



**Town Council  
Regular Council Meeting Minutes  
May 23, 2023**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, May 23, 2023, at 7:00 p.m. in the Council Chambers of the Town Municipal Building at 215 East Main Street, Bedford, Virginia.

**Town Council members present:**

Mayor Tim Black, Vice Mayor C. G. Stanley, Councilman Bob Carson, Councilman Stacey Hailey, Councilman Bruce Hartwick, Councilman Bruce Johannessen, and Councilman Darren Shoen

**Town Staff present:**

Town Manager Bart Warner, Finance Director Anne Cantrell, Town Attorney Michael Lockaby, Chief of Police Ronnie Lewis, Electric Department Director John Wagner, Director of Planning and Community Development Mary Zirkle, Clerk of Council Debra B. Anderson, and Recording Secretary Julia Peters

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Mayor Black called the meeting to order and led all those present in reciting the Pledge of Allegiance to the Flag.

**APPROVAL OF MINUTES**

Mayor Black declared that the minutes of the regularly scheduled Council meeting on May 9, 2023 were approved as submitted.

**REPORT OF TOWN MANAGER**

Mr. Warner reported that the Town offices would be closed on Monday, May 29, 2023, in observance of the Memorial Day Holiday.

## **APPEARANCES BEFORE COUNCIL**

### **Tammy Parker, 1919 Three Otters Road, Bedford, VA**

Ms. Parker said that it has not been made clear to the public why the residents being annexed would have to pay County and Town taxes. When the city reverted to a town, the city was considered a municipal corporation of the Commonwealth of Virginia. The County is a political subdivision of the Commonwealth. When an independent city transitions to a town, the town becomes part of the county. The Bedford Middle School, Bedford Central Library, and the city-interest in the Welcome Center transfer. The county was able to use the local composite index city rate which was 03132, and acquire extra state funding which was about \$6 million. The money did not go to the County but to the Bedford County public schools. The public schools were not a party to the reversion agreement. In 2013, when they received the extra funding, it was put into their operations budget. The County had to build a new middle school on County property. That money was then not available for use in building the new middle school. Therefore, the County had to borrow money and the funding of the debt service was placed on the backs of the taxpaying citizens. The debt service is \$2.6 million per year. Since the extra funding was put into the school system, the County, after 15 years when the money goes away, will have to come up with money to put back into the school system. It will leave a hole in the public school's budget of \$7.887 million. The taxpayers in Bedford will have to make up the deficit. This is a change of circumstance and she believed it was not the intention when the reversion agreement was made. Obviously, the money was meant to be put into capital improvements primarily to build the new middle school. The Town of Bedford no longer operates a landfill. With the extra trash from the Town and the extra growth in the County, the County landfill is now full and no longer technically operating a landfill, but operating a transfer station. When the landfill operated as a landfill, the money was self-generating and supported the landfill itself. Now, in order to plug in the deficit hole for hauling off trash, which has to be paid for, the cost is \$2.643 million. The cell also has to be closed and it will take up to four years in order to open up a brand new cell. County tax dollars will have to be funnelled into the hole, which is another change of circumstance since the reversion agreement was made. The Council has a big decision to make and she hopes the members consider these changes in circumstances and realize they have the avenue to make an adjustment provided in the agreement.

### **Mike Miller, 3461 Forest Road, Bedford, VA**

Mr. Miller noted that ten years ago when all this began, he was told there was nothing that could be done about the annexation, the Town was going to do what they want and the citizens could not stop it. Many citizens at the meeting that night were not citizens of Bedford County ten years ago and had no idea about the annexation. Since the meetings began, they now know about the annexation and what is in the agreement and Council can stop it. Ninety-nine percent of the citizens that will be annexed are asking Council not to do it. He has personally heard excuses from the current Board that citizens cannot do anything about this and the previous Board committed them to this which is false. He was reminded that the reversion plan was heard by a three-judge panel and it cannot be altered. Phase III was taken out about six to eight months ago and Phase I was altered just last month with Route 43 North removed. It is clearly stated in the agreement that changes "may" be made. Nothing says that all the property has to be taken, any

majority, or any parcel. The three-judge panel gave the Council the ability to stop the annexation and gave Council the choice. With Phase I, a Dollar General was opened, Clayton Homes has moved from one side of Town to the other side, and he is not aware of anything else. They have lost Family Dollar, Pizza Hut, Wheelabrator, and jobs. If they have not used all of the land in Phase I, he questioned why move to Phase II. The tax rate in Town is \$.29 and Council had a chance to equalize it at \$.25 which is \$.04 per one hundred in extra money the Town could offset the \$750,000 that everyone just heard about. How many red flags does Council need to stop this. They are retired and middle class families. The economy is bad but these citizens have managed to get by. The vote for annexation devastates the citizens and the working class in the County and inflicts more pain and worry on neighbors. It will affect everyone in an economic downturn. If Council votes for the annexation, they are telling the residents that government knows best for them and they are passing it for greed over neighbor.

**Judy Hylton, 1226 Big Island Highway, Bedford, VA**

Ms. Hylton said she is a single retired resident on a fixed-income and due to the high stress this situation has caused her, she had to have a heart monitor put on her in January. These unfair double taxes will add at least \$2,000 more onto her budget and serves her no purpose. They are held hostage because of poor financial management of the Town. Now they are bailing out the Town and she asked Council members to do the right thing for the residents and vote “no”.

**John Ketwig, 1717 Wycliff Street, Bedford, VA**

Mr. Ketwig moved here ten years ago and loves the community and it is a nice place to live. The annexation hasn't received much attention until the last few weeks and stinks to high heaven. Council will double his taxes and the homeowner will get nothing in return. He thinks it is highway robbery.

**Fred Heptinstall, 103 North Branch Road, Bedford, VA**

Mr. Heptinstall has two neighbors who could not come to the meeting. One grew up during WWII and one is a Korean War veteran. They are both at home praying Council will make the right decision for the people they will be annexing. Council sees the energy in the room and there have been lots of discussions. The coalitions set up across the neighborhoods are gaining a lot of energy and if Council decides to vote the annexation in, the energy is not going away but will convert into a political action group which will do what is right for the residents of the Town and the people annexed.

**Cindy Gunnoe, 1621 Kingston Circle, Bedford, VA**

Ms. Gunnoe said she is a Town resident and has been since 1988. She has been paying this level of tax since 1988 and she thinks she represents the silent majority of Town residents who are in favor of this. They are not destitute because of it and live side by side with the people who will be annexed and she understands them not wanting their tax rate raised. The reversion has been in process since 2014 and some County officials speaking against it now are the same County officials that voted in favor of the agreement. Now they are speaking against it like it wasn't their

idea, which is disconcerting. This was lined up for the Town and it is what is best for the Town. A large portion of her tax dollars have been going to the County and she felt the dollars are not staying in-Town. Council represents those residents that are in Town and they should get what was outlined in the agreement. It is not a popular opinion in the room today and she was sorry that these people's taxes were going to be raised but everyone was a pawn in the agreement.

**David Hardey, 6302 Forest Road, Bedford VA**

Mr. Hardey was speaking on behalf of his parents, John and Audrey Hardey. They served the State of Virginia as public school teachers their entire working adult life. Their ages are 88 and 87. Their effective tax rate after equalization between the County and Town will go from \$1,497 per year to \$2,800.67 per year. It is an 87% increase. His parents live off social security and a small state pension. If Council wants to do something, he thought they should do a compromise and have residents pay one tax or the other. He thought the Town and County should get together. The only service the Town would provide would be the Town police. His parents bought their home way before this happened in 2013. It wasn't even discussed at the time and Council should put themselves in the shoes of his parents who have served the state and are not rich. Imagine if he knocked on their doors and said they owed \$1,400 and did not provide one thing to earn the money. He asked Council to do the right thing and vote this annexation down.

**Bobby Padgett, 2039 West Lynchburg Turnpike, Bedford, VA**

Mr. Padgett did not want Council to vote annexation in because he could not afford it. He does not want to live in the city of Bedford and he hoped Council would do something to avoid this. It is too much in extra taxes

**Jerry Padgett, 2027 West Lynchburg Turnpike, Bedford, VA**

Mr. Padgett wanted to know why this annexation was taking place because it did him no good at all. It makes him pay more taxes and he is on a budget and lives on social security. He is trying to make ends meet and is 70 years old and asked why Council is doing this.

**Garland (Ed) Miller, 3355 Forest Road, Bedford, VA**

Mr. Miller believes in the system where public hearings are held and real people come to talk to those officials who make decisions. Based upon real issues brought before the Council, if they have an ounce of compassion, they should hear what the public comments have said and take them to heart. People will have to choose between paying taxes and taking medicine. In America, this should not be a choice anyone should have to make. He does not want to be annexed.

**Carlton Toms, 1368 Big Island Highway, Bedford, VA**

Mr. Carlton has been retired for 23 years and lived his entire life of 85 years in Bedford County. He never wanted to live in Town and he asked where is he to get the additional money to pay the taxes. He will have to sell his camper to get the money to pay the extra taxes. He asked Council to consider everything and not to annex his property into the Town of Bedford.

**Meg Kiely, 1808 Vista Circle, Bedford, VA**

Ms. Kiely said she purchased her home in 2010 and specifically purchased it to live in the County. There is no real plan for the increased revenue nor is the revenue necessary. She is shocked Council is considering the annexation without a more detailed approach. It would be an improved position to plan to reduce the burden of taxes on the annexed residents, as citizens of Rocky Mount and Vinton have accomplished. Perhaps it would be prudent to increase sales tax, parking meters, or other municipal strategies rather than taxing residents so they suffer like current Council members and Town residents. The Town offers the annexed citizens nothing. Taxing citizens because the Town can is the definition of tyranny. The last Council meeting demonstrated the Council's lack of cohesion and lack of strategy and she has no desire to see her fellow neighbors burdened or their hard-earned income wasted. She pleaded with Council to vote "no" to relieve the anxiety and stress Council is placing on elderly neighbors who cannot afford the proposed tax. Ten years ago when the deal was made, home values were half of what they are today and the tax burden would not have been what it is today.

**COUNCIL COMMENTS**

Councilman Hartwick welcomed everyone to the meeting. He said the decision tonight would not be easy and he was worried about residents that were struggling. He wanted to be fair to everyone and would say a prayer for wisdom.

**REPORT OF COUNCIL COMMITTEES**

None.

**REVISIONS TO AGENDA**

None.

**PUBLIC HEARINGS**

Mr. Warner read the following public hearing notice.

**PUBLIC HEARING**

Notice is hereby given of a public hearing to be held by the Town Council at 7:00 p.m. on Tuesday, May 23, 2023, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of hearing:

Consideration of rezoning 1333 Longwood Avenue, Bedford, VA 24523 (Tax Parcel 156-A-10T), consisting of approximately 0.5490 acres from R-2, Medium Density Residential to B-2, General Business to park three tiny homes on trailers for display before selling. The request is being made by Appalachian Homes, 1333 Longwood Avenue, Bedford, VA.

Information is on file in the office of Planning and Community Development at 215 East Main Street, 540-587-6021. 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

Published: May 10, 2023  
May 17, 2023

Mayor Black opened the public hearing at 7:40 p.m.

**Mark and Hope Metzger, 1333 Longwood Avenue, Bedford, VA**

The Metzgers are business owners of the subject property. They renovated the property and noted that previously, the property was a retail business, specifically, a florist. It was a storefront for approximately 70 years and is currently a real estate office with an in-house mortgage lender. They would like to sell tiny homes included in their log homes business and would like to partner with the owners of the new RV park. The tiny homes are built by an Amish family and include full kitchens, bathrooms, bedrooms, heat and air conditioning, septic and well hook-up and electric. They are beautiful homes and not cheap sheds. They are trying to make a living in Bedford and they want to set a couple of the homes up as models so people can come look at them. They just want to continue selling homes and property. There are concerns about the traffic volume but the business is located on Longwood Avenue where there are already about 9,000 cars per day and the little bit of traffic that comes to their office would not make much of an impact. The property has been a business location for many years and it is zoned residential and they would like it zoned as it should be, as commercial property.

**Amanda Gardner, 1334 Longwood Avenue, Bedford, VA**

Ms. Gardner opposed the zoning amendment because the homes are still trailers no matter how you dressed them up. The parking lot is not that big and there are numerous times when the lot is full so where would the cars go if these tiny homes are there. The trailers will make her property go down in value. She chose the Town for her kids and opportunity for them but she did not choose to live across from trailers and a business that would be spot zoning, which is not even allowed.

There being no one else to come forward to speak, Mayor Black closed the public hearing at 7:50 p.m.

**CONSENT AGENDA**

**Request to Close Streets – Bedford County Parks & Recreation – Noah Brooke**

Noah Brooke of Bedford County Parks & Recreation is requesting permission to hold a Closing Day Ceremony on Friday, June 2, 2023, from 6:00 p.m. to 8:00 p.m. (with a rain date of June 9<sup>th</sup>), and to close the following streets:

Bedford Avenue Extension from Mountain Ave to the curve of the Recreation Field, Ashland Avenue from the curve of the Recreation Field to College St.

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

**ACTION REQUESTED:**

Town Council is requested to consider closing the above streets for a Closing Day Ceremony on Friday, June 2, 2023, from 6:00 p.m. to 8:00 p.m. with a rain date of June 9, 2023.

Mr. Carson moved, seconded by Mr. Hailey to close the mentioned streets on Friday, June 2, 2023, from 6:00 p.m. to 8:00 p.m. with a rain date of June 9, 2023.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

**OLD BUSINESS**

None.



## **NEW BUSINESS**

### **Ordinance - Incorporation of Portions of the Phase II Boundary Adjustment Areas**

On December 18, 2012, a Special Court, duly constituted and convened as provided in Chapter 30 of Title 15.2 of the Code of Virginia entered a final order validating and affirming the Voluntary Settlement Agreement of Transition to Town Status and Other Related Issues between the City of Bedford and the county of Bedford. Section 9.1 of that agreement provides that the Town of Bedford may adjust its boundaries to incorporate portions of certain areas of Bedford County collectively referred to a “Phase II Boundary Adjustment Areas” in accordance with the requirements of Article IX of the agreement. Section 9.7 of the agreement provides that parcels in the Phase II Boundary Adjustment areas that have not already become part of the Town pursuant to Section 9.2 shall automatically become part of the Town ten years after the effective date of the Phase I Boundary Adjustment upon the adoption of an ordinance providing for such incorporation. That ten-year period expires at midnight on June 30, 2023.

Section 9.7 of the agreement further conditions that the Town has a right to incorporate remaining portions of the Phase II Boundary Adjustment area upon the entry of an agreement by the City or Town of Bedford, Bedford County, and the Bedford County Public Service Authority providing for consolidation of their water and sewer systems and creation of the Joint Authority described in Section 6.2 of the agreement. Such agreement was executed in 2012.

The Town hosted informational sessions regarding the matter on March 23, 2023, and March 25, 2023. Town Council also held a public hearing on the matter at its regular meeting on April 11, 2023. The ordinance, legal description, and plats have been appropriately advertised under the provisions of the Voluntary Settlement Agreement.

#### **ACTION REQUESTED:**

Town Council is requested to either approve or disapprove the ordinance to adjust the boundary line of the Town of Bedford with Bedford County to incorporate portions of the Phase II Boundary Adjustment areas into the Town pursuant to the Voluntary Settlement Agreement with Bedford County. If approved, such ordinance would have an effective date of July 1, 2023.

Mayor Black moved, seconded by Vice Mayor Stanley, to adopt the ordinance to adjust the boundary lines of the Town of Bedford to incorporate portions of the Phase II Boundary Adjustment areas into the Town pursuant to the Voluntary Settlement Agreement with Bedford County.

Discussion followed.

Councilman Carson said he has lost a lot of sleep over this issue. He read the agreements over and over, listened to all the talk, even the mean talk he was given. He had never had to walk away from cussings in his life, except for this. Not conversations, cussings. When he took the



seat, it was not about hurting anyone but about helping everyone he could. It is not about the prestige of the position or the seat. He heard people talk about their taxes and hardships but he did not hear about those people who have hardships and have been paying the taxes for years and not complaining. It is not something that came up all of a sudden but began ten years ago. Conversations could have been had ten years ago until now, but did not occur. The problem he saw was three entities that do not work together, talk together, or meet together. They are the County, the Town Council, and the Water Authority. If discussion had started a long time ago, all of this now could have been avoided. The County threw the people under the bus, not the Town Council. Council is not trying to do anything underhanded or illegal. He has prayed and prayed and however the vote goes, he hoped some people do some soul searching, because Council members did not deserve the cussings that they received. If people hate him after this vote, so be it, because he already has felt their hate. He had nothing to do with what was written ten years ago, but he forgives these people and is sorry for their situation.

Councilman Shoen agreed with Mr. Carson. He said he was elected by the current residents of the Town and he has to do what is best for the current residents. He felt this annexation was best for the Town, no question.

Councilman Hailey had been through the process for the last ten years and came into effect before he came to the Council. In December 2012, there was a vote on this and he did not have a vote in it. If you read the whole contract, there were benefits and no benefits for different things regarding the County and the Town. The County received some things and the Town received some things and it was all agreed upon. He has listened to everyone and read all the emails he was sent. The whole process is not to hurt anyone but to move forward. He has heard threats but the process is what it is. Everyone has to live with each other in the same community even if there are hard feelings.

Vice Mayor Stanley said he was the only one of the Council members that was on City Council when reversion started. He has heard the comments and read the emails and understood it was an emotional issue for many people. He heard the same thing when the Oakwood Village project came up and he voted for it even though it joined to his backyard, because it was a great thing for the community of Bedford. He thanked the Town residents for giving their thoughts on the issue. Council members represent the people of the Town of Bedford and they have to do what is best for the current residents of the Town. He was on Council from 2002 to 2013. Council members back then heard unofficial rumors that Richmond did not want small cities anymore like Bedford. Richmond wanted to do away with them and revert them to Town status. Lacey Putney, the most powerful man in Richmond at the time, knew what was going on. He came to Bedford and planted the seed to both the City Council members and the County Board of Supervisors. Mr. Putney said the City and County needed to discuss reversion and it was not something the Council brainstormed. In mid-2011, discussion began between three Council members and three County supervisors. The discussions resulted in a reversion agreement in 2013 with a lot of give-and-take. Overall, the negotiations went well. Richmond threw out a lot of incentives and grants to help cities revert to towns, including incentives for the counties involved. The windfall the County got was the \$6 million a year for 15 years. How the County used the money is not for him to say but there were two parties involved here, not just the Town. He is here in Bedford to stay and if he is not reelected, it is fine. He will have more time to spend with six grandkids. He

echoed what Mr. Carson said and does not hold grudges, but he will do what is right for the citizens of Bedford as long as he is on Council. He wants to move the Town and County forward and he hoped the people now understand more about how all this came around.

Councilman Johannessen agreed with his fellow councilmen and some of the comments were uncalled for and caused heartache. All Council members thought about the annexation very thoroughly and don't just let it go. They have listened to what everyone had to say and some things are remarkably untrue. Council members all pay both the County and Town taxes and this Council spends money in a very frugal and directed manner. Money is just not thrown around or wasted. There has been a tight budget and Town residents have paid the County \$5 million every year in real estate, personal property, and sales taxes. Eighty percent of the sales tax collected in the Town goes to the County. This is based on the number of school children. The County has been getting \$6 million per year from the State of Virginia to do this agreement. The Town received \$750,000 of that money. Over the years, the Town has taken that money and payed down debt with it and is in a much better position and is not suffering from debt crisis as some have indicated. That is not a fact. Councilman Johannessen is also on a fixed income. If someone's income falls below a certain rate, and there are only a certain amount of assets, one can apply for exemptions on his/her taxes. The exemptions are available for many people on fixed incomes.

Councilman Hartwick said this will be his hardest vote. He agreed with Mr. Johannessen about people that may qualify for tax exemptions. He asked Town Attorney Lockaby if the Town could ever become a City again and Mr. Lockaby said no, it was not possible under the current law. Mr. Hartwick wanted to balance everything and be fair to the residents of the Town and those being annexed. He has lost sleep over this subject and prayed a lot for wisdom and guidance. He respects all those holding seats on the Council and he will vote his conscience.

Mayor Black noted that a lot of things have been said and there have been a lot of explanations given. This was a voluntary settlement agreement and no one was forced into this agreement. It was a negotiated settlement between the City of Bedford and Bedford County. Each entity received something out of the agreement. The County extracts \$5 million in taxes from the Town of Bedford, which includes real estate taxes, personal property taxes, tool and equipment taxes, and sales tax. They have benefited tremendously from this agreement. In addition, the County received in excess of \$6 million a year from the Commonwealth of Virginia but that \$6 million is not guaranteed. It has been discussed many times in Richmond if that deal should continue. Six million dollars equates to about \$.06 on the tax rate. If you take the \$.41 that the citizens pay and add \$.11 to it if they did not go along with the reversion. The construction of the new middle school benefited everyone in the community. Students had been attending school in an 80 year old building that did not meet the needs of the community and the new school was part of the negotiated settlement. Town Council had nothing to do with how the money for the school was managed by the County and the School Board. The Town was not part of those decisions. The Town has an aging water and sewer infrastructure. The Bedford Regional Water Authority was formed as part of the reversion agreement to take over that infrastructure. A new water treatment plant was put into Smith Mountain Lake with a new water line. Bedford County continues to benefit from this line as it provides what is needed for growth to happen in the eastern part of the County. There are discussions with the Water Authority to provide the necessary infrastructure

needed for growth in the Town as well. Right now, there is a sewer capacity issue in the Town and until that is resolved, growth is challenging, but the Water Authority is committed to working on it. The Town receives \$750,000 for the assets that are transferred to the County, but that funding does not go on in perpetuity, and will end in five years. The \$750,000 will need to be made up somehow and someday. The Phase I boundary adjustment occurred and took in large commercial areas around Town and they see some growth in those areas. There are three new businesses out on Route 460 West with a fourth under construction. Some things cannot be exposed until an announcement can be made, which is the nature of economic development. A few examples of projects under discussion include a residential development of 120 units; another developer wants to build 100 residential units. There was a potential of 200 units coming into the Governor's Hill area, but with lack of sewer capacity, it cannot be developed and there has been discussion of bringing homes to the area around the Elks Home. Commercial growth will come when there are rooftops and it is one of the reasons for reversion so the demographics in the Town are improved. National retailers are not going to look at a community until there are 10,000 people in it. Reversion also would benefit both the Town and County regarding elimination of duplication of services. There is work to be done in this area. As far as law enforcement, he would rather have two agencies in the community working to keep crime down and protect citizens than just one. The Town is committed to providing the same level of services to the annexed residents as is provided to the current residents. As far as equalizing the tax rate, the Town did the same thing as the County did, which is charging \$.41 when the County equalizing tax rate is \$.38. The Town has been planning for reversion for a long time and have purchased a new garbage truck to the tune of \$250,000, a trash truck for \$100,000. The Town also committed \$2 million of its federal Rescue funds to provide a brand new sewer system in the Town and Country subdivision, as well as new paved roads. Regarding the burn piles, they are allowed in the Town of Bedford. Citizens are asked to contact the fire department before they burn so they are aware of the burn. The only restriction is that the Town will not allow burning on Sundays. Regarding the hunting ordinance, there are differences between the old city boundary lines versus the Phase I and Phase II boundary adjustments. The hunting ordinance will apply almost the same as the County's ordinance for the Phase I and Phase II areas. Mr. Lockaby is looking at the language in the ordinance and is drafting some revisions for future consideration. There is no plan for any zoning changes at this time, or land use changes. No change is ever perfect and all they can do is continue to provide the best service that they can. Management, employees, and Council are committed to treating its new citizens as well as those current citizens living in Town. Mayor Black understood that this will be a big change for many people and he is sorry there is anger and tension in the community and it is not an easy decision. But he has heard from many people already living in Town and they believe that this annexation is in the best interests of the Town.

Voted upon and carried by the following roll call vote

Councilman Johannessen	aye
Councilman Shoen	aye
Vice Mayor Stanley	aye
Councilman Carson	aye
Councilman Hailey	aye

Councilman Hartwick                      nay  
Mayor Black                                      aye

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

The ordinance follows.

**Ordinance No. 23-9**

**AN ORDINANCE TO ADJUST THE BOUNDARY LINE OF THE TOWN OF BEDFORD WITH BEDFORD COUNTY TO INCORPORATE PORTIONS OF THE PHASE II BOUNDARY ADJUSTMENT AREAS INTO THE TOWN PURSUANT TO THE VOLUNTARY SETTLEMENT AGREEMENT WITH BEDFORD COUNTY**

**WHEREAS**, on December 18, 2012, a Special Court, duly constituted and convened as provided in Chapter 30 (Section 15.2-3000, et seq.) of Title 15.2 of the Code of Virginia, entered a Final Order Validating and Affirming a Voluntary Settlement, to wit: the Voluntary Settlement Agreement of Transition to Town Status and Other Related Issue Between the City of Bedford and the County of Bedford (the “Agreement”);

**WHEREAS**, Section 9.1 of the Agreement provides that the Town of Bedford may adjust its boundaries to incorporate portions of certain areas of Bedford County, collectively referred to as “Phase II Boundary Adjustment Areas,” in accordance with the requirements of Article IX of the Agreement;

**WHEREAS**, Section 9.7 of the Agreement provides that parcels in the Phase II Boundary Adjustment Areas that have not already become part of the Town of Bedford pursuant to Section 9.2 thereof shall automatically become part of the Town ten years after the effective date of the Phase I Boundary Adjustment, upon the Town’s adoption of an ordinance providing for such incorporation of remaining portions of the Phase II Boundary Adjustment Areas therein, and that ten year period expires at midnight on June 30, 2023;

**WHEREAS**, Section 9.7 of the Agreement further conditions the exercise of the Town of Bedford’s right to incorporate remaining portions of the Phase II Boundary Adjustment Area upon the entry of an agreement by the City or Town of Bedford, Bedford County, and the Bedford County Authority providing for the consolidation of their water and sewer systems and creation of the Joint Authority described in Section 6.2 of the Agreement, and such agreement was executed in 2012;

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

Section 1. The existing boundary line of the Town of Bedford is hereby adjusted to incorporate into the Town the currently unincorporated areas of Bedford County identified by the metes and bounds descriptions in Section 2 hereof and the survey plat referenced in Section 3 hereof.

Section 2. The metes and bounds of the areas hereby incorporated into the boundaries of the Town of Bedford are described as follows:

I.

Beginning at a point on the existing Town of Bedford boundary line and the eastern property line of Lot 14 – Section 3 – Smithfield Subdivision, thence leaving the existing Town boundary line and along the New Town Boundary line the following courses; South 28 degrees 23 minutes 35 seconds West 610.99 feet to an iron, South 29 degrees 05 minutes 15 seconds West 605.45 feet to a 1/2” pipe, North 57 degrees 34 minutes 45 seconds West 329.46 feet to an iron, North 11 degrees 32 minutes 48 seconds West 131.35 feet to an iron, North 56 degrees 38 minutes 11 seconds West 1350.31 feet to a 24” Sycamore, North 35 degrees 03 minutes 20 seconds West 936.05 feet to the centerline of Route 43 – Virginia Byway; thence along said centerline the following courses; North 20 degrees 30 minutes 49 seconds East 11.47 feet, along a curve to the right having an arc length of 118.93 feet, a radius of 347.21 feet, a delta angle of 19 degrees 37 minutes 32 seconds, a chord bearing of North 30 degrees 19 minutes 34 seconds East and a chord length of 118.35 feet, North 40 degrees 08 minutes 20 seconds East 88.70 feet, along a curve to the left having an arc length of 214.44 feet, a radius of 370.64 feet, a delta angle of 33 degrees 08 minutes 56 seconds, a chord bearing of North 23 degrees 33 minutes 49 seconds East and a chord length of 211.46 feet, along a curve to the left having an arc length of 108.05 feet, a radius of 603.11 feet, a delta angle of 10 degrees 15 minutes 54 seconds, a chord bearing of North 01 degree 51 minutes 26 seconds East and a chord length of 107.91 feet to a point on the southern terminus of the right-of-way of Route 43 – South Street; thence along said right-of-way North 86 degrees 34 minutes 10 seconds East 13.96 feet to a point on the existing Town of Bedford boundary line; thence leaving said right-of-way and along the existing Town boundary line in a general southeastern direction to the point of beginning and containing an area of approximately 57.3 acres.

II.

Beginning at a point on the existing Town of Bedford boundary line, said point being the southwest corner of Lot 122 – Town & Country Subdivision, thence leaving the existing Town of Bedford boundary line and along the New Town Boundary line the following courses; North 01 degree 13 minutes 11 seconds West 2266.06 feet to a pinched pipe, North 88 degrees 46 minutes 49 seconds East 450.01 feet to an axle, North 01 degree 12 minutes 05 seconds West 499.72 feet to a 1/2” pipe, North 88 degrees 47 minutes 58 seconds East 197.54 feet to a point, North 01 degree 12 minutes 02 seconds West 599.89 feet to an iron, South 86 degrees 48 minutes 58 seconds West 374.70 feet to a point, North 01 degree 33 minutes 50 seconds East 84.00 feet to a point, North 21 degrees 39 minutes 58 seconds East 68.80 feet to a point, North 40 degrees 34 minutes 58 seconds East 3.15 feet to a point on the existing Town of Bedford boundary line; thence along said line in a general southeasterly and southerly direction to a point where the creek, which is the existing Town boundary line, intersects an existing property line; thence leaving the creek in a general northerly and westerly direction along the existing Town boundary to the point of beginning and containing an area of approximately 88.0 acres.

III.

Beginning at a monument set on the northern right-of-way of the Norfolk & Southern Railway, which is the existing Town of Bedford Boundary line, thence leaving said existing Town



boundary line and continuing along the Norfolk & Southern Railway right-of-way and the New Town Boundary line North 77 degrees 25 minutes 47 seconds West 368.79 feet to a 1/2" pipe; thence leaving said right-of-way and continuing along the New Town Boundary line the following courses; North 01 degree 35 minutes 00 seconds East 1304.00 feet to an iron, North 42 degrees 17 minutes 38 seconds West 719.16 feet to a point in the center of the Middle Fork of the Little Otter River; thence along said center the Middle Fork of the Little Otter River as it meanders in a general northeasterly direction approximately 557 feet to a point; thence leaving said Middle Fork of the Little Otter River and continuing along the new Town Boundary line the following courses; South 58 degrees 27 minutes 48 seconds East 1141.17 feet to an iron, South 04 degrees 36 minutes 02 seconds West 1040.81 feet to a monument set on the existing Town boundary line; thence along said line the following courses; North 77 degrees 26 minutes 59 seconds West 328.09 feet to a monument, South 14 degrees 03 minutes 49 seconds West 697.92 feet to the point of beginning and containing an area of approximately 36.4 acres.

#### IV.

Beginning at a monument set on the existing Town of Bedford boundary line; thence leaving said boundary line and along the New Town Boundary line the following courses; North 05 degrees 38 minutes 22 seconds East 648.03 feet to a point, North 35 degrees 24 minutes 47 seconds West 94.53 feet to an iron, North 27 degrees 42 minutes 23 seconds East 100.87 feet to a point, South 58 degrees 44 minutes 33 seconds East 1203.53 feet to an iron on the existing Town of Bedford boundary line; thence along the existing Town boundary line the following courses; South 20 degrees 18 minutes 03 seconds West 421.82 feet to a point; North 77 degrees 26 minutes 59 seconds West 961.25 feet to the point of beginning and containing an area of approximately 14.5 acres.

#### V.

Beginning at a point in the middle of the eastern edge of the bridge over the Little Otter River along Route 43 – Peaks Road, said point being the northwestern corner of the existing Town of Bedford boundary line; thence leaving the existing Town boundary line and along the New Town Boundary line along the center of the Little Otter River as it meanders in a general northeasterly and southeasterly direction, crossing Route 122 – Big Island Highway and Route 221 – Forest Road, approximately 32,402 feet to the intersection of the Little Otter River and the centerline of the Norfolk Southern Railroad; thence leaving the Little Otter River and continuing along the centerline of the Norfolk Southern Railroad South 62 degrees 01 minute 06 seconds West 288.59 feet to a point, along a curve to the right having an arc length of 702.78 feet, a radius of 1909.86 feet, a delta angle of 21 degrees 05 minutes 00 seconds, a chord bearing of South 72 degrees 33 minutes 36 seconds West and a chord length of 698.82 feet to a point, South 83 degrees 06 minutes 06 seconds West 3687.30 feet to a point, along a curve to the left having an arc length of 82.03 feet, a radius of 3819.72 feet, a delta angle of 1 degree 13 minutes 50 seconds, a chord bearing of South 82 degrees 29 minutes 11 seconds West and a chord length of 82.03 feet to a point on the existing Town of Bedford boundary; thence leaving the centerline of the Norfolk Southern Railroad and along the existing Town boundary line North 27 degrees 09 minutes 32 seconds East 325.75 feet to an existing Town Limit Monument; thence continuing along the existing Town boundary line in a general northwesterly and westerly direction to the point of beginning and containing an area of approximately 1,313.1 acres.

Section 3. The areas hereby incorporated into the boundaries of the Town of Bedford are shown in the survey plat attached as **Exhibit A** hereto.

Section 4. With respect to the areas hereby incorporated into the boundaries of the Town of Bedford, the Town shall extend its existing governmental services (including, for example, police protection, solid waste collection, and zoning controls) to such areas on the same basis as such services are now, or may hereafter be, provided to areas within the Town's current corporate limits where like conditions exist. The Town shall also undertake the construction of such capital improvements as the Town Council determines, in its discretion, are needed to serve such areas in accordance with existing policies, and at such times as the Town Council deems appropriate.

Section 5. This ordinance shall take effect on July 1, 2023.

**Ordinance - Changing the Zoning Map by Rezoning Property at Tax Map Number 156-A-10T from R-2 to B-2**

On May 4, 2023, the Planning Commission held a public hearing to decide whether property located at 1333 Longwood Avenue, which has a real estate office use, can be rezoned from R-2 to B-2 in order to allow the sale and display on the lot of three "tiny home" units.

At the public hearing, the property owners and one person employed at the firm spoke in favor of the request, while a neighbor from across the street spoke in opposition. Additionally, two nearby property owners were not able to attend and sent letters of opposition to the request. Ultimately, a motion to recommend denial of the zoning request passed on a vote of 5-0 with two members absent. The Commissioners determined that this rezoning would constitute a spot zoning.

**ACTION REQUESTED:**

Town Council is requested to consider an ordinance to rezone Tax Parcel 156-A-10T from R-2 to B-2 without proffered conditions.

Mr. Hailey moved, seconded by Mr. Hartwick, to approve an ordinance to rezone Tax Parcel 156-A-10T from R-2 to B-2 without proffered conditions.

Discussion followed. Councilman Shoen noted that the Planning Commission recommended denial of the rezoning request by a 5-0 vote with two members absent. His review of the request affirmed that it would be considered spot zoning. Mr. Lockaby said the legal definition of spot zoning is an upzoning above what is foreseen in the Comprehensive Plan for the benefit of the landowner and not for the community. The particular property is in a residential zone but the commercial business is allowed on the property under a Lawful Non-Conforming Use status. Mr. Lockaby said commercial business can continue to operate there under Lawful Non-Conforming Use as long as the business is not significantly expanded or discontinued for two or more years. Mrs. Zirkle explained that the zone is currently R-2 which at most, would allow a duplex but no



commercial uses are allowed, hence, the request for rezoning to B-2 to have retail sales. The zoning ordinance is currently being redrafted and is on track for completion in 18 months. The Planning Commission will need to remap the whole area if they want to make a change and allow other commercial uses. With the redraft of the zoning ordinance, Mrs. Zirkle was not aware of any changes the Planning Commission was making to R-2 areas that would allow Conditional Use-Commercial. Mayor Black noted that if the zoning was changed to B-2 without conditions, then any use in B-2 could be used on that property, which would open the space for other uses. Mrs. Zirkle said both B-1 and B-2 would be included. She said the property was retail sales originally and vacant for two years while in foreclosure and for sale from 2015 to 2017 and she believed it had lost its Non-Conforming Retail Sales Use. A rezone permit was issued for the office, which is a lesser intense commercial use than full-on retail sales. Mr. Shoen remarked it is a big request for a full rezone for one piece when rezones are used for complete whole areas. Mr. Carson was concerned with how three tiny houses would fit on the property and understood the opposition by the neighboring homeowners. Mrs. Zirkle said the tiny houses proposed by the applicant are actually considered recreational vehicles and cannot be permitted for residential uses. They cannot be placed in the Town for someone to live in. Mrs. Metzger, the applicant, said the tiny homes could be used on the new recreational vehicle park being developed right around the corner and there was plenty of parking in her lot, even when food trucks are there, and parking is not an issue.

Voted upon and carried by the following roll call vote.

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

The motion failed with five members voting nay and two members voting aye.

Mayor Black stated the Town will keep working on the zoning ordinance and revisions are forthcoming.

### **Adoption of Budget for Fiscal Year 2023-2024**

The Fiscal Year 2023-2024 Budget is a fiscal plan that has developed from a very structured process. Town Council conducted a retreat on January 21, 2023, a work session to further refine it on March 28, 2023, and a public hearing on the budget was conducted May 9, 2023, where interested parties were given an opportunity to provide input on the budget plan. The Fiscal Year 2023-2024 Budget in its current form is a plan which communicates the Town's work plan for the coming fiscal year.

Section 58.1-3005 of the Code of Virginia of 1950, as amended, requires that Council shall, on a regular basis, make an appropriation of funds for expenditure by the Town. The attached ordinance directs that the funds as set out in the budget for Fiscal Year 2023-2024 be appropriated and set aside to the appropriate funds, and authorizes the Town Manager to expend the funds in accordance with said budget and in accordance with prior appropriations. The ordinance denoting the original appropriations has been posted in accordance with §2-54 of the Town Code.

**ACTION REQUESTED:**

Town Council is requested to adopt the budget for Fiscal Year 2023-2024 by approving the ordinance appropriating funds.

Mr. Warner noted that in years past, the budget has been voted upon separately and then the appropriation. However, based on Mrs. Cantrell excellent work, it is more efficient to approve the appropriation. Five affirmative votes are required to appropriate monies.

Mr. Stanley moved, seconded by Mr. Carson, to adopt a budget for Fiscal Year 2023-2024 by approving the ordinance appropriating funds.

Mr. Hailey asked Council to take a second look at the Bedford Boys Tribute Center because they promote the history of the Town and he hoped they would approve giving them another \$1,000 to equal a total Town contribution of \$2,000. Discussion followed but consensus from other Council members was not to make any further contribution at this time.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

The ordinance follows.

**Ordinance No. 23-10**

**ORDINANCE DIRECTING THE APPROPRIATION OF FUNDS  
FOR THE FISCAL YEAR BEGINNING JULY 1, 2023**

**BE IT ORDAINED** that the Town Council of the Town of Bedford, Virginia, hereby directs that the funds as set out in the budget for Fiscal Year 2023-2024 for the Town of Bedford

are appropriated and set aside to the funds as shown below, and that the Town Manager is authorized to expend the funds in accordance with said adopted budget and in accordance with prior appropriations.

Fiscal Year 2023-2024 Budget Appropriation Detail:

<b><u>Revenues</u></b>	<b><u>Total</u></b>
General Fund	\$10,436,585
Solid Waste Fund	1,162,000
Electric Fund	23,835,935
General Fund Capital Projects	40,000
Electric Fund Capital Projects	1,445,000
<b>Total Revenues</b>	<b>\$36,919,520</b>

**Expenditures**

*General Fund*

Legislative	\$71,109
General & Financial Administration	1,090,886
Public Safety	3,533,280
Public Works	4,209,802
Community Development	400,953
Other Non-departmental	74,844
Debt Service	867,508
Transfers to Other Funds	188,203
<b>Total General Fund</b>	<b>\$10,436,585</b>

*Solid Waste Fund*

General Administration	\$186,682
Refuse Collection	313,479
Refuse Disposal	566,794
Debt Service	95,045
Transfer to Other Funds	-
<b>Total Solid Waste Fund</b>	<b>\$1,162,000</b>

*Electric Fund*

Supervision & Engineering	\$2,134,042
Power Generation	402,736
Purchased Power	15,887,267
Transmission – Substation	81,000
Transmission – Distribution Lines	1,673,772
Maintenance Street Lines	17,500
Maintenance Meters	20,000
Distribution Transformers	45,000
Meter Reading	68,893
Right of Way Crew	205,161

Debt Service	1,194,996
Transfers	2,105,568
<b>Total Electric Fund</b>	<b>\$23,835,935</b>
<i>General Fund Capital Projects</i>	
Capital Outlay	\$40,000
<b>Total General Fund Capital Projects</b>	<b>\$40,000</b>
<i>Electric Fund Capital Projects</i>	
Capital Outlay	\$1,445,000
<b>Total Electric Fund Capital Projects</b>	<b>\$1,445,000</b>
<b>Total Expenditures, All Funds</b>	<b>\$36,919,520</b>

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**ADJOURNMENT**

9:05 p.m.

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Tim Black, Mayor

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Debra Anderson, Clerk of the Council