

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., October 28, 2003.

Members present: Mayor E. Thomas Messier; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard; Councilman Thomas M. Padgett; Councilman C. G. Stanley, Jr.; Vice Mayor W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: None

Staff present: City Manager F. Craig Meadows; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

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

Mayor Messier declared that the minutes of a regular Council meeting held on October 14, 2003, were approved as distributed.

The City Manager asked Council to add the following item to the agenda: Closed session for consultation with legal counsel on a legal matter.

City Manager Meadows reported on the following:

- The training for the new utility billing software will begin next week.
- A film crew from PBS visited Bedford recently filming a documentary related to the book, *The Bedford Boys*.
- Leaf pickup will begin next week.
- Upcoming events: Bedford County's 250th Anniversary Kickoff Dinner and Concert – November 1 at Bedford Middle School; Blue Ridge Power Agency annual meeting, November 5-7; meeting entitled "Building a Better Bedford" – November 6 at the Bedford Meeting House; Virginia Department of Transportation Preallocation Hearing – November 12 at 7:00 p.m. in Christiansburg; Council retreat – November 13 and 14 at the Babcock House in Appomattox.
- The Employee Health Fair was held earlier in the day and eighty employees participated.

Mayor Messier presented the Certificate of Excellence for Achievement in Financial Reporting for 2002 to Rosie Jordan, Director of Finance.

Barbara Parker, Director of Human Resources, gave an update on the Health Insurance Consortium.

Councilman Hubbard, Chairman of the Finance Committee, reported the Committee met earlier in the evening with John Aldridge of Brown Edwards and Company regarding the

2003 audit report for the City. The Committee also discussed proposed cemetery fees. The fees will be discussed at a later date.

Councilman Padgett, Chairman of the Streets Committee, stated the Committee met earlier in the evening to discuss the request by Bedford Main Street, Inc., to close City streets for the annual Christmas parade.

Mayor Messier expressed thanks to WBLT for the 2004 calendars given to Council.

Mayor Messier opened the public hearing at 7:47 p.m.

The Notice of Public Hearing follows:

PUBLIC HEARING NOTICE

The City Council of the City of Bedford, Virginia, on Tuesday, October 28, 2003 at 7:30 P.M. in the City 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 conveyance to the County of Bedford of a one-half interest in real estate for use as a visitor or welcome center. The real estate to be conveyed consists of land owned by the City lying between Tiger Trail on the north and the properties owned jointly by the City and County on the south, being a portion of properties conveyed to the City of Bedford by deeds from Ossie B. Carter and Kathleen D. Johnson. The real estate to be conveyed is shown more particularly on a plat of survey entitled "Resubdivision Plat Creating Bedford Area Welcome Center Burks Hill Road" by Wiley & Wilson dated July 9, 2003. A copy of the plat is on file in the office of the City Manager.

As there were no comments, the Mayor closed the public hearing at 7:48 p.m.

The Consent Agenda consisted of the following item: Request by Bedford Main Street, Inc., for Council to authorize the closing of the following streets on December 6, 2003 (rain date Saturday, December 13) for the 2003 Bedford area Christmas Parade:

From 8:30 a.m. to 12:30 p.m., College Street, Ashland Avenue from curve of Recreation Field to Elks Home Driveway, Bedford Avenue Extension from Fourth Street to curve of Recreation Field, and Mountain Avenue.

From approximately 11:00 a.m. to 12:30 p.m., Peaks Street from College Street to North Bridge Street, North Bridge Street to East Main Street, East Main Street from North Bridge Street to South Street, South Street from East Main to Washington Street, Washington Street from South

Street to Center Street, Center Street, West Main Street from Center Street to Fourth Street, and Fourth Street.

Vice Mayor Tharp moved that the Consent Agenda be approved. The motion was seconded by Councilman Padgett, voted upon and carried unanimously.

Mr. John Aldridge, Brown Edwards and Company, officially presented the FY2003 Audit Report to City Council. Mr. Aldridge stated that it is a tremendous accomplishment for a city of Bedford's size to receive the Certificate of Excellence.

It was the consensus of Council to add the following item to the agenda: closed session pursuant to Section 2.2-3711(a)(7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel on a legal matter.

On motion by Councilman Wandrei, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council waived the reading of the Ordinance regarding conveyance of property – Bedford Area Welcome Center. Roll call vote follows:

Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Padgett	aye
Councilman Stanley	aye
Vice Mayor Tharp	aye
Councilman Wandrei	aye
Mayor Messier	aye

The City Manager reported that a new subdivision plat has been prepared by Wiley & Wilson combining the various lots comprising the Welcome Center properties on Burks Hill Road. The properties acquired from Mrs. Elizabeth Key and the National D-Day Memorial Foundation, Inc., have been conveyed into the joint names of the City and the County. Land lying between the parcels and Tiger Trail is part of the original elementary school tract and is currently titled in the name of the City. Council needs to convey one-half interest in this strip to Bedford County and execute an appropriate deed and plat. This will allow the entire tract to be recorded as the Welcome Center Property.

On motion by Vice Mayor Tharp, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council approved the proposed ordinance regarding conveyance of property for the Bedford Area Welcome Center. Roll call vote follows:

Councilman Hubbard	aye
Councilman Padgett	aye
Councilman Stanley	aye
Vice Mayor Tharp	aye
Councilman Wandrei	aye
Councilwoman Flood	aye
Mayor Messier	aye

The ordinance follows as adopted:

**AN ORDINANCE AUTHORIZING THE CONVEYANCE TO THE
COUNTY OF BEDFORD OF A ONE-HALF INTEREST IN
CERTAIN PROPERTIES LOCATED BETWEEN TIGER TRAIL
AND BURKS HILL ROAD TO BE INCORPORATED INTO THE
NEW JOINTLY OWNED VISITORS CENTER TO BE NAMED
“BEDFORD AREA WELCOME CENTER”**

WHEREAS, the Board of Supervisors of Bedford County and the City Council of the City of Bedford by ordinances adopted in the jurisdictions on November 15, 2000 and on November 14, 2000, respectively, entered into a cooperative agreement creating a jointly sponsored tourism program under Section 15.2-1300 and 15.2-940 of the *Code of Virginia*, and pursuant to the terms of the agreement the jurisdictions have decided to construct a visitor’s center which will be jointly owned; and

WHEREAS, the parties have agreed upon the location of the visitor’s center to be known as the “Bedford Area Welcome Center” which is at the northwest intersection of Burks Hill Road (Virginia Secondary Route No. 122) and U.S. Route 460; and

WHEREAS, portions of the proposed property have been conveyed to the City of Bedford and to Bedford County by a deed from the National D-Day Memorial Foundation, Inc. dated August 21, 2001 and recorded in the Clerk’s Office of the Circuit Court of Bedford County, Virginia, as Instrument No. 01001741 and by a deed from Elizabeth D. Key dated March 2003 and recorded in the said Clerk’s office as Instrument No. 0300005884; and

WHEREAS, the remainder of the real estate comprising the proposed Bedford Area Welcome Center, lying between the aforesaid properties already owned jointly by the municipalities and a private road known as Tiger Trail which serves as access to the Bedford Elementary property, is owned in fee simple by the City of Bedford; and

WHEREAS, the City of Bedford desires to convey a one-half interest in said real estate to Bedford County so that all of the properties comprising the proposed Bedford Area Welcome Center will be owned jointly by the two jurisdictions as contemplated in the organizational ordinances and agreement; and

WHEREAS, the City Council pursuant to the statutes made and provided for approval of conveyances of real estate has held a public hearing after public notice of such hearing was advertised once in the Roanoke Times and the Lynchburg News and Advance at least seven days prior to the public hearing on October 28, 2003.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD;

Section 1. The City Council approves the conveyance to Bedford County of a one-half undivided interest in the following described property, to-wit:

All that certain real estate calculated to contain 0.980 acres located in the City of Bedford, Virginia, shown on a plat entitled "Resubdivision Plat Creating Bedford Area Welcome Center-Burks Hill Road," dated October 24, 2003, prepared by Wiley & Wilson, Architects, Engineers, Planners of Virginia Beach, Virginia, and being that portion of the 3.4022 acres designated on said plat as "Bedford Area Welcome Center," which is owned solely by the City of Bedford and which is more particularly described as follows:

Beginning at the southwest corner of the Bedford Area Welcome Center lot as shown on said plat at an iron pin set in the edge of Tiger Trail; thence running along the southeastern boundary line of Tiger Trail as shown on said plat along the arc of a curve to the left, having delta of $31^{\circ} 12' 19''$ and a radius of 402.50 feet, an arc distance of 219.22 feet to an iron pin set in Tiger Trail; thence continuing along the southeastern edge of Tiger Trail N. $28^{\circ} 56' 54''$ E. 125.07 feet to another iron pin; thence continuing along the arc of a curve to the right having a delta of $50^{\circ} 21' 23''$ E. and a radius of 126.50' an arc distance of 111.18' to a pin set in the edge of said private street; thence running S. $40^{\circ} 17' 35''$ E. at a distance of 53.95' to the intersection of said line and the extension of the northwest boundary of the property conveyed by Elizabeth D. Key to the City and to the County by the deed recorded as Instrument No. 030005884; thence running S. $28^{\circ} 14' 00''$ W. 117.33' along the northern boundary line of the jointly owned property to an iron pin; thence running S. $28^{\circ} 14' 00''$ at a distance of 168.78 to an iron pin; thence running S. $57^{\circ} 59' 42''$ W. 178.04 feet to an iron pin; and thence running N. $32^{\circ} 00' 18''$ W. 82.05 feet to the beginning.

The real estate consists of portions of property conveyed to the City of Bedford, Virginia by a deed from Ossie Bell Carter by a deed dated December 19, 1986 and recorded in the Clerk's Office in Deed Book No. 637, at page 831, and a portion of property conveyed to the City of

Bedford, Virginia, by Kathleen D. Johnson by a deed dated December 19, 1986 and recorded in Deed Book NO. 638, at page 697.

Section 2. The City Council hereby consents to the elimination of all interior lot lines and the combination of the lots into one lot containing 3.3948 acres and designated as “Bedford Area Welcome Center” on the aforesaid plat.

Section 3. The Mayor and the City Clerk are hereby authorized to execute a re-subdivision plat in substantially the same form as the plat dated July 9, 2003 and to execute and deliver to the County of Bedford a deed carrying out the terms of this Ordinance.

Section 4. This Ordinance shall take effect immediately.

The City Manager stated the City and County have approved the design of the Bedford Area Welcome Center, which was completed by the firm of Wiley & Wilson. The City intends to borrow funds to finance the construction of the Welcome Center, with the County reimbursing the City for one-half of the debt service costs. City Manager Meadows reported that in connection with the proposed borrowing, Council needs to adopt a “reimbursement resolution” providing for the reimbursement to the City from the bond proceeds of certain expenses that will have been incurred in the period 60-days prior to the date of the resolution.

On motion by Councilman Padgett, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Council adopted the “reimbursement resolution.” Roll call vote follows:

Councilman Padgett	aye
Councilman Stanley	aye
Vice Mayor Tharp	aye
Councilman Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	aye
Mayor Messier	aye

The resolution follows as adopted:

**RESOLUTION OF OFFICIAL INTENT
TO REIMBURSE EXPENDITURES WITH
PROCEEDS OF A BORROWING**

WHEREAS, the City of Bedford, Virginia and Bedford County, Virginia, have entered into a joint agreement for the construction of the Bedford Area Welcome Center (the “Project”); and

WHEREAS, the City of Bedford, Virginia (the “Borrower”), has agreed to provide the financing for the Project with Bedford County reimbursing the City for one-half of the debt service expenses; 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, in an amount not currently expected to exceed \$1,450,000 to pay the costs of the Project.
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 August 29, 2003, 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.

Vice Mayor Tharp moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel on a legal matter. The motion was seconded by Councilman Padgett, voted upon and carried by the following roll call vote:

Councilman Stanley	aye
Vice Mayor Tharp	aye
Councilman Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Padgett	aye
Mayor Messier	aye

Council adjourned into closed session at 7:55 p.m. The following non-council members attended: City Manager Meadows and City Attorney Berry.

Council reconvened into open session at 8:01 p.m.

The Clerk of Council read aloud the following 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 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.

On motion by Vice Mayor Tharp, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Vice Mayor Tharp	aye
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Councilman Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Padgett	aye
Councilman Stanley	aye
Mayor Messier	aye

Mayor Messier adjourned the meeting at 8:02 p.m.