



Town Council  
Regular Meeting Minutes  
**August 28, 2018**

The Bedford Town Council of the Town of Bedford held a regularly scheduled meeting Tuesday, August, 28, 2018, at 7:00 p.m. in the Town Municipal Building Council Hall.

**Town Council members present:**

Mayor Robert T. Wandrei, Vice Mayor Tim Black, Councilman Robert Carson, Councilman Stacey Hailey, Councilman Steve Rush, Councilman Bryan Schley and Councilman Bruce Johannessen.

**Town Council members absent:**

None

**Town Staff present:**

Town Manager Bart Warner, Assistant Town Manager Sonia Jammes, Town Attorney William W. Berry, IV, Director of Public Services D. W. Lawhorne, Chief of Police Todd Foreman, Electric Director John Wagner and Mary Boone Recording Secretary.

**Town Staff absent:**

None

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

**APPROVAL OF MINUTES:**

Mayor Wandrei declared that the Minutes of the regular Council Meeting held on August 14, 2018 were approved as distributed. That meeting was also adjourned to August 16, 2018 and the minutes were approved as distributed.

**REPORT OF TOWN MANAGER:**

Town Manager Bart Warner reported:

- We are in the process of preparing for the fiscal year 2020 budget, which will commence in October with a council retreat and actually, that will be something new. We are going to ask you all to spend some time talking about goals, objectives and strategies to guide the document as we go along. It is a new way we are going to go about it.

## **DEPARTMENT HEAD REPORTS:**

### **Public Services**

Director of Public Services D.W. Lawhorne reported:

- We finished the project at Edmund St. where we converted the old tennis courts over to a basketball facility and installed six new goals which turned out very nice. If you have not had a chance to get over and see it you should because it looks a whole lot better than what we had anticipated.
- I would like to remind everybody, I passed out a flyer to each of you, that we have E-Waste Day coming up where we will be collecting old paint, electronics and paper shredding at the Farmers Market September 29, 2018 from 8 am – noon, that is a Saturday. We hope we have a good turnout for that.
- As you saw out front when you came in we have started the work on the fountain by getting it prepped, pressure washed and painted. We are doing the electrical upgrades and will commence on installing all the parts the week of September 10, 2018.
- Also, I will be out of town Thursday in Richmond at Golder & Associates working on the closure documents with DEQ, trying to get that finalized so we can put that out to bid for the closure.

### **Finance**

Assistant Town Manager Sonia Jammes reported:

- As you are aware we had the auditors in last week and one of the days, we had five auditors in perusing all of our financials and our reports. They were able to cut their visit from a five-day review down to a three-day review. Finance staff deserves a generous amount of kudos they had everything in order and a tight ship. When the auditors came in, said they were very prepared to meet any variances and any outstanding questions that they had.
- The Gateway signage project contracts I signed them today and they have been submitted to the vendors. The consultants are currently pulling together data for the information gathering and community design workshop that is going to be conducted with our citizens to get their input on the types of designs that they would like to see for the Gateway signage. The finance committee met and they have approved to promote fiscal transparency by posting the monthly financials onto our website so that the entire

community can review on a monthly basis the finances that pass through the town. The July 2018 financials were just reviewed by the finance committee yesterday, I will post them onto the website by the end of the week so that the community can look at those.

- Rollover and re-appropriation requests are being submitted by the departments. I am pulling those together, I will not be at the next council meeting so in lieu of my absence we will review the rollovers and re-appropriations on the October 9, 2018 council meeting. Most likely, we will need to have a public hearing, as these rollovers will probably exceed one percent of our budgeted amendment so it will need to do a one percent amendment at least for these. So we will most likely need to have a public hearing prior to the approval of those.

### **Police**

Chief of Police Todd Foreman reported:

- The video that the police department made, after public outcry requesting it, we made the video and we have actually had 75,000 views at this point of the video. We wanted to focus on the town and not on the police as much.
- The animal control officer worked with Angels of the Assis and had a rabies clinic and served about 100 dogs and cats about a week ago.
- On September 8, 2018 they are planning Guns and Hoses Softball Tournament. The schedule is not completed yet but we will be having fire departments, some of the sheriff's department and some other law enforcement officers competing in the tournament to raise money for the Wounded Warrior project on September 8.

### **Electric**

Electric Director John Wagner reported:

- We do have a peak alert Monday – Wednesday of this week because of the hot weather we are experiencing.
- The roof work at the operations center is essentially complete now.
- Our FERC relicensing application, pre application documents have been submitted. We do have Jot Splenda from The Louis Berger Group here and he would like to give an update on the FERC relicensing project.

### **APPEARANCES BEFORE COUNCIL:**

Mr. Stuart Saunders – 1101 Emerald Crest Drive Bedford, Virginia 24523

I live in the Town of Bedford; actually, it is the new section of Governor's Hill, Section II, in the Town of Bedford. My wife and I built and moved into our house right around this time last year,

right around the 1<sup>st</sup> of September. From day one we kinda had some issues every time it rains with the run off from the construction above us and the drainage is not really working out down there. I do have a few pictures I would like to share with you all. I know a few of you have been over there, Mr. Lawhorne, a few representatives, have been over there and I really appreciate you guys taking time out to come over there. I do want to show you a few pictures, this is taken from the second floor of my home, out of my daughter's bedroom, picture taken on August 18, runoff is from the road, this is my front yard, of course my neighbour is right there, as you can see they put in speed bumps to try to alleviate some of the runoff and direct it to the curb. There is also a green barrier that has been put in front of my house there again to try and help with it. We have had some heavier rainfall and of course, it will hold for a little while then it will go out into unfortunately my neighbour's garage and into their yards. The last one we had some gravel from the construction up above us wash down into my front yard. I did try to speak with the builder, not much response from him on trying to get that corrected. I kinda feel like he didn't build my home so he kinda feels like he is really holding to me. Again, like I said, my main purpose was to show you all the pictures and make you all aware of the situation and be in solidarity with some of my neighbours there. Again, I am very appreciative of the efforts you all are making to try to correct the situation and just ask for a little bit more help in trying to get this situation corrected for myself and our neighbours.

Mr. Mike Overstreet – 1220 Ashland Circle Bedford, Virginia 24523

Thank you Mr. Mayor I appreciate you letting me speak. I am a little further along than Mr. Saunders is in this process. I am not going to speak to the run off because we have already rode that horse the last time I was here. All of us know we have severe drainage coming off Emerald Crest Drive and I am going to start off with some pretty important dates. On June 23, 2017 is my first text with Mr. Wayne Hale who is an engineer or something for the Town of Bedford and that was on June 23, 2017 and on June 26, 2017 he sent me another text and this is all talking about Crest Ridge Drive, the flooding issue there. On June 26, 2017 he texted me I am meeting with Bart Warner at 3:00 today about this same issue and this is an ongoing thing right up to now, right up to today. So everyone was well informed about the issue with the drainage long before the City ever brought this street into its network and that was done of February 13, 2018 so that is the reason those dates are important. As we went through the process I had things said that were shocking to me, some not so much, some really shocking. I would just like share with you and Mr. Rush you would be the first one because you are the first councilman I called when the problem was over there you went over and assessed the problem and probably five minutes your cure for the problem was drops out and I'm sure that is still your opinion on that. Mr. Warner, the same thing, you were over there two or three times and you came to the conclusion that drop outs were needed and they would be done. As a matter of a fact Mr. Warner one conversation you had you suggested that I sue the Town because they didn't follow their own code. Another time Mr. Warner you asked my daughter Ryan are you attached to this house indicating that the Town would purchase it and make it whatever they needed it to be. Mr. Rush I talked to you several times on the phone and you are probably tired of talking to me or won't talk to me anymore and that's ok and you told me I don't think we should spend tax money to protect the tax paying citizens in that neighbourhood. You also stated Mr. Rush that you know who owns the problem, you said that publically and it got back to me you said that it's not the Town's problem it's the County's problem. I could go on and on with things people have said

but I want to read an email from Trent J. Warner, Vice President, Manager of Engineering Services at Hurt & Proffitt Civil Engineering Surveying in Lynchburg, Virginia. Mr. Schley said they are a highly sought after firm, they do what they say they are going to do and what they say is correct. This was sent to Wayne Hale it said thanks for asking for the follow up meeting on Thursday July 19, 2018 I am pleased to see that the elements we added seem to be helping for those heavier summer afternoon downpours. I wanted to say however that I do not believe that the measures are a long term solution. My fear is the speed bumps that we installed will likely not make it through the winter snow plowing season I believe that the way to fix the problem permanently is to install multiple curb inlets and convey the water through the storm sewer system. I also do not think you should install a new redundant curb around the intersection radius it would not be a standard to utilize a double curb there, replacing the curb with a VDOT standard curb would hold more water than the current role top curb would, let me know if you need any other thoughts. I am going to finish with a thought that I have, you the Town signed off on accepting this street into the network knowing absolutely that there was a problem but still accepted it as it is. Therefore, you the Town should address and fix the problem as per Mr. Trent Warner's recommendation and then if you know the responsible party as Mr. Rush stated then you pursue the guilty party, don't pass it off to the tax paying citizens that live in that neighbourhood. I think you should make note of your intentions and let the homeowner's in attendance know what they are, they do deserve that. This is a problem needed to be dealt with and it is serious people's jobs right here in this room have been threatened over this thing and it needs to be addressed. Thank you Mr. Mayor, appreciate it council members.

Mrs. Carolyn Overstreet – 1220 Ashland Circle Bedford, Virginia 24523

I am a born and raised Bedford resident. It is a Town and community that I dearly love but I am extremely dismayed and concerned over the issue at Governor's Hill. The problem is obvious, it is well documented, Town Council has acknowledged it, accepted responsibility at times and has come up with solutions but then reneged a lot of back and forth. Come on Town Council you are toying with people's lives here. I speak on behalf of my daughter, a young mother trying to begin a fresh new chapter in her life in a brand new home, as a single mom she has more than enough challenges in her life and does not really need this game of who is at fault that Town Council is playing. I speak on behalf of my husband who has tried so hard to get someone in Town, someone on the Town Council to step up and do the right thing. He bears the burden of taking care of the many problems at her house from all of the water and mud issues. I speak on behalf of the neighbours, they are retired couples, young families, others, they have all built or purchased brand new homes that are being inundated with water, mud and gravel rapidly washing down onto their property on a regular basis. The situation has gotten much worse for them because (1) the building still continues and (2) the temporary measures taken to prevent water and mud runoff going to my daughter's house has been redirected so that it more severely affects the neighbours. Town Council knows the issues that occur with nearly every rain, Town Council knows there is no where for the water to go during any significant rain and yet it is business as usual at Governor's Hill, the building and development continue while every new home adds to the problem why is a halt not put on new building until Town Council solves these issues. I have come to ask you Town Council members do your job, represent those who have elected you, quit pointing fingers at the County and the builders, the Town has signed off on all plans, all permits. The Town allowed these developers to build this community with no plans whatsoever

for runoff of water. The Town has not followed its own codes and procedures. Take care of the problem, stop the building until there is a fix in place, take care of your tax paying citizens, work out whatever deal you want to with the builder's and the County after the fact or as you go but quit penalizing the tax payers who have been unfortunate enough to choose to build their home in this neighbourhood.

Ms. Ryan Long – 1198 Crest Ridge Drive Bedford, Virginia 24523

My father and I last came before the Council on June 26 to bring to light the worsening condition of the Governor's Hill community as it relates to rainwater management and runoff. Since that time the mud and erosion have been managed a little better with some temporary measures that have been put into place, however, the water continues to be a problem. We have been told for months by multiple members of the Town administration and Council members to be patient while waiting for the Hurt & Proffitt assessment of the development as they are a very reputable company and will offer the most sound recommendation. I was further assured by multiple members of the Town Administration that we will find the money to implement whatever their recommendation is. I have been patient for two years now as have my neighbours who are here in attendance and now that the recommendation from Hurt & Proffitt has been shared as you just heard. I now understand that members of this Council don't want to waste tax payers dollars to implement this solution that has all but promised to our community. Now that the price tag for this project has become known the story has changed again and the Town Council appears to have changed their position recanting this promise. This is unacceptable. All of us that live in that community are taxpayers and deserve for our money to work for us. As Town Council members that represent the citizens of this town you should also take more seriously your commitment to the citizens keeping promises that are made and remembering who you represent. This is not the first time I have been promised something from Town Administration which is recanted. Most recently Ms. Jammes directed me to get quotes to repair the damages to my home from the countless mudslides over the two years, you all saw pictures of those last time. Those four estimates that I worked hard to get totalled over \$20,000.00 in damages, \$20,000.00 in damages to my property as the result of this entire situation being poorly managed by the Town, the County and the developer, being more interested in passing the blame than being solution focused. I was assured that the Town would take these estimates and will pull from the developers insurance bond to repair the damages to my home. I worked with reputable local businesses setting up the appointments for the estimates, missed work to meet those vendors, collected all the paperwork and submitted them only to find out that Ms. Jammes did not have the authority to make this decision and I had wasted my time. Regrouping again my father and I called a meeting on July 17 with the developer, Mr. Warner and Mr. Wayne Hale. The goal for that meeting was to identify the repairs that were still needed to my home and to get them taken care of. Mr. Ware, the developer, said at that meeting in front of the Town Manager and engineer that he could have the repairs done by July 27. I am still waiting for those repairs and have seen absolutely no action on the part of the Town to hold this developer accountable for anything. Some of you probably asked yourself why doesn't she just sell the house, walk away from this, not an option. I am stuck in this situation until the home is repaired and the Town implements a long term solution for the rainwater management and the County assures that the mudslides are no longer a threat to my neighbourhood. Ethically all of this must be shared with a perspective buyer, would any of you want to purchase my home after what you have seen and

heard? Would you want your children to purchase my home? Absolutely not. To say that I am tired of the run around is a gross understatement. I have heard many empty promises and tolerated a lot of lip service from all of the professionals involved in this issue. I am also tremendously disappointed in the Town Administration, the Council, the County and the developer of this community for prioritizing passing the blame rather than holding themselves accountable for their respective pieces, working for the citizens and identifying long term solutions. After being misled numerous times from an administration who is supposed to be looking out for their citizens it is difficult to believe that you are in fact acting in the best interest of us the citizens. One of the first conversations I had with Ms. Jammes she told me that her chief priority was making this right for her citizen. It is time for the Town to back the citizens of this community and carry out the countless promises that have been made to us to fix this issue. We have been patient, we have the recommendation from the reputable company that you hired to assess this problem. The only thing left to do is what you have been saying for months that you will do, install the drop inlets that have been recommended by Hurt & Proffitt and promised to the Governor's Hill community.

Mr. Samuel Jones – 1100 Emerald Crest Drive Bedford, Virginia 24523

On the corner I bought the house back in June, it was the first house they built and it was a retention pond beside my house that when a lot of the mud came down it went into that retention pond and also across the street on the first speaker's house. Alright, they filled it in and put all of these utilities in, water filled it up and was going to sell the lot. I did not want anybody that close to me so I bought the lot and come to find out I bought a retention pond, a mud pond is all I got. When this thing first happened they put these mud fences up, put it up right beside my driveway I mean right up beside it where it is up against the cement. When all that mud and water comes down they got it halfway up my driveway all I have is a one car driveway, two cars, one in front one in back, when it fills up it overflows, comes down, puts mud all out on my driveway, all under my cars, if you pull in and you are the last one you just have to step out in water. They put in, I've got seven of those fences on my lot, seven, my lot is flat all the mud on my side comes down they put retention fences down it eats out, they got the river what you call it rip rap it will eat out under that and all that mud comes down there on my lot. Now I could take them down but if I take them down all that mud is going over to her house that is the only thing holding from doing any more damage over there so what more do I have. I can't even use the lot and I'm patient and when I heard about that somebody approved that they put in those drop outs now I got mad and upset why should I let them put all that mud in my lot if y'all want to use it as a mud lot then buy the lot or either pay me some rent until you get it fixed. I have no way to use my lot and I have to go out there and look at that mess every day, seven of those things going across my lot right up against me. When that thing fills up with water it takes days to empty out and I can't do nothing about it cause I don't want it to hurt my neighbour so I'm stuck. He needs to move all that mess up on his land and if he has to put a retention pond on his land but get it off mine. Thank you sir.

Mr. Michael Coyle – 1225 Ashland Circle Bedford, Virginia 24523

I am here to speak tonight, Mike is my next door neighbour and Ryan is a close family friend and my wife and I are both realtors in the State of Virginia and they are constantly asking me about disclosure issues with regard to the property if they did want to sell it. I do know that there is a council member on here that is a licensed real estate agent and I would, at least in my mind, I would think there would be some conflict of interest in for him to be able to represent the council and also due to hold up what is normal for real estate agents in the State of Virginia. In the State of Virginia most people think we are required to disclose a lot of things we are not. We are not required to disclose if there is water damage, we are not required to disclose if it floods down there and it destroys the house every time it rains. It is a strange law in Virginia, there are a few states where you are not required to do that. But ethically virtually every agent discloses on the residential disclosure form that the house has had water damage or has had prior water damage and how it was fixed. My wife and I just sold a home that had prior water damage we worked with a contractor to fix it we disclosed the damage, we disclosed how it was repaired and the problem has been fixed. But, while Steve may tell you and I'm not saying you would but while Steve may tell you they don't have to disclose anything and to the letter of the law he is correct. That is true but the law also says that a seller who knows about a problem may not say or do anything to distract the buyer from finding the problem, also, a seller may not cover up a known defect, the seller must also answer honestly any questions from the buyer about a potential problem with the property. I can virtually guarantee you that anybody who went into that neighbourhood today and looking at buying a house and saw all that crap y'all have all over the roads over there is going to ask if there is a water problem. Then if they went to the inside of Ryan's house and looked at the basement and saw the stains on the inside wall they are going to say is there a water problem. In the State of Virginia if somebody ask you that question you have to disclose the truth and the whole truth and gentlemen I have run businesses for most of my adult life when Stacy Hailey first ran for town council he was working for me and I said Stacy politics is really easy all you got to do is do the right thing it is just common sense you do the right thing and gentlemen I am embarrassed to tell you that I live in the Town of Bedford and y'all are blowing this thing off. I hear comments everywhere I go about it, every realtor in town is talking about it and every developer in the area is talking about it and most of the contractors and we sit here and act like there is not a problem. It is embarrassing. I mean it is embarrassing for me as a resident, it is embarrassing for me as a realtor, it is embarrassing for me as a business person and certainly it is embarrassing for me for these people. It is nice to pat ourselves on the back that we covered a tennis court and put up some basketball hoops but maybe that money could have put one drain in, it is nice that we are raising money for Wounded Warriors but maybe that money could put one drain in. I mean for God's sake we are sitting up here patting ourselves on the back saying how great we are doing and these people are suffering every time it rains. So I would further ask you, I would beg you, to stop any construction that is going on up there right now. I have heard people say that once the construction is all done this problem will be alleviated, it won't happen anymore, the ground will absorb the water and the mud. It is not going to happen. I built a parking lot at a car dealership several years ago and I had to build a retention pond for the water coming off the parking lot. Y'all allow a residential community to be built with no idea or plan for where the water is going to go and then you build more houses with flat roofs that pour in more rain that run down on driveways and sidewalks that run into the

streets and create more problem and you are doing it every day and the developer is trying his best to get the heck out of the neighbourhood and trying to dump it off on other builders and yet you guys issued building permits for them to build more houses. It is unbelievable, it's embarrassing and I'm sorry if I am not polite but I think it is time for somebody to do something. Thank you very much.

Mrs. Teresa Briggs – 1200 Crest Ridge Drive Bedford, Virginia 24523

My husband is Harry Briggs and I am Teresa Briggs we came here about two and a half years ago. I get nervous and I just buried my dog today so I'm not in the best mood. I simply want to say this I am worried about a lawsuit because of the erosion on our property. Every time the gentlemen who helps me and my husband comes to cut the grass I am worried he is going to sprain an ankle or break a leg. I did not put my old sick dog out there because when she would get in there she could not get out of the holes that were made by the faulty drainage and the rain flow. I hope you do something about this. I don't, because my husband and I are both in our eighties, we don't want to get in touch with people in Washington. There is a commission there that when older people have a problem with their home they can come in and help us, I don't like dealing with lawyers.

Ms. Cindy Watson – 1265 Emerald Crest Drive Bedford, Virginia 24523

Good evening Mr. Mayor and members of the Council. I am Cindy Watson, I am the President of Governor's Hill Home Owners Association of Bedford and I am here speaking for all of the homeowners of Governor's Hill, Phase I. I am asking the council please help these homeowners out. I am particularly worried about the Briggs, they are at the monsoon of this problem. I drove through this evening again just before coming here I have never in my life seen so many silt fences. It is amazing how many you can put up in a small area. Please help these people out they need our help. If it involves going to the State to help with the roads can we do something like that, anything to get some relief over there because it is not going to get better, it is only going to get worse. That road and everything is a downhill slope right down into a cul de sac that there is nowhere for that to go. One major rainstorm again and we could lose a house. Please come and look, please take care of this. Thank you for your time.

Mayor Wandrei commented as follows:

I don't pretend to speak for all the council members, I know that many of them have gone out there to the property and seen it. This is a problem that was caused by a couple of people, one of which is the developer and as you probably know that property was originally in the County and the County was in charge of building inspections and soil erosion. Having said that I would say that I am not aware of some of the comments and reports that you spoke about but certainly we will look into it. I will also point out one other thing that we have received a correspondence with an attorney, Mr. Lucy, who has represented that he represents the homeowners in Governor's Hill. Is that right Mr. Berry?

Mr. Berry commented as follows:

I think he may represent Ryan and her family.

Mayor Wandrei continues as follows:

The thing about it is I have directed Mr. Berry to meet with him in a scheduled meeting for tomorrow and I assume that after that meeting takes place we will address the problem to the extent that we are obligated to do so. I appreciate very much the fact that you state we represent you which is very much true, but, we represent a lot of other people in town and we have to do what is fair and right for all of you but we will go ahead and have that meeting and we will respond appropriately. I am sure that is not a satisfactory response of what you are looking for but I think that is all we can do. At the present time but we will go ahead and we will have the meeting with Ms. Long's attorney. We will have that meeting and we will get back to you.

Mr. Mike Overstreet - 1220 Ashland Circle Bedford, Virginia 24523

I would like to recommend that the council and the Board of Supervisors get together and discuss this issue. I think that is the way we are going to resolve it. Talking separately is not going to help a thing. I think you need to get together because every time we say something the buck is getting passed to someone else.

Mayor Wandrei commented as follows:

I think you are absolutely right, but, I think the thing about it is you consulted with an attorney and I think we need to respond to the attorney. Or I should say Ms. Long has contacted an attorney and I think we should respond to that and then we will just go forward from that point. I thank all of you for coming here tonight, I appreciate your concerns, we will try to address them as best we can in a manner that is fair to all persons involved.

Councilman Mr. Robert Carson commented as follows:

I am sitting here and listening to all of you. You built your dream home and you have been going through this for quite a while you really have because we have heard this before and it sounds to me like all you have been getting is a bunch of empty promises and a bunch of opinions and it doesn't make sense because as much as we look out for the town and its finances our citizens, our tax paying citizens, citizens period should be treated fairly and just that. I don't think you have been treated fairly. I think everybody has been passing the buck. I think maybe you have been talking to the wrong people and just getting a bunch of empty promises and I really think that if you have contacted a lawyer that is a good idea. Contact the lawyer's commission because somebody needs to be held accountable. That is what you put us in office for and if we are not doing our job we don't even need this seat. So, do whatever you got to do to protect your homes, talk to whoever you need to talk to help you with that, but, maybe you just need to stop talking to the people that is giving you all of this run around and just talk to somebody that is going to actually get something because this doesn't make sense. You have been going through this a long time and all everybody has been doing is passing the buck and waiting and waiting and waiting. This has been going on for years so I think it is time for that to stop. You hold us accountable, that is why you put us here. You do whatever you got to do to whatever extent you

have to do it because we need to be held accountable, we don't own this town we just look out and protect its interest. Citizens are our priority so y'all do what you got to do.

Vice Mayor Black commented as follows:

Two points as to some of the comments that were made, the Town of Bedford does not issue a building permit, it is all issued by Bedford County. The second point is the Town of Bedford in the reversion agreement did work with the County on some issues that the County is responsible for. One of those issues is erosion and settlement control. I understand your dilemma but you all are County residents as well and this conversation needs to be had as well at the County level as it is at our level. I can only control what I can control.

Mr. Michael Coyle – 1225 Ashland Circle Bedford, Virginia 24523

I am not a licensed contractor in the State of Virginia but I talked to a licensed general contractor today who does build property in the Town of Bedford as well as in the County and he told me today that if you are building a property in the Town of Bedford you have to get a permit from the Town and from the County both. You cannot build anything in the Town without a permit from the Town as well as the County. Then he is wrong, I apologize he is a licensed general contractor in the State of Virginia.

Councilman Steve Rush commented as follows:

He has to go through our zoning, that is the only thing he has to get a permit for is zoning. The County operates building inspections.

Mr. Mike Overstreet – 1220 Ashland Circle Bedford Virginia, 24523

Mr. Black said that, uh, Mr. Schley actually got Mr., who is the head guy of settlement control, Mr. Leamy and Bart together and we all received a letter that County is going to take care of sediment and the City was going to take care of the water. The County is over there every day. Everyday Clay Ross is over there checking silt fences. I have not seen any City employees over there at all addressing the water problem. Mr. Warner signed the document saying the City was going to take care of the water, the County is taking care of sediment.

Mayor Wandrei commented as follows:

We are having everybody talk about somebody told us, somebody talked to a building contractor I think the thing to do is go ahead and proceed along the lines I suggested the first time. There is an attorney involved, Mr. Berry will meet with that attorney tomorrow and see if we can't come up with a solution that will be satisfactory and acceptable to all and I think that is what we will do. I thank all of you for being here and apologize if I cut anybody off and didn't allow to make full comment to that extent I am sorry. This will end the portion of our agenda that calls for citizens comments.

## **COUNCIL COMMENTS:**

Councilman Johannessen commented personally I have been over and seen the erosion problem and I understand it is an ongoing problem but we are not going to go further on that. The one thing, Bedford has recently been attacked by the english boxwood blight that is hitting a lot of the boxwoods in this Town and it is a problem that D.W. may want say something about, what has to be done for that.

Mr. Lawhorne commented as follows:

We have experienced over by the Library, Avenel, in that area the boxwoods have been infected with the blight problem and seems to be passing through the neighbourhood. So when we dispose of those they cannot be put in the regular brush pile, there is a special waste you have to do with that so they don't contaminate other wood so we do not grind it up into mulch so that gets picked up and spread out further. So yea, we are dealing with that at the landfill at the current time. Spores, spots on there.

Councilman Hailey commented I thank all of y'all for coming and expressing your concern tonight.

Councilman Schley commented myself and the Town Manager went to AMP certification process with the electric and we completed that certification about a week ago, just wanted to make you aware of that.

Councilman Carson commented he would like to take this time to thank D.W. and his crew for all that you have been doing around town and Ms. Jammes because you promised me some time ago you were going to find some funds to refill that court. I thank you for keeping your promise. It looks good and I thank you for what you do. To all of you that have come I am offering you my apology that you have to go through this and that you are going through this and I am personally telling you I don't think it is right.

## **REPORT OF COUNCIL COMMITTEES:**

Finance Committee – Mr. Black

There is nothing else to add other than what Ms. Jammes reported out in her comments at this time.

Property Committee – Mr. Johannesson

The property committee did meet and we were working on a facilities use policy that will still have some work to be done on and we are working on that.

Electric Committee – Mr. Schley

Electric Committee meet, we got an update on FERC relicensing and as part of the agenda we will talk about that as well.

#### **REVISIONS TO THE AGENDA:**

We already have scheduled a closed session, we will have a second closed session which would discuss personnel matters.

#### **PUBLIC HEARINGS:**

None

#### **CONSENT AGENDA:**

Request to close streets for the Liberty High School Student Council Association.

Mr. Warner read the notice as follows:

Yes, Mr. Mayor and members of council the Liberty High School Student Council Association is requesting that Council authorize the closing of the following streets for the Liberty High School Homecoming Parade on October 5, 2018. The parade is scheduled for 5:00 p.m.

From 4:30 p.m. to 5:45 p.m., College Street from Ashland Avenue to Peaks Street

From 5:00 p.m. to 5:45 p.m., Peaks Street from College Street to North Bridge Street, North Bridge Street from Longwood Avenue to East Main Street, East Main Street from North Bridge Street to Otey Street.

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

Town council is requested to close the above streets for the event during the dates and times noted.

On a motion by Councilman Carson, seconded by Councilman Hailey, the recommendation is adopted to close streets. Any discussion? All in favour of closing the streets signify by saying aye. All opposed like sign. Motion carried.

## **OLD BUSINESS:**

None

## **NEW BUSINESS:**

### **Representative from CMRCL Glass Company concerning the bulletproof glass for the Treasurer's Office.**

Ms. Jammes would like to speak for this presentation, you can come on up. They are here this evening to discuss a project that we asked them to do in regards to the state of the world today. We feel that we need to offer some added protection to our Treasurer's Office with the amount of money that they deal with.

Robert Hiller, President of Commercial Glass, 2233 Lakeside Dr. and we received a purchase order to go ahead with a bullet resistant window in the Treasurer's Office. When we were finalizing measurements. I contacted Ms. Roberts and she was concerned about the voice transmission the difficulty with people coming up that perhaps whispered or had a low voice and the ambient noise within the Clerk's side and also within the customers side. So, we have done quite a lot of this and I visited the Lynchburg Police Department, they have a problem even though they have a microphone above the window if there are four or five people out in the lobby, the Clerk cannot hear the conversation so there is difficulty hearing one another. We also did the General District Court and they have added an intercom system as well as a telephone for the hearing impaired. They have the same problem, if there is four people outside talking in the lobby and phones are ringing with the Clerk's, copy machines are going off, phones are ringing, the Clerk's are talking there is still difficulty there is really no way to prevent that sound from not hearing one another. J & D Court, I could not take pictures, but they have the same problem, the have a pneumatic transmission system for court records that come in and when that is coming down they cannot hear. Conversely I was going to say when you have say an older person or smaller person that comes up and whispers you can't hear a word they are saying. So the only thing that I have come up with that might help the situation, we have not ordered any materials yet so no monies have been spent, nothing has been billed. There is one option that we could come up with perhaps and I have never used this before in installations. It is a counter top communicator where it comes with a feature called a noise cancelling system that is supposed to help reduce ambient noise on the outside where the customers are as well as on the Clerk's side. I have not worked up a proposal for that, but, that would be an addition to the purchase order we have been issued. If there are any questions, I can answer them.

Is there a difference between bullet proof and bullet resistant?

There is really no such thing as bullet proof. Bullet resistant, what we had quoted is level 1, level 1 is for a 9 mm, small/medium powered handgun. You can go up to level 12 but that is for military use.

We did not just want to do the job and then have people unhappy that it did not work the way Ms. Robert's wanted it to. If you cannot hear one another communicate then it really is no good.

As I understand from your presentation are you going to make an additional proposal?

I will give a proposal, I can't guarantee it will work, I've never used the system before. According to the factory they have used it in hundreds of instances.

Will you forward us the material that will support the proposal?

Yes.

### **Status of FERC Relicensing – Jot Splenda with The Louis Berger Group**

Good evening, thanks, my name is Jot Splenda with Louis Berger currently hired to assist the Town of Bedford with licensing the Snowden Hydroelectric Plant. As you are aware the existing license that FERC has issued is going to expire in a little over five years and we are at the early stage of starting that licensing process. The first step is to prepare a pre-application document which we have done and filed that with FERC on April 30. FERC has accepted that pre-application document which triggers their notice of commencement that was issued on June 21. After that time we had a joint agency meeting and site visit here in the offices on August 16 and the next phase, after we had the meeting we met and went on the site. A number of agencies and stakeholders attended that meeting and right now we are in the period where they can review the pre-application documents and they have sixty days to file comments and study requests. After that time we will make responses, organize comments to the study requests and either implement the studies or negotiate another type of study. All of this is working towards preparing the final license application which we prepare in a number of years so we are very early on in this process. Things are going well and anticipate based on the number of stakeholders that were at our meeting roughly six to a dozen comments or study request letters may come in. Are there any questions about where we are on the FERC licensing process today?

### **Madam President of the SCA**

Good evening councilmen members, my name is Summer Markham and I am the head SCA President at Liberty High School. I first want to thank you for taking the time out of your schedule to meet me and allowing me to speak to you. I am here to formally request your permission to hold Liberty Homecoming Parade again this year. Last year's parade went so well and many people lined the streets to watch each float go by. Plenty of positive feedback was given. Responses to the parade ranged from LHS alumni asking to be in the parade next time and school club members were asking if they could enter a float in the next homecoming parade. If the Liberty Homecoming Parade is approved once again it will be scheduled for Friday October 5, 2018 at 5:00 p.m. and will request the following roads to be closed according to the schedule from 4:30 p.m. to 5:45 p.m., College Street from Ashland Avenue to Peaks Street. From 5:00 p.m. to 5:45 p.m., Peaks Street from College Street to North Bridge Street, North Bridge Street from Longwood Avenue to East Main Street, East Main Street from North Bridge Street to Otey Street. In addition to this year's homecoming parade we would like to invite the school clubs and sport teams to be able to participate by entering their own floats for the parade.

Also, we would request that those alumni who are interested be allowed to walk behind the floats holding banners that display their year of graduation and inviting people from the street to join and follow behind their corresponding year. I feel that this could be beneficial for the parade and school spirit since so many request were made by people who watched the parade last year. Thank you again for your time and consideration. I can answer any questions if anyone has any.

Is the parade going to be as good as last year or better?

Probably better.

## **Liberty Lake Park Upgrades – D. W. Lawhorne**

### Slideshow Presentation

What we are going to talk about briefly, real quick here, is at Liberty Lake Park we have a unique situation to be able to put an outdoor fitness center/gym and when we talk about it it is with the National Fitness Campaign. So you probably ask what is the National Fitness Campaign. It started in 1979 and this is what it looked like and you probably have seen that type around in schools and parks we still have that on the trail at Liberty Lake Park, the nature walking trail, we have exercises stations from this company that we put in in the 80's and there is still one of these at the back side of the elementary school. What does that become today, this is what it looks like in 2018 this is what it has evolved to. It is a complete workout system that you can do seven minute body move programs that move from station to station to address your whole total body workout. It comes with an app so when you get there if you are in front of a piece of equipment or a station you can pull it up on the app and see how to do that. This is an example of what other people have done when they did it, they have an app launch party after they got their fitness thing done they had a community app launch party. Here is another example, they had some free summer classes and we have already talked to an organization in town that if we are able to get this they are willing to come out and teach these classes. So we would be able to do something very similar to this right here by offering some free classes to the people in Town on the outdoor fitness. Other things that we have already done to the park that would complement this project everybody is aware of the ball field that turned out very nice and has worked out very well. The playground, we put in the handicap playground, it also has the music notes on the outside of it that is also heavily used. The tennis courts, the upcoming tennis courts project that will be taking place will be right beside where we are proposing to put the fitness center. The new sidewalks that will connect so that people will be able to walk there or make it very accessible. Location, I have identified right in the middle it would go where the current old racquet ball court is, we would take that down and fit that in between all of the other things, skate park, basketball, tennis courts, playground and also have the pavilion right there. One of the groups I have talked to that would be willing to come out and do the community classes when they say the pavilion and grills one of the things they talked about was have an evening where you worked out and grilled out and they would teach you how to cook some healthy foods. Also, we have a very short video to show you, we have obtained a grant from Fit Radio we have been already awarded that grant if we choose to move forward to put toward this. We have the tennis courts, we done some negotiating and other things and that came in way under budget so we have some funds left over

from that. We are also working with several donors that I can't identify right now because we are in the final stages working that out that are willing to help fill the gap to take up the rest to put this in place if we choose to do it. Also, we would be the first locality in the State of Virginia to have one. This started in California and moving over this way.

Video plays.

Ms. Jammes commented as follows:

I would like to highlight with Mr. Lawhorne's presentation that we have been selected as the first locality in the State of Virginia to have this world-class fitness court. As such, as being selected the first locality we get additional grant money that no other locality will be offered if we choose to proceed with this project.

Mr. Lawhorne comments as follows:

I will be glad to answer any questions and what we want to ask of you tonight is we have to commit to them by the 31<sup>st</sup> which is Friday not to lose this grant to move forward with this.

Ms. Jammes commented as follows:

I have an analysis for you and will hand those out.

Discussion ensued regarding the following: tennis court funds does not include the grant, community improvement funds, town commitment to spending, help from vendors, maximum cost to Town \$55,000.00, minimum cost to Town \$40,000.00, community contributors, endorsements and cost of tearing down the racquet ball court.

Ms. Jammes commented as follows:

What we would need is direction from council that you would do this we would be allowed to use these funds towards this project and I can go ahead and have a P.O. created and they will ship out the equipment immediately. We should get that by the end of September.

On a motion by Councilman Hailey, seconded by Councilman Carson, the project will move forward as outlined. The motion was voted upon and carried by the following roll call vote:

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

**CLOSED SESSION:**

Mayor Wandrei moved that Council adjourn into closed session pursuant to Section 2.2-3711 (a) (7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel and Closed session pursuant to Section 2.2-3711 (a) (1) of the Code of Virginia 1950, as amended, to discuss personnel matters. (Non-council members Mr. Warner, Ms. Jammes, Mr. Berry and Mr. Lawhorne attended). One a motion by Councilman Hailey and seconded by Councilman Rush the motion was voted upon and carried by the following roll call vote:

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

Council adjourned into closed session at 8:15 p.m.

Council reconvened into open session at 8:45 p.m.

Mrs. Boone 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 Rush and seconded by Councilman Schley concerning the building inspector. The motion was voted upon and carried by the following roll call vote:

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

**ADJOURNMENT:**

Mayor Wandrei adjourned the meeting at 8:47 p.m.