



**Town Council
Regular Council Meeting Minutes
June 13, 2023**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, June 13, 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, Councilman Darren Shoen

Town Staff present:

Finance Director Anne Cantrell, Town Attorney Michael Lockaby, Police Chief Ronnie Lewis, Director of Public Works D. W. Lawhorne, Director of Planning and Community Development Mary Zirkle, Clerk of Council Debra B. Anderson, and Recording Secretary Julia Peters

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 23, 2023, were approved as submitted.

REPORT OF TOWN MANAGER

None.

APPEARANCES BEFORE COUNCIL

None.

COUNCIL COMMENTS

Councilman Hartwick welcomed everyone to the meeting. He hoped the Town Manager was having a good time in Europe and he wished him safe travels.

Councilman Hailey said that the Bedford Boys Tribute Center put on a nice event downtown last week with the wreath laying ceremony. There was a significant number of people in attendance and he thanked Mr. Ken Parker and all the others involved for doing a great job.

Councilman Carson said he had the privilege of being part of a community program put together by the Chief of Police and Officer Travis in the auditorium at BEC. It was an interesting and informative program and he hoped it would continue and more people would get involved.

Mayor Black noted that Memorial Day is always a big event in Town and it was extra-special this year with the Lieutenant Governor, Winsome Sears, visiting. She was very engaged and learned a lot about Bedford and he hoped she would visit again. The Governor, Glenn Youngkin, also visited on June 6. It is always good to have the state's leaders come to the community and see what is going on. Mayor Black also had an opportunity to attend a meeting called Bedford Get Together. Other Council members attended as well and the organization is working on a potential mural project for a building in downtown Bedford.

REPORT OF COUNCIL COMMITTEES

None.

REVISIONS TO AGENDA

Mayor Black requested that the scheduled Closed Session pursuant to Section 2.2-3711 (a) (5) be removed from the Agenda. It was tied to the Action Item for the Performance Agreement and if further discussion was not necessary by Council members for this Action Item, he would strike its Closed Session from the Agenda. Consensus was agreeable to removing the Closed Session. The scheduled Closed Session pursuant to Section 2.2-3711 (a) (3) remained.

PUBLIC HEARINGS

None.

CONSENT AGENDA

None.

OLD BUSINESS

None.

NEW BUSINESS

Resolution – Authorizing Performance Agreement for a Hotel Development

The Town of Bedford through its Economic Development Authority has been working to bring a business-class hotel to the Town. After conducting a hotel study in 2021, the study was used to talk with potential hotel developers. One of the respondents has been working with the EDA to locate a selected brand hotel on land owned by the Town. Town Council has also discussed appropriate incentives to leverage toward the project. In order to award these incentives and ensure Town interests are protected in this project, a Performance Agreement is required between the Town Council, Town EDA and the selected developer, DDay Omstay LLC.

The Performance Agreement that was developed defines the minimum brand of hotel that is acceptable, a minimum room count of 75, and a meeting room that will hold 100 people. In exchange for these performance measures, the Town would transfer land to the developer. The agreement also provides an incentive structure based on the estimated values of hotel occupancy tax and real property tax improvements on the site. The EDA authorized signing of the Performance Agreement at its meeting on June 9, 2023 pending clear title of the property to be conveyed.

ACTION REQUESTED:

Town Council is requested to adopt the resolution authorizing entering into the Performance Agreement.

Mr. Hartwick moved, seconded by Mr. Hailey to adopt the resolution authorizing entering into the Performance Agreement.

Discussion followed. Council members said they had read the Performance Agreement previously and did not have questions. Mayor Black welcomed the Patel family to the meeting and appreciated their willingness to invest in the Town by bringing a business-class hotel to Bedford. Mayor Black also thanked Jonathan Buttram, Chairman of the Economic Development Authority (EDA), the entire EDA, and Mrs. Zirkle for all the heavy lifting they have done and they deserve all the credit. He thought the incentive package was put together well and the performance agreement protects both sides. He was appreciative of Bedford County and the County EDA, and the Bedford Regional Water Authority (BRWA) for helping get enough sewer capacity to bring the hotel to Town. He looked forward to the groundbreaking and the customers that the hotel would bring and the boost it will provide to other businesses in Town.

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.

The resolution and performance agreement follow at the end of the minutes as an attachment.

Presentation – Economic Development Authority

Mr. Buttram provided Council members with two handouts covering an economic development update and proposed projects and plans. He reviewed the handouts in detail and elaborated on the points made in the handouts. Topics covered were grant writing and acquiring, incentives, a proactive strategic plan, the new hotel project, redeveloping a business park and repurposing the building closed by Winoa. He proposed development of a vocational/technical school for metal fabrication in the old Winoa building, including a foundry. It would fill a training gap in the metals fabrication business, which is an industry widely found in both the Lynchburg and Roanoke areas. Much work still needs to be done but conversations are being held with CVCC, Virginia Tech, and public and industry partners regarding the development of a first-class teaching facility for metal fabrication. The regional center would include training classes, a flex lab, and a melt shop. Grant applications have been submitted to help secure funding for the project. Mr. Buttram finished his presentation by answering various questions from Council members.

Town Code Matters

Town Attorney Lockaby remarked that Council is already aware that the Town Code has large blocks that need updating. He has been working with Councilman Shoen on revising utility information because these areas were written when the Town operated its own water and sewer system. Other sections will be updated as needed, and most recently, he found the solid waste sections require revision. Going back thirty years, the Town was a City and had a landfill it operated, a convenience center at the landfill, trash pick-up throughout the entirety of the city, and every real estate tax bill posted a trash fee. Currently, the Town does not operate a landfill or a convenience center. There is a transfer station tipping floor but that is all the infrastructure for the collection of trash. The Town, however, continues to pick up the residents' trash, which includes the weekly trash pick-up, weekly recycling pick-up, leaf pick-up from October through January, and brush pick-up, all for the established fee. With the boundary adjustment, an

additional difficulty came into play. Private haulers have been serving in those newly annexed territories. There is a process that the Town would have to go through to displace the private trash haulers. The Town's reversion agreement requires that the same services be provided to the new Town citizens as to the established residents. Therefore, the people within the new Town boundaries must be given at least the opportunity to be offered the Town's trash service. The Town cannot tell the private haulers that they cannot operate and by extension, the Town cannot tell people that they cannot use these private haulers. Council will need to decide how to handle the situation.

Mayor Black said that Council will need to give the citizens an option to opt-out of the Town's waste collection. He noted that the Town no longer does mandatory recycling and they need to figure out how to handle the delivery of solid waste services to its residents. He specified each service that Town residents receive for their \$25 flat monthly fee, which are: weekly curbside pick-up, leaf pick-up from the month of October to January, bulk brush clean-up all year long, bulk junk clean-up twice per year in the Spring and the Fall. It also allows for use of the transfer station of 500 pounds of bulk items per month for no further cost. Residents will not be forced to take the service but there is a lot of misinformation regarding the Town's \$25 service fee. Council understood that it will have an impact on revenues and expenses. Mrs. Cantrell provided some basic information to Council members regarding the surplus/deficit numbers within the Solid Waste Department's budget based on the number of accounts. Consensus among Council members was to take time to review the situation and budgetary statistics in detail to decide how to move forward with the opting-out process and the parameters for opting back in; and rules should apply to all residents equally, not separate rules for new residents and old residents. It was noted that the Town Manager had the authority to address an interim rule once he returns to work while Council works on revisions to the solid waste ordinance.

In other matters regarding the Town's boundary adjustment, Mr. Lockaby reported that all notices have been sent to the state and federal agencies as required and a petition for a writ of election will be filed. A special election will be held this fall where all seven seats on the Town Council will be up for election. Further information is upcoming. Mr. Lockaby, Mrs. Cantrell, and Mrs. Zirkle have been working on updating the Business Professional Occupational Licensing (BPOL) tax ordinance which will be ready for approval for the next Town Council meeting. Mrs. Cantrell should also have a grants management policy ready, as required. A Title VI and a Limited English Proficiency policy is also due for revision.

Mayor Black read the following Closed Session paragraph from the Code of Virginia.

Pursuant to Section 2.2-3711 (a) (3) of the Code of Virginia of 1950, as amended, for the acquisition or disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town, related to a public park. It involves further discussion regarding the negotiations on the Edmund Street Park.

Mr. Hailey moved, seconded by Mr. Stanley to enter into closed session at 8:30 p.m.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

Mrs. Cantrell, Mr. Lawhorne, Mr. Lockaby, and Mrs. Anderson remained for the closed session.

At 8:45 p.m., Council reconvened into open session.

The Recording Secretary read aloud the following resolution.

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

Mr. Hailey moved, seconded by Mr. Stanley, to adopt the resolution.

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.

ADJOURNMENT

8:46 p.m.

Tim Black, Mayor

Debra Anderson, Clerk of the Council

ATTACHMENT

Resolution and Performance Agreement for the Hotel Development

Tim Black, Mayor

Debra Anderson, Clerk of the Council

