



**Town Council
Regular Council Meeting Minutes
June 27, 2023**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, June 27, 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:

Town Manager Bart Warner, Finance Director Anne Cantrell, Attorney Jeremy Carroll for Town Attorney Michael Lockaby, Police Chief Ronnie Lewis, 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 June 13, 2023, were approved as submitted.

REPORT OF TOWN MANAGER

Mr. Warner thanked Council for allowing him to accompany the group from Liberty High School on their trip to Europe. It was a great trip full of educational opportunities both for the students as well as the adults.

He reviewed the June 13th Council meeting's minutes and video and he has begun to draft some guidelines for participation in the curbside solid waste service which will be discussed further on

July 11 during the work session. Staff have noted the opt-out requests of people currently and will establish some kind of deadline for everyone as they move forward.

The Town sponsored fireworks display will take place at dusk on Monday, July 3, 2023, and Town offices will be closed on Tuesday, July, 4, 2023, in observance of the Independence Day holiday.

APPEARANCES BEFORE COUNCIL

Fred Heptinstall, 103 North Branch Road, Bedford, VA

Mr. Heptinstall said that in looking at the Agenda, the Council is working on how the Town will govern the trash removal service for the future. He understood that they are victims of an outdated municipal code that should have been updated years ago. Adding to that challenge is the confusion created around the miscommunication of the facts contributing to this problem. One example is the accuracy of information given to incoming residents about the Town's trash removal requirements. Now they understand the Town may choose to restrict use of the Orange Avenue transfer station. The County of Bedford's drop off locations and landfill are convenient and free for use by all Bedford County residents including Town residents. He questioned whether the restricting of the use of the Town's transfer station was a misguided communication point or was it a punitive action toward the newly annexed residents who choose to keep their current services. The annexed homes will not receive services they don't already have for the taxes they will bring to the Town. No sewer, sidewalks, street lights, or other services other Town residents enjoy unless they want to pay for them. Over 500 homes are being branded with the Town status and will pay Town taxes. The Town transfer station is for Town residents and he asked that Council keep it that way. A year ago, the choice to annex looked like an easy pot of gold to help line the Town's pocketbook, but the decision was wrong, and such actions have historically sparked resentment and rebellion as Council has witnessed. Something must be given when something is taken.

Jennifer Carson, 123 Melinda Drive, Lynchburg, VA

Ms. Carson said she has lived in the area all her life and Bedford is a big part of her life. She is the widow of Joseph Carson, who grew up in the area and the Town belonged to him, his family, and his friends, including the ball diamond, which is a very special place for all of them. The ball diamond is about family, community, and love. There is basketball camp down there for the kids, Easter egg hunts, back-to-school events, and gospel concerts. When it snows, each one calls another and they all meet at the ball diamond to go sleigh riding. It is about community. The ball diamond belongs to the people of the community. During the events, there is a rainbow of colors there and it belongs to everyone. Police come there to support all the things that are done. The community would like to keep it and make it better for their children, as their children will make it better for their children. There is not a problem with drugs or fighting because they all take care of it. She requested Council give them the ball diamond so they can make it their own, not only for them but the community and surrounding communities.

Tanya Jackson, 618 East Federal Street, Bedford, VA

Ms. Jackson said her property adjoins Edmund Street Park. She grew up in the park and attended events in the park. She would open her windows just to hear the kids playing in the park. At night time if something is not right in the park, she has called the police. The park means a lot to all of them. Her uncle, Wesley Carson, was a big part of the park, making sure they were fed and played safely, until their parents picked them up. Her kids have grown up in the park also, and she felt safe about them going there. Her granddaughter goes to the park as well. She watches the soccer games at the park from her porch and the basketball games too. She asked that Council allow them to keep the park because not everyone has transportation to go to Liberty Park or any other park. It is their safe haven and she walks around the park and doesn't feel afraid. She asked Council not to fix something that is not broken.

Cynthia Payne, 1594 Shady Knoll Avenue, Bedford, VA

Ms. Payne said they all grew up at the Edmund Street Park, aka, the Ball Diamond. She went to the ball diamond everyday when she was ten years old, because she had no where else to go. Her parents could not afford to send them to camp, so the ball diamond was where they went and they learned a lot while there. She remembers when they only had three swings, a merry-go-round, and two picnic tables. The Hilltop Revitalization Project is going on now, and giving the Town a facelift. Edmund Street Park should have a facelift and why not help them out. She asked the Council to give them the park so it can have a facelift too.

COUNCIL COMMENTS

Councilman Carson thanked everyone who attended the meeting. He loved to see people standing up and speaking up about things they don't agree with and it was important that they come and hear things for themselves rather than get second-hand information. He thanked his mentor, Reverend Henderson for coming and it was good to see him. Sometimes Council has to do things the best way possible but they don't always make the right choices. They need the citizens' input to help them make the right choices. As for the park, he wanted them to know that the park will be there. Information they have obtained is not from the Town. The Town has been taking care of the park for years. Every week, Town mowers are cutting the grass, Town staff are cleaning the bathrooms, and every Saturday there are as many as 200 kids playing soccer there. It is not the Town's doing and they will not allow the County to do wrong by the park.

Councilman Shoen agreed with Mr. Carson and said that there is more to this situation and there is more to come, but they have no intention of letting the park go.

Councilman Hailey thanked all who attended that night and it was wonderful to see people come and speak about what they believe in. They try to make the right decisions and sometimes they do and sometimes they don't. The Town has been taking care of the Edmund Street Park for years and they want to continue to do so.

Vice Mayor Stanley welcomed everyone at the meeting. The Council members make decisions as to what they feel is in the best interest of the Town and some decisions they may agree with and some decisions they may not, which is fine, it is the way life is. They are going to do their best to hang on to the park and they will discuss more about it during **New Business** on the Agenda.

Councilman Johannessen said they have discussed the Edmund Street Park several times and have advocated for it all along, but there are some underlying things that Council has to convince the County to take care of. They are not the bad guys in this particular instance. On another subject, there is a rumor that Council is going to raise rates for trash pick-up. The current fee is \$25 for one large trash can and \$27 for two. The rate is not changing and the rumor probably started when Council was reviewing information about what it costs the Town to administer and operate solid waste pickup. The rate is not currently going to be raised and they can forget the rumor.

Councilman Hartwick welcomed everyone to the meeting. He said the Edmund Street Park is not going anywhere and the Town will hold on to it and it was there to stay and the Town of Bedford was open for business.

Mayor Black noted that there was an Agenda Item for the night's meeting to discuss the Edmund Street Park. He hoped the attendees would stay at the meeting until Council began their discussion because they would then get more clarity about what they were trying to do. The Town has rented the park since 1974, but they want to own the park. They want to invest in the park and do more for it, but they want to be the owners of the property, not the tenants. They will go into the situation more later in the meeting but he has been over to the park many times and knows what the park means to the community. He will fight like a dog to get the park and take care of it for the residents. Regarding the \$41 rate pertaining to trash collection, that amount was mentioned during a Council informational discussion. Hypothetically, if the Town lost 1,000 customers, they wanted to see what the cost would be to run the current trash service. There was absolutely no mention in the last meeting about a rate increase. There are things that Council wants to talk about and a special work session has been called. Some things may need to be tweaked in the code and the code needs updating and they will start with that, but there are no plans as of that day to increase anyone's trash rate.

Councilman Carson noted that the park agenda item was later in the evening's meeting and if attendees had to leave before the park's discussion, he would make sure he kept the citizens in the loop about what was happening with the Edmund Street Park.

Mayor Black reminded attendees that the Council meetings are livestreamed and recorded and are accessible online through the Town's website. Or citizens can contact any of the Council members for information.

REPORT OF COUNCIL COMMITTEES

Councilman Shoen reported that the Finance Committee met and essentially they would be reviewing the same information tonight as was covered at the committee meeting. The presentation regarding the affordability analysis for the new police department building would be given by Mr. Cole from Davenport Public Finance.

REVISIONS TO AGENDA

Mayor Black requested that the Agenda item regarding Termination of the Park Lease with Bedford County School Board be moved ahead of Adopting the FY2023 Budget Amendment and after the Conditional Use Permits (CUP) Resolutions, making it Item Four under **New Business**. There were no objections.

PUBLIC HEARINGS

Mr. Warner read the following public hearing notice.

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by Town Council at 7:00 p.m. on Tuesday, June 27, 2023, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of hearing:

Consideration of a request for a conditional use permit for a “Crisis Center” located at Ole Turnpike Drive, Bedford, VA (currently Tax Parcel 191-A-1T) consisting of 3.125 acres (a new parcel will be created). The property is zoned B-2, General Business, and is owned by the County of Bedford. The request is being made by Albert Brandt.

Information is on file in the office of Planning & Community Development at 215 East Main Street. 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 the Town Council

Published: June 14, 2023
June 21, 2023

Mayor Black opened the public hearing at 7:25 p.m.

Albert Brandt, 1027 Brewington Drive, Forest, VA

Mr. Brandt spoke on behalf of the Bedford Domestic Violence Coalition, a 501(c)(3) non-profit organization. He had been the President of the organization for eight years. The Board of Directors was made up of individuals from Centra Health, Bedford County Schools, Town of Bedford Police Department, Bedford County Department of Social Services, and others. Their main goal and mission is to provide program and financial support to the Domestic Violence Program in Bedford County and the Town of Bedford. Within the last ten years, the Coalition has provided over \$300,000 in support for this effort. Funds are raised through private and corporate donations, grants, fundraising efforts, and trust donations. The project came to fruition after discussions with County representatives and the County sold to the Coalition a portion of their property for this “Crisis Center”. The new facility will be used primarily for temporary housing for clients exiting the domestic violence secure shelter. Many of these individuals and families are in-need of skill development, employment opportunity, permanent housing, and other services on an interim basis. Many of these people are just not ready to go back into public life or back with their families. Hopefully, the Crisis Center will provide them with a facility and environment where they can obtain some skills to return to the mainstream. The Center will provide temporary shelter with staff monitoring and supervision for children who have been placed under the care of the Bedford County Social Services.

There being no one else to come forward to speak, Mayor Black closed the public hearing at 7:30 p.m.

Mr. Warner read the following public hearing notice.

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the Town Council at 7:00 p.m. on Tuesday, June 27, 2023, at the Town Municipal Building, Council Hall, 215 East Main Street for the purpose of hearing:

A request for a conditional use permit for indoor “Mini-Storage Units” located at 101 North Bridge Street, Bedford, VA (Tax Parcel 194-A-46 T) consisting of 0.16 acres. The property is zoned B-1, and is owned by First National Exchange Bank/Dominion Bank National Association. The request is being made by Scott Elliott, Custom Structures, Inc. The storage units will be located in the basement of the building.

Information is on file in the office of Planning & Community Development at 215 East Main Street. 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

Published: June 14, 2023
June 21, 2023

Mayor Black opened the public hearing at 7:31 p.m.

There being no one to come forward to speak, Mayor Black closed the public hearing at 7:31 p.m.

CONSENT AGENDA

Request to Close Streets for Second Fridays Cruise In/Car Show Downtown Bedford – Central Virginia Business Coalition

The Central Virginia Business Coalition is sponsoring 2nd Friday's in downtown Bedford with a car show/cruise in and is requesting that Council authorize the closing of the following streets for the event: These events will take place the 2nd Friday of each month starting in July and continuing through October.

From 6:00 p.m. to 8:00 p.m., North and South Bridge Street from Washington Street to the Bridge over the railroad on North Bridge and Main Street from Otey Street to Center Street.

Affected businesses will be notified, as well as the Police Department, Fire Department and Rescue Squad.

ACTION REQUESTED:

Town Council is requested to consider closing the above streets for the 2nd Friday's event July – October.

Mr. Carson moved, seconded by Mr. Hailey, to approve the specified street closures for the Second Friday's events beginning in July and continuing through October.

Discussion followed. Concern was expressed for the continuing closings for four months and how much staff time would be needed for the closings and events, as well as the costs incurred by the Town. It was noted that car shows bring people to Bedford which enhances restaurant and business patronage. Mr. Warner stated that a Special Events Policy has been drafted which will need to be presented to the appropriate committee that can address some of the cost issues for such events. He can schedule the meeting as soon as possible. He did not think a lot of staff overtime would be incurred for the events and police officers on-shift would monitor the situation. Public works staff can work with the events' sponsors regarding the barricades being put up and taken down.

Voted upon and carried by the following roll call vote.

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| Councilman Carson | aye |
| Councilman Hailey | aye |

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| Councilman Hartwick | aye |
| Councilman Johannessen | aye |
| Councilman Shoen | aye |
| Vice Mayor Stanley | aye |
| Mayor Black | aye |

The motion carried with seven members voting aye.

Request to Close Streets for Bedford Centerfest - Central Virginia Business Coalition

The Central Virginia Business Coalition is requesting to close the following streets for the Bedford Centerfest on Saturday, September 23, 2023, from 6:00 a.m. until 7:00 p.m.

- Intersection of West Main & Center Street
- Center Street & Washington Street
- South Bridge Street and Washington Street
- South Street and Washington Street
- Depot Street and North Bridge Street (road block set up at Market Square area for Downtown Business parking)
- North Bridge Street (directly in front of American National Bank)
- Plunkett Street and Depot Street
- East Main Street and Otey Street
- Court Street and Depot Street (barricades at Goose Creek Studio so cars cannot enter Depot or Court Street from parking lot area)

Affected businesses will be notified, as well as the Police Department, Fire Department and Rescue Squad.

ACTION REQUESTED:

Town Council is requested to consider permission to close the above streets for Bedford Centerfest on Saturday, September 23, 2023, from 6:00 a.m. until 7:00 p.m.

Mr. Hartwick moved, seconded by Mr. Stanley, to approve the specified street closures for Bedford Centerfest on Saturday, September 23, 2023, from 6:00 a.m. to 7:00 p.m.

Voted upon and carried by the following roll call vote.

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| 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.

Request to Close Streets for the Bedford Christmas Parade – Central Virginia Business Coalition

The Central Virginia Business Coalition is sponsoring the 2023 Bedford Christmas Parade on Saturday, December 2, 2023, at 11:00 a.m. and is requesting that Council authorize the closing of the following streets for the holiday event:

From 7:00 a.m. to 1:00 p.m., Bedford Avenue Extension from 4th Street to the curve of the Recreation Field, Ashland Avenue from the curve of the Recreation Field to the Elks Home Driveway, College Street from Ashland Avenue to Peaks Street and Mountain Avenue in its entirety.

From 11:00 a.m. to 1:00 p.m., Peaks Street from College Street to North Bridge Street, North Bridge Street from Peaks Street to East Main Street, East Main Street from North Bridge Street to South Street, South Street from East Main Street to Washington Street, Washington Street from South Street to Center Street, Center Street in its entirety, West Main Street from Center Street to 4th Street, 4th Street from West Main Street to Macon Street, Macon Street from 4th Street to Summit Street and Summit Street from Macon Street to the first entrance of the Winn Dixie Parking Lot.

Affected businesses will be notified, as well as the Police Department, Fire Department and Rescue Squad.

ACTION REQUESTED:

Town Council is requested to consider closing the above streets for the Bedford Christmas Parade on Saturday, December 2, 2023, at 11:00 a.m.

Mr. Hailey moved, seconded by Mr. Carson, to approve the specified street closures for the Bedford Christmas Parade on Saturday, December 2, 2023, at 11:00 a.m.

Voted upon and carried by the following roll call vote.

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| 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.

OLD BUSINESS

None.

NEW BUSINESS

Affordability Analysis – Davenport Public Finance, Financial Advisor

Mayor Black explained that the analysis was something Council had requested for the planned police department facility when the design stage met the 50% completion level.

Mr. Ted Cole, Senior Vice President and Manager of Public Finance, Davenport & Co., gave a presentation to the Council members regarding the potential financial impact for funding the law enforcement building project. His presentation included an overview of the project, the Town's existing debt profile, the project background, several financing options, an affordability analysis for a \$6 million project fund, an affordability analysis for a \$12 million project fund, and existing tax-supported debt details.

Resolution – Conditional Use Permit for Crisis Center at Tax Map Number 191-A-1T in the B-2 Zoning District

On June 1, 2023, the Planning Commission held a public hearing to decide whether property located on Ole Turnpike Road can be approved for a Conditional Use Permit for a "Crisis Center". No one spoke in the public hearing.

A motion to recommend approval without conditions was made. Commissioners had questions and the applicant described the non-profit project as transitional, temporary housing until the person could return to their family or mainstream living conditions. There were several questions of security, staffing, how long residents will stay, if children would be present, who the clients are, and Bedford County involvement. A new parcel and address for the use would be created if the project is approved – the tax parcel referenced here will change. The motion to recommend approval passed with a 6-0 vote with no conditions.

ACTION REQUIRED:

Town Council is requested to consider a resolution to approve a Conditional Use Permit for a "Crisis Center" to be located at Tax Parcel 191-A-1T. Council may impose conditions.

Mr. Johannessen moved, seconded by Mr. Hailey, to approve a resolution allowing a Conditional Use Permit for a "Crisis Center" with no conditions.

Councilman Shoen reported that the project was discussed in the Planning Commission meetings and the Center will not be located in a residential neighborhood and it is a needed service. There was no opposition and no conditions were considered necessary. It was his understanding that

the CUP does not travel with the land, that if the “Crisis Center” ceases to be, so does the considered usage.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

The resolution follows.

RESOLUTION

Permitting A “CRISIS CENTER” By CONDITIONAL USE PERMIT IN THE B-2 ZONING DISTRICT

WHEREAS, the Planning Commission of the Town of Bedford held a public hearing on June 1, 2023; and

WHEREAS, the Town Council has held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204; and

WHEREAS, Sections 609.03.e. of the Land Development Regulations allow “Crisis Center” use as defined in Section 302.36.5. to be permitted with a conditional use permit in the General Business (B-2) zoning district; and

WHEREAS, the Town Council finds as a fact that the proposed use is consistent with the intent of the land development ordinance and the land use plan, and is in the public interest; and

NOW, THEREFORE, BE IT Resolved BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA that a conditional use permit is granted to Bedford Domestic Violence Coalition for the property located at Ole Turnpike (identified as tax parcel 191-A-1T – new number to be determined) to allow a Crisis Center without additional conditions.

Resolution - Conditional Use Permit for Mini-Storage Units at Tax Map Number 194-A-46T in the B-1 Zone

On June 1, 2023, the Planning Commission held a public hearing to decide whether property located at 101 North Bridge Street, formerly the Wells Fargo bank, can be approved for a Conditional Use Permit for 37 “mini-storage units” in the basement. At the public hearing, a nearby property owner spoke in opposition and noted there are many downtown properties with basements and was concerned for precedent of other mini-storage unit projects. No one spoke in support of the request.

Commissioners discussed concerns related to setting precedent for conversion of downtown building basements, whether mini-storage units were more appropriate outside of downtown, late-night access to the building when other businesses are closed, and the appearance of a rollup door that is being installed on the rear of the building.

The first motion was made to recommend denial of the request. As part of their discussion, members had questions and concerns, and the applicant responded. Commissioners debated conditions and discussed tabling the request to have more time to develop conditions. They determined there would not be enough time to meet the 60-day deadline if action were tabled.

The motion for denial was withdrawn and three conditions were ultimately drafted as follows:

1. The new rollup shall not be metal / stainless steel and shall be aesthetically-pleasing as approved by staff in the plan review process.
2. No signage for the mini-storage units shall be located on the rear of the building on the Market Square side.
3. The hours of access shall be limited to 6:00 a.m. to 11:00 p.m. by rental tenants.

A new motion to recommend approval of the zoning request with the three conditions failed on a tie vote of 3-3 with one member absent. Commissioners expected the conditions would carry to Council even though the motion did not pass.

ACTION REQUIRED:

Town Council is requested to consider a resolution to approve a Conditional Use Permit for “mini-storage units” in the basement of the building located at 101 North Bridge Street, Tax Parcel 194-A-46T. Council may impose conditions.

Mr. Hartwick moved, seconded by Mr. Carson to approve a resolution authorizing a Conditional Use Permit without conditions for mini-storage units in the basement of the building located at 101 North Bridge Street.

Discussion followed. Councilman Shoen said that there was some concern about putting mini-storage units in this building because other visible storage units were being constructed in Centertown, which was not what was expected in that area. Mr. Schley's facility is uniquely suited because they will be indoors and enclosed and not visible from the street. Other concerns by members of the Planning Commission were addressed in the three conditions listed. In order to get the project approved, he agreed with the additional three conditions. He wanted to include a condition that the units cannot be visible from the street because someone else in Centertown may want to stack up storage facilities that were visible from the street, which would bring more push-back from the public. Councilman Stanley noted that many of the building basements in the area are being used for storage already unofficially. He thought there should be some sort of restrictions to what could be stored, such as no inflammables. Attorneys in Bedford would welcome the additional storage for paper-copy files they must keep and he agreed with what conditions were already drafted but he wanted to see some tighter restrictions and some type of monitoring of what is being stored.

Mr. Bryan Schley, primary contact for Custom Structures, Inc., said they have invested in purchasing the building and will have good restrictions on what can go into the building for their own benefit and there will be an on-site individual that will handle the renting of the units.

Mayor Black said that with the increase in new residential development in Town, it makes sense to have storage for these citizens that don't have much storage in an apartment. Discussion continued about the three conditions that the Planning Commission addressed but consensus was not to include those conditions as part of the motion to approve.

Mr. Hartwick amended his motion to approve a resolution authorizing a Conditional Use Permit for mini-storage units in the basement of the building located at 101 North Bridge Street to include one condition. The condition required that the rental storage units would not be visible from the street and the individual units must be enclosed within the building. Mr. Carson seconded the amended motion.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

The resolution follows.

RESOLUTION

Permitting “MINI-STORAGE UNITS” By CONDITIONAL USE PERMIT IN THE B-1 ZONING DISTRICT

WHEREAS, the Planning Commission of the Town of Bedford held a public hearing on June 1, 2023; and

WHEREAS, the Town Council has held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204; and

WHEREAS, Sections 609.03.a. of the Land Development Regulations allow “Mini-storage units” use to be permitted with a Conditional Use Permit in the General Business (B-2) zoning district; and

WHEREAS, the Zoning Administrator finds the use to be consistent with the Intent of the B-1 zoning district where “mini-storage units” are not a listed permitted use subject to a Conditional Use Permit; and

WHEREAS, the Town Council finds as a fact that the proposed use is consistent with the intent of the land development ordinance and the land use plan, and is in the public interest; and

NOW, THEREFORE, BE IT Resolved BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA that a Conditional Use Permit is granted to Custom Structures, Inc. for the property located at 101 North Bridge Street (identified as tax parcel 194-A-46T) to allow 37 mini-storage units in the basement. The rental storage units will not be visible from the street and the individual units must be enclosed within the building.

Termination of Lease with Bedford County School Board for the Edmund Street Recreation Field

The Town entered into a lease with the Bedford County School Board in 1974 and renewed that lease in 1998 in which the Town leased the Edmund Street Park from the School Board. For this 49-year period, the Town has maintained the Park. This lease will terminate on December 31, 2027, unless extended. The Town has been seeking to acquire the Park in fee simple from the School Board. Thus far, negotiations have been unsuccessful.

In order to terminate the lease, the Town must give at least 18 months’ notice, and the termination date will be the anniversary of the commencement date of the lease. In order to terminate the lease effective December 31, 2024, the decision to terminate must be taken and notice given not later than June 30, 2023.

Council should note that notice of termination does not necessarily mean that negotiations to acquire the Park in fee simple will cease, absent direction from Council.

ACTION REQUESTED:

Town Council is requested to terminate its lease with the Bedford County School Board for the Edmund Street Recreation Field, to be effective December 31, 2024. Town Council further directs the Town Manager to execute and deliver formal written notice of this termination to the Superintendent of Schools no later than June 30, 2023.

Mr. Carson moved, seconded by Mr. Hailey, to authorize termination of the Town's lease with the Bedford County School Board for the Edmund Street Recreation Field, to be effective December 31, 2024. Town Council further directs the Town Manager to execute and deliver formal written notice of this termination to the Superintendent of Schools no later than June 30, 2023.

Discussion followed. Mayor Black noted that Council has been working on this item for at least a year. Council has had several discussions in closed session trying to negotiate a contract with the School Board. The issue involves the School Board and not the Bedford County Board of Supervisors. The School Board owns the property. The lease has been in effect since 1974 and was renewed in 1998 and expires at the end of 2027. The park consists of six acres including the ball fields and picnic shelters. The Town is negotiating about 1.2 to 1.5 acres which includes the park area. The School Board wants to hold onto the field area right now. The Town offered to continue to maintain the whole tract of land until the end of the lease period of December 31, 2027, if the School Board would give the Town the 1.2 acres to own. The School Board wanted to know what the Town was going to do with the property. The Town communicated to them the improvement ideas that the Town wanted to make including community input regarding the improvements. The School Board then sent a proposal back to the Town outlining what the Town would have to do and by what deadlines. Unfortunately, the proposal was unacceptable to Council. In order to spur the School Board to draw up some reasonable terms that would be acceptable to everyone, Council has decided to vote to terminate the current lease. The lease stipulates that the Town must give the School Board 18 months notice of termination, which must be given by June 30, 2023, or the termination must be delayed for another year. The Town is trying to move the proposal forward but feel it must begin with the termination of the lease. Council members all want to invest in the park but don't want to invest in a park the Town does not own. Mr. Carson said they have tried to negotiate in good faith with the School Board but they won't have the School Board tell the Town what to do and when to do it. They are trying their best to own the park. The Town has been mowing the area and cleaning it all this time but because they do not own the park, they cannot access any grants that may be available for improvements. Council needs the citizens' support to stand up. Mr. Stanley stated that the Council members thought the negotiation and contract would be easy but it has not been easy. All they are asking for is to own the park that they have been cutting the grass for years and years. The School Board came back with a ridiculous offer that was unacceptable and Council must terminate the lease to push the issue and let the School Board know that they mean business. Mr. Johannessen added that the Town has been doing all the improvements at the park

even though the Town does not own the property and they want to make more improvements but cannot put any more money into something the Town does not own and they cannot apply for grants without ownership. Mr. Hartwick concurred that the Town has completed all the improvements and has done all the maintenance despite the Town not owning the park, and it is time the Town owned it. Mr. Shoen said that Council needs the citizens' help in order to persuade the School Board and anything they can do to help would be appreciated. Mr. Hailey said that the Town tries to take care of all their parks in Town and make sure they are usable for everyone in the community and they want to acquire Edmund Street Park and move forward.

Voted upon and carried by the following roll call vote.

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|------------------------|-----|
| 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.

Adopting an Amendment to the FY2023 Budget

At the end of the fiscal year, certain organization account codes in the general ledger are expended beyond the current budget appropriation, while other organization account codes have unspent budget appropriation that is available for use. In order to balance the budget with the actual expenditures, a budget transfer to organization codes that have or are forecasted to have non-favorable balances is requested. The auditors review budget to actual variances in Exhibit 7 of the Annual Comprehensive Financial Report (ACFR), and expenditures beyond budget appropriations by function can result in an audit comment. Staff forecasts expenditures, as best as possible, to stay in compliance with this requirement.

ACTION REQUESTED:

Town Council is requested to approve the amendment (**Attachment 1**) which will appropriate budget funding and transfer existing funding to organization codes requiring additional funding.

Mr. Stanley moved, seconded by Mr. Johannessen, to authorize the presented amendment to the FY2023 budget which will appropriate budget funding and transfer existing funding to organization codes requiring additional funding.

Mrs. Cantrell explained that in the June review she saw that some revenue accounts were over-budget and needed additional budget appropriated to cover the expenses. Through the use of ARPA, she was able to reduce the prior year fund balance. The largest expenditure was the Police Compensation which includes overtime, part-time, FICA, VRS Retirement, Life

Insurance, and Hospital Insurance. These accounts are actually being charged to the ARPA money that the Town is able to use for revenue replacement. The other pieces in the amendment are mostly housekeeping items.

Voted upon and carried by the following roll call vote.

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

The motion carried with seven members voting aye.

Grant Administration Policy

To ensure proper oversight of grant funding awarded to the Town of Bedford, a formal grant administration policy is recommended to minimize the Town's risk of non-compliance with grant requirements. This policy will help to ensure consistent procedures across multiple departments as well as define roles and responsibilities for grant reporting and compliance. In addition, the proposed policy also provides a summary reference for common rules which apply to federal grant funding.

ACTION REQUESTED:

Town Council is requested to adopt the proposed policy for grant administration.

Mr. Hailey moved, seconded by Mr. Carson, to adopt the proposed policy for grant administration.

Mayor Black noted that it was a new policy which will be included in the Town of Bedford Operating Policy Manual.

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.

Title VI and LEP Implementation Plan

The Town of Bedford, as a subrecipient of federal financial assistance, is required to comply with Title VI and subsequent non-discrimination laws, as well as provide an overview of how the Town addresses Executive Order 12898 on Environmental Justice and Executive Order 13166 on Limited English Proficiency (LEP). The purpose of this plan is to describe the measures taken by the Town to assure compliance with the rules and regulations associated with Title VI and subsequent non-discrimination laws, Environmental Justice, and LEP.

ACTION REQUESTED:

Town Council is requested to adopt the proposed Title VI and LEP implementation plan.

Mr. Hailey moved, seconded by Mr. Shoen, to adopt the proposed Title VI and LEP implementation plan.

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.

Petition for a Writ of Election to Hold a Special Council Election

Under the 2013 Voluntary Settlement Agreement between the then-City of Bedford and Bedford County, there were a series of planned boundary adjustments to bring additional territory into Town limits. Town Council approved the latest planned boundary adjustment by ordinance on May 23, 2023, to go into effect on July 1, 2023.

The Virginia Code provides that when a municipal boundary adjustment results in an increase in the population of the municipality by more than 5%, all seats on the municipal Council must be up for election the following November. The boundary adjustment that will go into effect on July 1, 2023, will increase the Town’s population by more than 5%.

In order for the General Registrar to schedule and hold the election, the Town Attorney must file a petition for a writ of election, and the circuit court must issue a writ of election. The Town Attorney therefore requests authorization from the Town Council to file a petition seeking a writ.

ACTION REQUESTED:

Town Council is requested to authorize and direct the Town Attorney to petition for a writ of election to hold a special Council election this fall in which all Council seats will be up for election, as soon after July 1, 2023, as practicable.

Mr. Carson moved, seconded by Mr. Shoen, authorize and direct the Town Attorney to petition for a writ of election to hold a special Council election this fall in which all Council seats will be up for election, as soon after July 1, 2023, as practicable.

It was noted that the writ of election will be filed after July 1, 2023.

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 | aye |
| Mayor Black | aye |

The motion carried with seven members voting aye.

ADJOURNMENT

9:00 p.m.

Mayor Black adjourned the meeting until 5:30 p.m. on July 11, 2023 for a Work Session discussing solid waste.

Tim Black, Mayor

Debra Anderson, Clerk of the Council

