

11-25-03 Minutes

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., November 25, 2003.

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

Members absent: Councilman Thomas M. Padgett

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 28, 2003, were approved as distributed.

City Manager Meadows reported on the following:

- City offices will be closed on November 27 and 28 for the Thanksgiving holiday
- Christmas Parade – December 6 at 11:00 a.m.,
- Annual employee holiday dinner - December 11, 6:30 p.m. at Bedford Elementary School
- Christmas lights at the Elks Home will be turned on December 12.
- The statement of economic interest forms should be returned by December 15.
- Review of issues regarding the downtown area by Kathie Frazier of Frazier & Associates on December 2 from 10:00 a.m. until 3:00 p.m.

Councilman Wandrei announced that Bedford Main Street, Inc., needs volunteers to help with the Christmas parade.

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 Council at 7:30 p.m. on Tuesday, November 25, 2003, at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- ◆ To consider a conditional use request to allow a Bed & Breakfast establishment at 610 Blue Ridge Avenue, Tax Map #192-6-7, in a R-1

Single Family District. Erm, PO Box 166, Lovettsville, VA 21080 is making the request.

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

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

By the Authority of the City Council

Mayor Messier 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 notice of the second public hearing follows:

NOTICE OF PUBLIC HEARING

On Tuesday, the 25th day of November, 2003, the Council of the City of Bedford, Virginia, will conduct a public hearing on the proposed issuance of general obligation public improvement bonds of the City in the estimated maximum principal amount of \$1,500,000. The purpose of the proposed bonds is to finance the costs of acquiring, constructing and equipping the Bedford Area Welcome Center.

The public hearing will be conducted at 7:30 p.m. in City Council Chambers, Municipal Building, 215 East Main Street, Bedford, Virginia. Interested persons may appear at such time and place and present their views.

Teresa Hatcher
Clerk of the Council
City of Bedford

The Mayor opened the public hearing at 7:36 p.m. As there were no comments, the Mayor closed the public hearing at 7:37 p.m.

Milton Graham, Chief of Police, spoke regarding the six-year process of the Police Department becoming accredited. Chief Graham stated that Officer Boyd Royer was

appointed as the full-time accreditation manager and with the help of Lt. Bennett the City recently succeeded in becoming accredited. The Chief introduced the following individuals present at the meeting: 1st Sgt. Braxton, State Police; State Trooper Long; Major Jack Lewis, Lynchburg Police Department; Abingdon Chief of Police Tony Sullivan; Officer Turner, Abingdon Police Department; and Chief Jenkins, Rocky Mount Police Department.

Mr. Ernie O'Boyle, Virginia Law Enforcement Professional Standards Commission, employee of the Department of Criminal Justice Services, and Director of the Virginia Law Enforcement Accreditation Center, spoke regarding the accomplishment of the Police Department receiving State Accreditation.

Chief Jenkins, Vice Chair of the Executive Board of the Virginia Law Enforcement Professional Standards Commission, presented to Chief Graham and the staff the Certificate of Accredited Status.

Chief Graham stated it was an all out effort by the Police Department to reach the goal of accreditation with the backing and support of City Council, the City Manager, all the City departments, and expressed his thanks.

On behalf of Council, Mayor Messier expressed congratulations and thanks to the Police Department.

The City Manager stated that a public hearing was held earlier in the evening for consideration of a conditional use request to allow a Bed & Breakfast establishment at 610 Blue Ridge Avenue. The Planning Commission recommends that Council approve the conditional use request by ERM, PO Box 166, Lovettsville, VA.

On motion by Councilman Wandrei, seconded by Vice Mayor Tharp, voted upon and carried, Council accepted the recommendation of the Planning Commission to approve the conditional use request by ERM to allow a Bed & Breakfast establishment at 610 Blue Ridge Avenue.

Mr. Leighton Langford, Director, Bedford Department of Social Services, gave a Power Point presentation to Council concerning Long Term Care and the present and future impact it would have on the Bedford community.

Mr. Langford recommended that City Council and the Bedford County Board of Supervision appoint a Bedford Community Long Term Care Advisory Council, either together or separately. The Council would report to the Governing Body as to policy, program development and status of Long Term Care for Bedford citizens; would complete an assessment to evaluate Bedford's infrastructure to manage present and future Long Term Care needs; and would develop a Strategic Plan for both long and short-term goals.

Mayor Messier asked that the Long Term Care Advisory Council be included on a future agenda for consideration.

On motion by Councilman Wandrei, seconded by Councilman Hubbard, voted upon and carried, Council waived the reading of the proposed Ordinance regarding General Obligation Public Improvement Bonds – Bedford Welcome Center.

The City Manager gave an explanation of the agenda items regarding General Obligation Public Improvement Bonds for the Bedford Welcome Center.

On motion by Vice Mayor Tharp, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the proposed Ordinance regarding General Obligation Public Improvement Bonds – Bedford Welcome Center. Roll call vote follows:

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

The ordinance follows as adopted:

**ORDINANCE AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION PUBLIC IMPROVEMENT
BONDS OF THE CITY OF BEDFORD, VIRGINIA, IN A
PRINCIPAL AMOUNT NOT TO EXCEED \$1,500,000**

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

WHEREAS, the City has agreed to provide the financing for the Project;

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
BEDFORD, VIRGINIA:**

1. It is determined to be necessary and expedient for the City to finance the costs of the Project, to borrow money for such purpose and to issue the City’s general obligation public improvement bonds therefor.
2. Pursuant to the Public Finance Act of 1991 and the City Charter, there are authorized to be issued general obligation public

improvement bonds of the City in a principal amount not to exceed \$1,500,000 to provide funds, together with other available funds, to finance the costs of the Project.

3. The bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their date or dates, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Council of the City may hereafter provide by appropriate resolution or resolutions.

4. The bonds shall be general obligations of the City for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged.

5. The City Clerk, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of Bedford County, Virginia.

6. This ordinance shall take effect immediately.

On motion by Vice Mayor Tharp, seconded by Councilman Wandrei, voted upon and carried, Council waived the reading of the proposed resolution regarding General Obligation Public Improvement Bonds – Bedford Welcome Center.

City Attorney Berry reviewed an elimination of wording in the first paragraph of the proposed resolution.

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

Councilman Padgett	absent
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 PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF A GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2003, OF THE CITY OF BEDFORD, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,500,000, HERETOFORE AUTHORIZED,

**AND PROVIDING FOR THE FORM, DETAILS AND
PAYMENT THEREOF**

WHEREAS, on November 25, 2003, the Council (the “Council”) of the City of Bedford, Virginia (the “City”), adopted an ordinance (the “Ordinance”) authorizing the issuance of general obligation public improvement bonds in the maximum principal amount of \$1,500,000 to finance the costs of acquiring, constructing and equipping the Bedford Area Welcome Center (the “Project”);

WHEREAS, the City has submitted an application to the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia (the “Authority”), to finance the Project through the Virginia Municipal League/Virginia Association of Counties Finance Program, and the Authority has indicated its willingness to finance the Project from the proceeds of its revenue bonds (the “Authority’s Bonds”), in accordance with the terms of a Loan Agreement between the Authority and the City (the “Loan Agreement”), the form of which has been presented to this meeting;

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

1. Issuance of Bonds and Use of Proceeds. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the City Charter and the Public Finance Act of 1991, the Council hereby provides for the issuance and sale of general obligation public improvement bonds of the City in a principal amount not to exceed \$1,500,000 to provide funds to finance the Project and pay costs incurred in issuing such bonds.

2. Authorization of Loan Agreement. The form of the Loan Agreement submitted to this meeting is hereby approved. The City Manager is authorized to execute the Loan Agreement in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the City Manager, whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the City’s general obligation public improvement bonds to the Authority shall be upon the terms and conditions of the Loan Agreement. The proceeds of such bonds shall be applied in the manner set forth in the Loan Agreement and related documents. All capitalized terms used but not defined herein shall have the same meaning as set forth in the Loan Agreement.

3. Bond Details. The bonds shall be issued as a single, registered bond, shall be designated “General Obligation Public Improvement Bond, Series 2003” (the “Bond”), shall be numbered R-1, shall be dated the date of its delivery, shall be in a principal amount not to exceed \$1,500,000 and shall mature no later than December 31, 2014. The Council authorizes the issuance and sale of the Bond on terms as shall be satisfactory to the City Manager; provided, however, that the Bond shall have a “true” interest cost not to exceed 5.50%, shall be sold to the Authority at a price not less than 98% of the aggregate principal amount of the Bond (excluding any original issue

discount), and shall be subject to optional redemption upon the terms set forth in the Loan Agreement. Subject to the preceding terms, the Council further authorizes the City Manager to (a) determine the final principal amount of the Bond and (b) establish the interest rate or rates and the amortization schedule (including the principal installment dates and amounts) for the Bond in such manner as the City Manager shall determine to be in the best interest of the City.

Following the pricing of the corresponding Authority's Bonds, the City Manager shall evidence his approval of the final terms and purchase price of the Bond by executing and delivering to the City Clerk a certificate setting forth such terms and purchase price. The actions of the City Manager in determining the final terms and the purchase price of the Bond shall be conclusive, and no further action shall be necessary on the part of the City.

As set forth in the Loan Agreement, the City agrees to pay from legally available funds the Additional Payments as set forth in the Loan Agreement. The principal of and premium, if any, and interest on the Bond shall be payable in lawful money of the United States of America.

4. Payment and Redemption Provisions. The principal of and premium, if any, and interest on the Bond shall be payable as set forth in the Bond and the Loan Agreement. The City may, at its option, redeem, prepay or refund the Bond upon the terms set forth in the Loan Agreement.

5. Execution and Form of Bond. The Bond shall be signed by the Mayor or Vice Mayor and the City's seal shall be affixed thereon and attested by the City Clerk or Deputy City Clerk. The Bond shall be issued as a typewritten bond in substantially the form of Exhibit A attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Mayor or Vice Mayor, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

6. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of and premium, if any, and interest on the Bond.

7. Preparation of Printed Bond. The City shall initially issue the Bond in typewritten form. Upon request of the registered owner and upon presentation of the Bond at the office of the Registrar (as hereinafter defined), the City shall arrange to have prepared, executed and delivered in exchange as soon as practicable the Bond in printed form in an aggregate principal amount equal to the unpaid principal of the Bond in typewritten form, in denominations of \$5,000 and multiples thereof, of the same form and maturity and registered in such names as requested by the registered owners or their duly

authorized attorneys or legal representatives. The printed Bond may be executed by manual or facsimile signature of the Mayor, the City's seal affixed thereto and attested by the City Clerk or Deputy City Clerk; provided, however, that if both such signatures are facsimiles, no Bond shall be valid until it has been authenticated by the manual signature of the Registrar and the date of authentication noted thereon. The typewritten Bond surrendered in any such exchange shall be canceled.

8. Registration and Transfer of the Bond. The City appoints the City Treasurer as paying agent and registrar (the "Registrar") for the Bond. If deemed to be in its best interest, the City may at any time appoint a qualified bank or trust company as successor Registrar. Upon surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rates and registered in such name as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal, premium, if any, and interest, and the exercise of all other rights and powers of the owner, except that installments shall be paid to the person or entity shown as owner on the registration books on the date that is fifteen days in advance of each interest payment date.

9. Mutilated, Lost or Destroyed Bond. If the Bond has been mutilated, lost or destroyed, the City shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Bond or in lieu of and in substitution for such lost or destroyed Bond; provided, however, that the City shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the City in connection therewith and, in the case of a lost or destroyed Bond, (a) has filed with the City evidence satisfactory to the City that such Bond was lost or destroyed and (b) has furnished to the City satisfactory indemnity.

10. Preparation and Delivery of Bond. The Mayor or Vice Mayor and the City Clerk are authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver it to the Authority as the purchaser thereof upon receipt of the purchase price from the Authority as set forth in the Loan Agreement.

11. Arbitrage Covenants. The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bond to be includable in the gross income of the registered owner thereof

under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from legally available funds.

12. Tax Certificate as to Arbitrage. Such officers of the City as may be requested are authorized and directed to execute and deliver the Tax Certificate as to Arbitrage in a form approved by such officers and the City's bond counsel.

13. Limitation on Private Use. The City covenants that it shall not permit the proceeds of the Bond or the facilities financed with the proceeds of the Bond to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bond from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

14. Official Statement. The City authorizes and consents to the inclusion of information with respect to the City contained in the Authority's Preliminary Official Statement and Authority's Official Statement in final form, both prepared in connection with the sale of the Authority's Bonds.

15. SNAP Investment Authorization. The Council has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the Council has determined to authorize the City Treasurer to utilize SNAP in connection with the investment of the proceeds of the Bonds, if the Mayor, in consultation with the City Treasurer, determine that the utilization of SNAP is in the best interest of the City. The Council acknowledges the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the Contract.

16. Other Actions. All other actions of City officials in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond are ratified, approved and confirmed. The City officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or

desirable in connection with the issuance, sale and delivery of the Bond pursuant to this Resolution and the Loan Agreement.

17. Effective Date. This Resolution shall take effect immediately.

EXHIBIT A

**REGISTERED
REGISTERED**

**R-
1**
_____, 2003

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF BEDFORD
General Obligation Public Improvement Bond
Series 2003**

The **City of Bedford, Virginia** (the “City”), a political subdivision of the Commonwealth of Virginia, for value received, acknowledges itself in debt and promises to pay to **US. Bank National Association**, or registered assigns or legal representative, as trustee (the “Trustee”), under a Trust Indenture dated as of December 1, 2003 (the “Indenture”), with the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia (the “Authority”), solely from the sources hereinafter described and pledged to the payment of this bond the principal sum of _____ DOLLARS (\$_____). Principal of this bond shall be payable in semi-annual installments in the amounts and on the dates set forth in Schedule I attached hereto. Interest on this bond shall be payable on each January 20 and July 20, commencing July 20, 2004, computed on the basis of a 360-day year of twelve 30-day months at the rates set forth in Schedule I.

Subject to the provisions of the Loan Agreement dated as of December 1, 2003 (the “Loan Agreement”), between the Authority and the City, so long as this bond is held by the Authority or the Trustee, interest is payable by check or draft mailed to the registered owner of this bond at the address that appears on the date that is fifteen days prior to each interest payment date on the registration books kept by the City Treasurer, who has been appointed registrar and paying agent, or any successor bank or trust company (the “Registrar”). Principal of and premium, if any, and interest on this bond shall be payable in lawful money of the United States of America. In case the maturity date of the principal of this bond or the date fixed for the payment of interest on or the redemption of this bond shall not be a Business Day (as defined below), then payment of principal, premium, if any, and interest need not be made on such date, but may be made on the next succeeding Business Day, and, if made on such next succeeding Business Day, no additional interest shall accrue for the period after such maturity date or date fixed for the payment of interest or redemption. “Business Day” means any Monday,

Tuesday, Wednesday, Thursday or Friday on which commercial banking institutions generally are open for business in New York and Virginia.

This bond has been authorized by an ordinance adopted by the Council on November 25, 2003 (the "Ordinance"), and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the City Charter and the Public Finance Act of 1991, a resolution adopted by the Council of the City on November 25, 2003 (such resolution together with the Ordinance, the "Resolution"), and the Loan Agreement. Proceeds of this bond will be used to provide funds to (a) finance the City's share of the acquisition, construction and equipping of the Bedford Area Welcome Center and (b) pay the issuance and financing costs incurred in issuing this bond

The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the Council of the City shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of and premium, if any, and interest on this bond.

This bond may be redeemed, prepaid or refunded at the option of the City upon the terms set forth in the Loan Agreement.

This bond is issuable as a fully registered bond. Upon surrender of this bond at the Registrar's office, together with an assignment duly executed by the registered owner or such owner's duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate and deliver in exchange, a new bond or bonds in the manner and subject to the limitations and conditions provided in the Resolution, having an equal aggregate principal amount, in authorized denominations, of the same series, form and maturity, bearing interest at the same rates and in the same manner, and registered in such names as requested by the then registered owner of this bond or such owner's duly authorized attorney or legal representative. Any such exchange shall be at the City's expense, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect to it.

The City shall treat the registered owner of this bond as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the date that is fifteen days prior to each interest payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and this bond, together with all other indebtedness of the City, is within every debt and other limitation prescribed by the Constitution and statutes of the Commonwealth of Virginia.

Date Number Rate Amount Due

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION

WHEREAS, the 1999 Virginia General Assembly enacted legislation allowing the Administrator and sworn jail officers of regional jails to participate in the LEOS system of benefits available to state police officers, state correctional officers and sheriff's deputies in those jurisdictions which have chosen to participate in such programs; and

WHEREAS, the Blue Ridge Regional Jail Authority voted at its meeting of November 6, 2003, to include the Administrator and sworn officers in such program in order to remain competitive in the hiring and retention of employees, subject to the approval by each of the governing bodies participating in the jail authority; and

WHEREAS, the Blue Ridge Regional Jail Authority requests each of the member governing bodies to adopt this Resolution authorizing such participation.

NOW, THEREFORE, BE IT RESOLVED by the City Council that Bedford City, a political subdivision which is a member of the Blue Ridge Regional Jail Authority, acting by and through its governing body, does hereby concur that the Blue Ridge Regional Jail Authority, participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, may elect to have such employees of the Jail who are employed in positions as full-time salaried Jail Administrators and Jail Officers and whose tenure is not restricted as to temporary or provisional appointment, become eligible, effective January 1, 2004, or as soon thereafter as approval is received from each of the governing bodies of the participating jurisdictions, to be provided benefits in the Virginia Retirement System equivalent to those provided for state police officers of the Department of State Police, state correctional officers and sheriff's deputies in those jurisdictions which have chosen to participate in such programs, as set out in Section 51.1-138 of the Code of Virginia in lieu of the benefits that would otherwise be provided as such Code has been or may be amended from time to time.

On motion by Vice Mayor Tharp, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the resolution regarding the Blue Ridge Regional Jail Authority. Roll call vote follows:

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

Mayor Messier adjourned the meeting at 8:12 p.m.