

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., December 9, 1997.

Members present: Mayor G. Michael Shelton; Councilman H. Davis Ballard; Vice Mayor Larry D. Brookshier; Councilwoman Mary L. Flood; Councilwoman Linda Kochendarfer; Councilman W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: None.

Staff present: City Manager Jack A. Gross, City Attorney W. W. Berry, IV, and Clerk of the Council Teresa W. Hatcher.

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

Mayor Shelton declared that the minutes of an adjourned Council meeting held on November 22, 1997, and the minutes of a regular Council meeting held on November 25, 1997, were approved as distributed.

Councilman Tharp passed around a newspaper from Trevieres, France, which included an article regarding his recent visit to the area.

On motion by Vice Mayor Brookshier, seconded by Councilwoman Kochendarfer, voted upon and carried unanimously, the following item was added to the agenda as the last item under New Business:

Executive Session, pursuant to Section 2.1-344(a)(3) of the Code of Virginia of 1950, as amended, for the consideration of acquisition of real estate for the Industrial Park

The Clerk of Council read aloud the following Public Hearing Notice:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City of Bedford Planning Commission at 5:30 p.m. on Thursday, December 4, 1997, and the City Council at 7:30 p.m. on Tuesday, December 9, 1997, at the City Municipal Building, 215 East Main Street, Council Hall, for the purpose of considering a request for the following:

To consider a conditional use request to allow The National D-Day Memorial Foundation to operate a park which will include a memorial, educational center, amphitheater, etc. at 804 Burks Hill Road.

Information regarding this request is on file in the Office of Planning & Community Development.

The request is being made by The National D-Day Memorial Foundation, 202 E. Main Street.

Anyone who is in favor of or opposed to the request will have an opportunity to express their view at this hearing.

By the Authority of the City of Bedford
Planning Commission & City of Bedford
City Council

Mayor Shelton opened the public hearing at 7:35 p.m.

As there were no comments, the Mayor closed the public hearing at 7:36 p.m.

The Clerk of Council read aloud the following public hearing notice:

CITY OF BEDFORD

CITY COUNCIL

NOTICE OF PUBLIC HEARING

On December 9, 1997, at 7:30 p.m. in the City Council Chambers, Municipal Building, 215 East Main Street, the City Council of the City of Bedford will hear and consider a request by The Avenel Foundation that Council adopt a Resolution supporting the Foundation's application to the General Assembly of Virginia for designation of the Foundation's property in the City of Bedford as exempt from property taxation pursuant to Article X, Section 6 (a) (6) of the Constitution of Virginia.

Citizens of the City are invited to attend and will be given an opportunity at this meeting to be heard on the question of whether the requested Resolution should be adopted.

The 1997 assessed value of the real and tangible personal property of The Avenel Foundation located in the City is \$149,500.00. This property is currently being taxed. The property taxes payable in 1996 and 1997 are as follows:

1996/97: \$1,061.45

1997/98: \$1,136.20

Mayor Shelton opened the public hearing at 7:38 p.m.

Mr. Joseph Riley, President of the Avenel Foundation, asked for Council's consideration of the request from the Foundation regarding tax exempt status.

As there were no further comments, Mayor Shelton closed the public hearing at 7:40 p.m.

The Clerk of Council read aloud the following Notice of Public Hearing:

CITY OF BEDFORD

CITY COUNCIL

NOTICE OF PUBLIC HEARING

On December 9, 1997, at 7:30 p.m. in the City Council Chambers, Municipal Building, 215 East Main Street, the City Council of the City of Bedford will hear and consider a request by The National D-Day Memorial Foundation that Council adopt a Resolution supporting the Foundation's application to the General Assembly of Virginia for designation of the Foundation's property in the City of Bedford as exempt from property taxation pursuant to Article X, Section 6 (a) (6) of the Constitution of Virginia.

Citizens of the City are invited to attend and will be given an opportunity at this meeting to be heard on the question of whether the requested Resolution should be adopted.

The 1997 assessed value of the real and tangible personal property of The National D-Day Memorial Foundation located in the City is \$208,600.00.

1996/97: \$1,481.06

1997/98: \$1,585.36

Mayor Shelton opened the public hearing at 7:41 p.m.

As there were no comments, the Mayor closed the public hearing at 7:42 p.m.

City Manager Gross stated that he and Assistant City Manager Thompson have discussed the City's Virginia Literary Fund financing with Christopher G. Kulp, the City's Bond Counsel with Hunton and Williams, and Mr. Kulp has prepared a reimbursement resolution. The City Manager reported that Mr. Kulp feels that due to the nature of Literary Fund borrowing involving interim financing, both the City Council and the City School Board should adopt a reimbursement resolution. By doing this, the City will insure flexibility with regard to its financing options.

On motion by Councilwoman Kochendarfer, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adopted the resolution of official intent to reimburse expenditures with proceeds of a borrowing. Roll call vote follows:

Councilman Ballard aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Mayor Shelton aye

The resolution follows as adopted:

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE

EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the City of Bedford, Virginia (the "Borrower"), intends to finance capital projects for school purposes (the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$1,500,000.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after October 15, 1997, which date is no more than 60 days prior to the date hereof. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are

available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1-150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This Resolution shall take effect immediately upon its passage.

Mr. Stanley I. Goldsmith, Region 2000 Program Manager, reviewed a brief background of Region 2000, its activities and plans for the future.

City Manager Gross reported the Planning Commission met on December 4 and recommended that Council approve the conditional use request to allow The National D-Day Memorial Foundation to operate a park which will include a memorial, educational center, amphitheater, etc., at 804 Burks Hill Road.

Councilman Tharp moved that Council approve the conditional use request as presented by The National D-Day Memorial Foundation. The motion was seconded by Vice Mayor Brookshier, voted upon and carried, six members voting aye, one member abstaining (Kochendarfer).

On motion by Councilman Ballard, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Council adopted the resolution supporting the Avenel Foundation's application to the General Assembly for designation of its property as exempt from taxation. Roll call vote follows:

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Mayor Shelton aye

Mayor Shelton noted and accepted Councilman Ballard's explanation as to the matter of his voting on items involving Avenel since Councilman Ballard serves on the Avenel Board of Directors but does not receive any compensation.

The resolution follows as adopted:

CITY COUNCIL

CITY OF BEDFORD, VIRGINIA

DECEMBER 9, 1997

RESOLUTION

At Bedford, Virginia, on December 9, 1997, at 7:30 p.m., the City Council of the City of Bedford met in public session to consider the request of The Avenel Foundation, Bedford, Virginia, for adoption of a Resolution supporting the Foundation's application to the Virginia General Assembly for designation of its property as exempt from taxation under Article X, Section 6 (a) (6) of the Constitution of Virginia [1971] and Section 58-1.3650 of the Code of Virginia

Notice of Council meeting for this purpose has been published in The Bedford Bulletin, a newspaper of general circulation in the City of Bedford, on December 3, 1997, and at the meeting citizens of the City have been given an opportunity to be heard on the question of whether the requested Resolution should be adopted.

After hearing the presentation by the Foundation of its request and the comments of citizens, examining and considering each of the issues set forth in Section 30-19.04.B., Code of Virginia, with respect to the exemption, and discussing thoroughly the merits of the request and its impact on the City, BE IT HEREBY RESOLVED by the City Council of the City of Bedford:

1. That it supports the exemption from taxation of the real and tangible personal property of The Avenel Foundation located in the City of Bedford.
2. That it recommends to the General Assembly of Virginia that the Foundation's property be exempted and classified as a Historical State and Federal Landmark which provides unusual facilities for accommodations for social and special events.
3. That the 1997 assessed value and property tax of the Foundation's real and tangible personal property are as follows:

Assessed Value \$149,500.00

Property Tax \$1,136.20

On motion by Councilman Tharp, seconded by Councilman Ballard, voted upon and carried by a roll call vote, Council adopted the resolution supporting The D-Day Memorial Foundation's application to the General Assembly for designation of its property as exempt from taxation. Roll call vote follows:

Councilwoman Flood aye

Councilwoman Kochendarfer abstained

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier aye

Mayor Shelton aye

The resolution follows as adopted:

CITY COUNCIL
CITY OF BEDFORD, VIRGINIA
DECEMBER 9, 1997
RESOLUTION

At Bedford, Virginia, on December 9, 1997, at 7:30 p.m., the City Council of the City of Bedford met in public session to consider the request of The National D-Day Memorial Foundation, Bedford, Virginia, for adoption of a Resolution supporting the Foundation's application to the Virginia General Assembly for designation of its property as exempt from taxation under Article X, Section 6 (a) (6) of the Constitution of Virginia [1971] and Section 58-1.3650 of the Code of Virginia

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After hearing the presentation by the Foundation of its request and the comments of citizens, examining and considering each of the issues set forth in Section 30-19.04.B., Code of Virginia, with respect to the exemption, and discussing thoroughly the merits of the request and its impact on the City, BE IT HEREBY RESOLVED by the City Council of the City of Bedford:

1. That it supports the exemption from taxation of the real and tangible personal property of The National D-Day Memorial Foundation located in the City of Bedford.
2. That it recommends to the General Assembly of Virginia that the Foundation's property be exempted and classified as used for historical, cultural or public park purposes.
3. That the 1997 assessed value and property tax (if the property were taxed) of the Foundation's real and tangible personal property are as follows:

Assessed Value \$208,600.00

Property Tax \$1,585.36

On motion by Councilman Wandrei, seconded by Councilwoman Kochendarfer, voted upon and carried by a roll call vote, Council adopted the resolution canceling the December 23, 1997, regular Council meeting. Roll call vote follows:

Councilwoman Kochendarfer aye

Councilman Tharp nay

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Mayor Shelton aye

The resolution follows as adopted:

RESOLUTION

WHEREAS, Section 11 of the Charter of the City of Bedford requires that Council shall "fix the time and place of its meeting," and

WHEREAS, the City Code requires in Section 2-3 that meetings shall be on "the second and fourth Tuesday of each month," and

WHEREAS, the second regular Council meeting in December is scheduled for December 23, 1997, that date being one day before Christmas Eve;

NOW, THEREFORE, BE IT RESOLVED that the City Council meeting scheduled for December 23, 1997, be and the same hereby is canceled; and

BE IT FURTHER RESOLVED that the Council meeting of December 9, 1997, be adjourned to January 13, 1998.

Vice Mayor Brookshier moved that Council adjourn into executive session pursuant to Section 2.1-344(a)(3) of the Code of Virginia of 1950, as amended, for the consideration of acquisition of real estate for the Industrial Park. The motion was seconded by Councilman Tharp, voted upon and carried unanimously by the following roll call vote:

Councilman Tharp aye

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Mayor Shelton aye

Council adjourned into executive session at 8:01 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, Clerk of the Council Hatcher, Director of Planning & Community Development Scudder, and Sue Gilbert.

Council reconvened into open session at 8:26 p.m.

The Clerk of Council read aloud the following proposed resolution:

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

Councilwoman Kochendarfer moved that the resolution be adopted. The motion was seconded by Councilman Ballard, voted upon and carried unanimously by the following roll call vote:

Councilman Wandrei aye

Councilman Ballard aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Kochendarfer aye

Councilman Tharp aye

Mayor Shelton aye

Mayor Shelton adjourned the meeting at 8:27 p.m.