be named on the basis of their ability to render fair and competent decisions regarding application of the building code and shall to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder; at least one member should be an RDP (registered design professional defined in the Virginia Code as a licensed architect or engineer); and at least one member should be an experienced property manager. Employees or officials of the locality shall not serve as members of the appeals board. Council was requested to appoint members to the Board of Maintenance Code Appeals.

Upon a question by the Mayor, Mr. Berry said that Council had copies of a resolution that would appoint the members to the Board as a group. Mr. Berry recommended that Council adopt that resolution.

Councilman Rush moved that Council appoint the following individuals to the Town of Bedford Virginia Local Board of Maintenance Code Appeals: Jonathan Buttram, Edgar Mitchell, Harvey Johnson, Wesley Crowder, and Jody Mayhew. The motion was seconded by Councilman Hailey.

Town Attorney Berry said that the terms of the members would be two year terms from May 1, 2017, to April 30, 2019.

Councilman Rush amended his motion to include the terms of the members as stated by Mr. Berry. Councilman Hailey agreed with the amendment.

The motion was then voted upon and carried by the following roll call vote:

| | |
|-------------------|-----|
| Councilman Rush | aye |
| Councilman Schley | aye |
| Councilman Vest | aye |
| Vice Mayor Black | aye |
| Councilman Hailey | aye |

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Councilman Johannessen aye
Mayor Wandrei aye

The resolution follows as adopted:

**A RESOLUTION APPOINTING MEMBERS TO
THE TOWN OF BEDFORD, VIRGINIA LOCAL BOARD
OF MAINTENANCE CODE APPEALS**

BE IT RESOLVED by the Town Council of the Town of Bedford, Virginia, that the following individuals are appointed to the Town of Bedford Local Board of Maintenance Code Appeals for the respective terms set beside their names:

| Name | Term |
|---------------------|-------------------------------------|
| Jonathan D. Buttram | 2 years, May 1, 2017-April 30, 2019 |
| Edgar Mitchell | 2 years, May 1, 2017-April 30, 2019 |
| Harvey Johnson | 2 years, May 1, 2017-April 30, 2019 |
| Wesley Crowder | 2 years, May 1, 2017-April 30, 2019 |
| Jody Mayhew | 2 years, May 1, 2017-April 30, 2019 |

Mayor Wandrei added the following item to the agenda: Mutual Aid Agreement

On motion by Councilman Rush, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council approved execution of the Regional Mutual Aid Agreement. Roll call vote follows:

Councilman Schley aye
Councilman Vest aye
Vice Mayor Black aye
Councilman Hailey aye
Councilman Johannessen aye
Councilman Rush aye
Mayor Wandrei aye

The Regional Mutual Aid Agreement includes the following: Amherst County Sheriff's Office; Appomattox County Sheriff's Office; Bedford County Sheriff's Office; Campbell County Sheriff's Office; City of Lynchburg Sheriff's Office; Nelson County Sheriff's

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Office; Pittsylvania County Sheriff's Office; Town of Altavista Police Department; Town of Amherst Police Department; Town of Bedford Police Department; Town of Brookneal Police Department; Town of Chatham Police Department; Town of Hurt Police Department; City of Lynchburg Police Department.

Councilman Rush moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(1), personnel, of the Code of Virginia of 1950, as amended. Councilman Hailey seconded the motion. The motion was voted upon and carried by the following roll call vote:

| | |
|------------------------|-----|
| Councilman Vest | aye |
| Vice Mayor Black | aye |
| Councilman Hailey | aye |
| Councilman Johannessen | aye |
| Councilman Rush | aye |
| Councilman Schley | aye |
| Mayor Wandrei | aye |

Council adjourned into closed session at 7:25 p.m.

Council reconvened into open session at 7:45 p.m.

The Clerk of Council 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 motion by Councilman Rush, seconded by Vice Mayor Black, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

| | |
|------------------------|-----|
| Vice Mayor Black | aye |
| Councilman Hailey | aye |
| Councilman Johannessen | aye |
| Councilman Rush | aye |
| Councilman Schley | aye |
| Councilman Vest | aye |
| Mayor Wandrei | aye |

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Town Manager Kolakowski announced his resignation as Town Manager of Bedford. He stated that his last day on the job would be April 26, 2017. Mr. Kolakowski said this action would allow the town organization to move forward in a different manner of its own. He said it would allow him to pursue other professional opportunities. Mr. Kolakowski stated that the last eleven years had been very rewarding. He stated he has enjoyed working with the Town Council and Town employees to manage several significant activities that will provide long-lasting benefits for the Bedford community. Mr. Kolakowski said he had enjoyed developing and supervising a successful team of highly motivated and skilled employees. He stated that Bedford continues to figure prominently in his personal long-term plans.

Mayor Wandrei said that Council has appreciated all that Mr. Kolakowski has done. The Mayor stated that in the eleven years there is a great deal that has been accomplished by the Council under Mr. Kolakowski's leadership.

On motion by Councilman Rush, seconded by Councilman Hailey, voted upon and carried by a roll call vote, Council accepted Mr. Kolakowski's resignation. Roll call vote follows:

| | |
|------------------------|-----|
| Councilman Hailey | aye |
| Councilman Johannessen | aye |
| Councilman Rush | aye |
| Councilman Schley | aye |
| Councilman Vest | aye |
| Vice Mayor Black | aye |
| Mayor Wandrei | aye |

On motion by Councilman Johannessen, seconded by Vice Mayor Black, voted upon and carried by a roll call vote, Council appointed Barrett Warner as Interim Town Manager. Roll call vote follows:

| | |
|------------------------|-----|
| Councilman Johannessen | aye |
| Councilman Rush | aye |
| Councilman Schley | aye |
| Councilman Vest | aye |
| Vice Mayor Black | aye |
| Councilman Hailey | aye |
| Mayor Wandrei | aye |

Mayor Wandrei adjourned the meeting at 7:47 p.m.