



**Town Council
Regular Council Meeting Minutes
October 24, 2023**

The Town Council of Bedford, Virginia, held a regularly scheduled meeting on Tuesday, October 24, 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, 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

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 October 10, 2023, were approved as submitted.

REPORT OF TOWN MANAGER

Mr. Warner reported:

- While some communities in Virginia choose the date and time and other restrictions associated with Halloween trick-or-treating, the Town of Bedford does not. The Town encouraged those that participate in trick-or-treating to plan ahead and exercise caution.

- The police department will be hosting a Town Hall meeting Thursday, October 26, 2023, at 6:00 p.m. in the Council Chambers. He encouraged citizens to attend.
- The rescheduled Centerfest event will take place Saturday, October 28, 2023 in the Centertown area.
- Congratulations were extended to the Liberty High School Marching Minutemen who were named Grand Champion in their division at a camp competition held at Lord Botetourt the past Saturday. This is the Band Director's first such honor.
- Town offices will be closed on Tuesday, November 7, 2023, and Friday, November 10, 2023, in observance of state recognized holidays.

Mr. Warner introduced two new Town staff members to those in attendance.

Crystal Hosey joined the Town of Bedford Finance Department as the new Assistant Finance Director on August 28, 2023. Crystal attended Liberty University where she received a Bachelor of Science in Accounting (cum laude) and a Master of Science in Accounting, including additional coursework in forensic accounting. She has 13 years of accounting experience in both the private sector and federal government.

Chris Pack is the new Utility Billing Supervisor/Finance Administrator, effective October 2, 2023. After serving in the Navy until 2016, Chris finished college at the College of Coastal Georgia with a Bachelor of Arts concentrating in Accounting with a minor in Applied Mathematics. After moving to Vinton, he worked in the accounts receivable (AR) department for a large corporate company for almost five years before transitioning to a smaller local company, where he continued AR work while expanding into operations and payroll processing. Using knowledge from his previous roles, Chris helped the company implement and test a newer software system that brought AR billing, operations, and payroll processes into a single platform to better enhance company performance. Chris grew up in Chattanooga, Tennessee but in 2018, he and his wife decided to move closer to family in Virginia for better support while building their own family.

APPEARANCES BEFORE COUNCIL

None.

COUNCIL COMMENTS

Councilman Hartwick welcomed Mr. Pack to the Town staff and thanked him for his military service. In two weeks, there will be the election with 13 people competing for seven Town Council seats. Regardless of who wins, he will work with those that are re-elected to Council and he will show new Council members the ropes. If he is not re-elected, he wanted to say now that it was an honor to serve on Council and some good things were done.

Councilman Johannessen watched Mary Zirkle's video on the new zoning program. He thought it was excellent and everyone can watch it via YouTube.

Councilman Stanley thanked Mrs. Zirkle and welcomed Ms. Hosey and Mr. Pack. He looked forward to working with them.

Councilman Carson also welcomed Ms. Hosey and Mr. Pack. He gave a shout out to Liberty High School for their winning competition.

Mayor Black said that the police department's Night Out on Saturday was a nice event where they showed a movie at the Farmers' Market area. A decent crowd attended and he thanked the Chief and his officers for their outreach to the community. He also welcomed Ms. Hosey and Mr. Pack. He thought Mrs. Cantrell was assembling a good staff and their expertise and depth of knowledge would benefit the Town's citizens. The election will happen before Council meets again and he hoped everyone would exercise their right to vote and make their voices heard. He also noted that the next meeting would have VDOT representatives presenting information on transportation projects. Someone from the Department of Rail Transportation will be attending as well and hopefully will give Council an update on the next steps for the train station.

REPORT OF COUNCIL COMMITTEES

Councilman Stanley reported that the Finance Committee reviewed the first quarter financial statements with Mrs. Cantrell. The Town is looking good financially and there will be more to come.

REVISIONS TO AGENDA

None.

PUBLIC HEARINGS

Mr. Warner read the following public hearing notice.

PUBLIC HEARING NOTICE

Transfer of Town Real Estate

The Town Council of the Town of Bedford on Tuesday, October 24, 2023 at 7:00 pm in the Town Council Chambers, Municipal Building, 215 East Main Street, Bedford, Virginia 24523 will hold a public hearing pursuant to Virginia Code Section 15.2-1800 concerning the transfer of real estate from the Town to the Town of Bedford Redevelopment and Housing Authority without a fee. The real estate to be conveyed are two vacant parcels of land containing 0.31 acres and 0.266 acres. Both have frontage on South Street and are bounded on the east by 530 Otey Street, on the south by Ridge Street, and on the north by 527 South Street. The Tax Parcel Numbers are 214-A-133-T and 214-A-132-T.

Information concerning the transfer including a map of the land to be conveyed is on file at the Town Manager's Office at 215 East Main Street. Individuals interested in the proposed conveyance may appear at the hearing and present their views.

By Authority of the Bedford Town Council

Published: Bedford Bulletin
October 18, 2023

Mayor Black opened the public hearing at 7:12 p.m.

There being no one to come forward to speak, Mayor Black closed the public hearing at 7:12 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, October 24, 2023, at the Town Municipal Building, Council Hall, 215 East Main Street. The purpose of the public hearing is as follows:

- Receive public comment regarding the consideration of amended and restated Articles of Incorporation of the Bedford Regional Water Authority. The amended and restated articles remove a two-term term limit on members of the Board of Directors, and fix typographical errors. Information is on file in the office of the Town Manager 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 Bedford Town Council

Published: October 18, 2023

Mayor Black opened the public hearing at 7:14 p.m.

Nancy Leighton, 750 Peaks Street, Bedford, VA

Ms. Leighton understood the reasoning for adopting the resolution, but she was not in favor of it. She felt it deterred people from participation in the BRWA Board of Directors and rubber-stamped appointments to the Board, causing others not to volunteer to serve.

There being no one else to come forward to speak, Mayor Black closed the public hearing at 7:15 p.m.

CONSENT AGENDA

None.

OLD BUSINESS

None.

NEW BUSINESS

Bedford Electric Operations

John Wagner, Director of the Bedford Electric Department, provided an overview of the public power company. The topics included in his presentation were:

- The department's management team
- The department's responsibilities and duties
- Energy sources
- Budget and Costs
- Customer base
- Revenues
- What is next for the electric utility
- Advantages of having a public power department
- Price Cost Adjustment (PCA) update and proposed PCA for the winter season

Mr. Wagner answered Council members' questions and they thanked Mr. Wagner for his presentation.

Resolution - South Street Parcels – Request to Convey Two Parcels to the Housing Authority

At its meeting on September 26, 2023, Town Council received information on a request from the Town Redevelopment and Housing Authority for vacant land and acted to schedule a public hearing on the request. The Town of Bedford Redevelopment and Housing Authority requested to receive two vacant parcels owned by the Town located on South Street at Ridge Street and Otey Street. These parcels are tax map number 214-A-133T and tax map number 214-A-132T. The lots are both zoned R-1A for residential uses. The parcels were offered for sale in the past and a suitable buyer was not found.

At their regular meeting on August 10, 2023, the Authority discussed requesting that the Town Council convey these two parcels to the Authority for their use in lieu of a budget allocation in Fiscal Year 2024. The attached letter explains the intent of this request. As part of their

deliberations, the Authority discussed requesting that Council also cover all costs of the transaction and to provide a title search to confirm clear title. The Authority is currently working on a strategic plan that would include discussion of how to use these parcels for their directed housing purposes.

ACTION REQUESTED:

After holding a public hearing per Virginia Code Section 15.2-1800, Town Council is requested to consider transferring the parcels on South Street to the Redevelopment and Housing Authority with assistance from the Town Attorney on the transaction.

Attachment 1: Letter of request for conveyance from the Housing Authority

Attachment 2: Map of Two Parcels

Mr. Hailey moved, seconded by Mr. Carson to approve a resolution authorizing transfer of the named two parcels to the Redevelopment and Housing Authority of the Town of Bedford, Virginia.

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 follows.

RESOLUTION

**AUTHORIZING TRANSFER OF CERTAIN PROPERTY
TO THE REDEVELOPMENT AND HOUSING AUTHORITY OF THE
TOWN OF BEDFORD, VIRGINIA**

WHEREAS, the Town of Bedford, Virginia (the “Town”) has created an authority pursuant to the Housing Authorities Law of 1938, Title 36, Chapter 1, Code of Virginia, 1950, as amended (the “Act”), known as the Bedford Redevelopment and Housing Authority of the Town of Bedford, Virginia (the “Authority”), which is a body corporate and politic and a political subdivision of the Commonwealth of Virginia; and

WHEREAS, the Authority has all powers provided under the Act; and

WHEREAS, in furtherance of its housing redevelopment purposes, the Authority contemplates using certain real estate located within the Town, identified as tax map number 214-A-133T and tax map number 214-A-132T (the “Property”), for the purposes of housing redevelopment, including to promote positive redevelopment in the community including the provision of adequate public facilities in redevelopment and conservation areas, and to enhance the availability of safe, affordable housing for the inhabitants of the Town of Bedford; and

WHEREAS, a public hearing was held in accordance with Virginia Code § 15.2-1800 on the transfer of these properties by the Town Council on October 24, 2023; and

NOW THEREFORE, the Town Council of the Town of Bedford, Virginia, hereby resolves that:

1. The Mayor of the Town is authorized and directed to execute and deliver a deed of transfer of the Property to the Authority, together with customary closing affidavits and signatures, upon behalf of the Town upon final approval as to form by the Town Attorney; and
2. The Town Attorney is authorized and directed to research the Property titles and prepare the necessary closing documents; and
3. This Resolution shall be in effect upon adoption.

Resolution - Adopting Amended and Restated Articles of Incorporation of the Bedford Regional Water Authority

The Bedford Regional Water Authority has requested that the Town Council adopt amended and restated Articles of Incorporation of the Water Authority in order to (1) remove a two-term term limit for Board of Directors members, and (2) to reflect the City’s reversion to Town status. The Bedford County Board of Supervisors considered an identical resolution on October 23, 2023, which was passed.

ACTION REQUESTED:

Having held a public hearing on the amendments, Town Council is requested to approve or disapprove the concurrent resolution with the Board of Supervisors.

Mr. Hailey moved, seconded by Mr. Stanley, to adopt the amended and restated articles of incorporation of the Bedford Regional Water Authority.

Mr. Lockaby verified that Brian Key was not a voting member of BRWA’s Board of Directors.

Mr. Shoen noted the concerns of the citizen that spoke regarding deterrence of other citizens volunteering for these positions. He felt that the experience gained by those that sit on the Board during their term is invaluable and the good outweighs the bad.

Mayor Black concurred and the Council takes the appointment seriously but they need to be able to move forward if they don’t have anyone new volunteering to serve.

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.

The resolution and amended and restated articles of incorporation follow.

RESOLUTION

ADOPTING AMENDED AND RESTATED ARTICLES OF INCORPORATION OF THE BEDFORD REGIONAL WATER AUTHORITY

WHEREAS, the Council has carefully considered the following resolution amending and restating the Articles of Incorporation of the Bedford Regional Water Authority, and wishes now to formally approve and adopt a Joint Resolution amending and restating the Articles of Incorporation; and

WHEREAS, a detailed summary of the Joint Resolution has been advertised and made available to the public for review as required by law; now, therefore,

BE IT RESOLVED by the Council for the Town of Bedford:

1. That the Council hereby approves the adoption of the following Joint Resolution adopting amended and restated Articles of Incorporation of the Bedford Regional Water Authority; and
2. That the Council authorizes and directs the proper Town officials to take all necessary actions to ensure the proper processing and registration of the amended and restated Articles of Incorporation in accordance with the following Joint Resolution; and
3. That this Resolution shall be in effect upon adoption.

JOINT RESOLUTION

WHEREAS, Bedford County, Virginia, and the Town of Bedford, Virginia (the “Localities”), have determined that it is in the best interests of the citizens of the Localities to amend and restate the Articles of Incorporation of the Bedford Regional Water Authority; and

WHEREAS, the Localities each find, jointly and severally, that amendment and restating of the Articles of Incorporation will serve an essential public purposes of providing potable water

and sanitary sewer service, together with such other services as may be authorized by the amended and restated Articles of Incorporation or as otherwise provided by law; now therefore,

BE IT JOINTLY RESOLVED by the Board of Supervisors of Bedford County, Virginia, and the Council of the Town of Bedford, Virginia, to adopt amended and restated Articles of Incorporation for the Bedford Regional Water Authority as follows:

**AMENDED AND RESTATED
ARTICLES OF INCORPORATION OF THE
BEDFORD REGIONAL WATER AUTHORITY**

The Board of Supervisors of Bedford County, Virginia and the Town Council of the Town of Bedford, Virginia have, by concurrent resolutions, adopted the following Amended and Restated Articles of Incorporation of the Bedford Regional Water Authority, pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2 of the 1950 Code of Virginia, as amended) (the “Act”).

ARTICLE I:

The name of the Authority shall be the Bedford Regional Water Authority and the address of its principal office is 1723 Falling Creek Road, Bedford VA 24523.

ARTICLE II:

The names of the political subdivisions participating in the Authority are Bedford County, Virginia and the Town of Bedford, Virginia (collectively, the “Localities”) each of which hereby acknowledges, covenants, and agrees that these Amended and Restated Articles of Incorporation shall not be further amended or changed without the express agreement of each of the governing bodies of each of the Localities.

ARTICLE III:

The Board of the Authority shall consist of seven members. The names, addresses, and terms of office of the six initial members of the Bedford Regional Water Authority are as follows:

NAME	TERM OF OFFICE	
	BEGINNING	ENDING
1. Thomas D. Segroves	12/01/2012	12/31/2014
2. Robert Flynn	12/01/2012	12/31/2015
3. Carl H. Wells	12/01/2012	12/31/2016
4. Walter Siehien	12/01/2012	12/31/2014
5. Michael C. Moldenhauer	12/01/2012	12/31/2015
6. Elmer C. Hodge, Jr.	12/01/2012	12/31/2016

The governing body of each Locality has initially appointed the number of members set forth opposite its name below:

Bedford County – Three, for terms of 2, 3 and 4 years

Town of Bedford – Three, for terms of 2, 3 and 4 years

The seventh initial member will be nominated by the initial six (6) members and confirmed by the governing bodies of each of the Localities for an initial term of four (4) years. If no nominee for the seventh position is made by the Authority within 45 days of the Authority’s first meeting, or, if made, is not approved by the Localities within forty-five (45) days of being nominated and such nomination communicated to the Localities, such appointment shall be made on the application of the Authority by the Judge of the Circuit Court of Bedford County, Virginia. In case an initial member dies, resigns, or is disqualified, and upon the expiration of the initial term of any member, successors shall be appointed by the same method as for the initial members.

If the Authority fails to nominate or if either Locality fails to appoint a successor within 45 days of the end of any term or tenure (such time period to be extended another 30 days at the request of any Locality made within such 45 day period) a successor shall, on the Authority’s application, be appointed by the Judge of the Circuit Court of Bedford County.

After the initial terms, each Board member shall be appointed for a four-year term ending on December 31 in the fourth year and shall serve until a successor is appointed and qualified.

Each member shall be reimbursed by the Authority for the amount of actual expenses incurred in the performance of Authority duties.

After the expiration of the first four (4) year term for the Board positions of initial members who served for two (2) years, all further appointments will be based upon proportionate representation of the Localities according to the total number of equivalent residential connections (“ERC’s”) for both water and sewer in each jurisdiction based on an equivalent rate calculation of two hundred gallons per day per connection. This calculation shall be made six months prior to the expiration of the term. In no event shall either Bedford or Bedford County appoint and have fewer than two (2) members of the Board of Directors of the Authority.

ARTICLE IV:

The purposes for which the Authority is being organized are to exercise all the powers granted to the Authority to acquire, finance, construct, operate, manage and maintain water, waste water, sewage disposal and other facilities pursuant to the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the 1950 Code of Virginia, as amended (“Act”). The Authority shall have all of the rights, powers, and duties of an authority under the Act.

On or before December 31, 2016 the Authority shall make every reasonable effort to construct a water line of sufficient size to connect the existing City of Bedford and the Bedford County Public Service Authority water systems in accordance with the terms of Principles Governing the Creation of the Bedford Regional Utilities Authority attached as Exhibit 7 to that Voluntary Settlement of Transition to Town Status and Other Related Issues Between the City of Bedford and the County of Bedford, dated August 2012.

The Authority will substantially equalize rates and establish volume rates for large customers in accordance with that Consolidation Agreement dated as of October 31, 2012 (the "Consolidation Agreement") by and among the City of Bedford, Virginia, Bedford County, Virginia and the Bedford County Public Service Authority.

The Authority will take all other action contemplated to be taken by the Authority in the Consolidation Agreement.

It is not practicable to set forth herein information regarding preliminary estimates of capital costs, proposals for specific projects to be undertaken or initial rates for the proposed projects.

ARTICLE V:

The Authority shall serve the incorporated and unincorporated areas of Bedford County, Virginia and to the extent permitted by the Act such other towns or public or private entities as the Authority may determine upon the terms and conditions established pursuant to appropriate contracts.

ARTICLE VI:

The Authority shall cause an annual audit of its books and records to be made by the State Auditor of Public Accounts or by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing body of each of the incorporating political subdivisions.

ARTICLE VII:

The term of existence of the Authority shall be 50 years from the effective date of the Localities' resolutions authorizing these Articles.

IN WITNESS WHEREOF the Board of Supervisors of Bedford County and the Council of the Town of Bedford, Virginia, have caused these Amended and Restated Articles of Incorporation to be executed in their respective names, and their respective seals have been affixed hereto and attested by the respective secretaries and clerks of each.

IRF Woolen Mill Redevelopment Grant Award Year (AY) 2023

In March 2023, the Town of Bedford was awarded an Industrial Revitalization Fund (IRF) Planning Grant from the Virginia Department of Housing and Community Development ARPA funds program in the amount of \$60,000. This planning project was to enable a planning study of the Woolen Mills at 550 Grove Street, owned by Way Out West, LLC, in order to assist with moving development forward.

Three things were studied on the property as follows:

1. A market study to determine several factors, including the market demand for mixed-use space that includes industrial or office space as well as multifamily housing, and a target industry study with the goal of identifying the best potential industries to occupy the space. This also included some predevelopment activities such as Pro Forma development, code and zoning assessment, and determine building programming with the highest and best use.
2. Architectural drawings to capture a high-level concept of the space that will be used to assist in the tenant recruitment process and will also illustrate how historic tax credits may be employed throughout the redevelopment process.
3. Phase I Historic Tax Credit application.

The grant paid for the costs of the consultants for the above tasks. A portion of the pre-development budget was used for administrative costs like construction cost development, finance planning and assessment of all available incentives and tax credits. When it was complete, the total amount of expenses was \$59,345. The grant is reimbursable to the property owner who paid to have the study completed.

ACTION REQUESTED:

Town Council is requested to approve the below budget amendment which will appropriate budget to the general ledger accounts listed.

<i>Budget Entry:</i>			
Revenue Increase			
100083-424921	IRF Woolen Mill Planning Grant Revenue	\$59,345	
Expenditure Increase			
10088150-558415	IRF Woolen Mill Planning Grant Expense	\$59,345	

Mr. Hailey moved, seconded by Mr. Carson, to approved the budget amendment.

Mayor Black verified with staff that the Way Out West, LLC was Mr. McCormack’s business. He wanted to make sure that in the Town’s records, there was a copy of the report. It was a huge project and a vital project that needs to be done in the area, but he hoped the Town was not

moving too fast. He wanted to get the current project that was underway completed first before beginning another project.

Voted upon and carried by the following roll call vote.

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

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

ADJOURNMENT

8:07 p.m.

Tim Black, Mayor

Debra Anderson, Clerk of the Council