

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., August 10, 2004.

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 July 27, 2004, were approved as distributed.

City Manager Meadows reviewed two proposed agenda changes: delete Consent Agenda item "Request to Block Streets – Lion of Judah Ministries," which had been withdrawn; move agenda item "Discussion regarding moving of City elections from May to November" prior to the Closed Session.

The City Manager reported on the following:

- the trip on the U.S.S. Normandy by 20 members of the Bedford International Alliance
- he will be away from the office on a trip to Florida later in the week and next week
- recognized Jack Mills regarding a matter that the Bedford County Board of Supervisors took action on recently

Jack Mills spoke regarding his effort to change the bankruptcy laws regarding benefits promised to employees that are lost in a bankruptcy situation (Rubatex bankruptcy). He reported that the Board of Supervisors endorsed his program. Mr. Mills gave members of Council a copy of the letter signed by the Supervisors and a copy of a letter that Council members could sign regarding the bankruptcy laws. Mr. Mills asked Council to support having the legislators at the state and national levels look at the bankruptcy laws.

Councilman Hubbard, Chairman of the Finance Committee, stated the Committee met earlier in the evening regarding the following items:

- approved a request from the Odyssey of the Mind Team in the amount of \$297.00 to help cover the cost of the Team's trip
- reviewed an update on the Electric Department building project and voted to put the project out for bids
- reviewed utility billing issues

- approved a request for funds in the amount of \$1,500 for the “Buy in Bedford Campaign” through Bedford Main Street, Inc.
- heard a report from the City Manager that the City has received its fourth *Certificate of Achievement in Financial Reporting* from the Government Finance Officer’s Association, which is quite an achievement for a City of Bedford’s size.
- discussed proposals for financial advisor services for the bond underwriting bids that are being reviewed
- discussed issues with the trash bin behind the Municipal Building

Vice Mayor Tharp, Chairman of the Streets Committee, stated the Committee met earlier in the evening regarding the following item:

- endorsed a conceptual plan by Bedford Main Street Director Scott Smith to support a retail merchants’ sales event downtown, which actually focuses on the merchants downtown

It was the consensus of Council to make the revisions to the agenda as requested by the City Manager.

It was the consensus of Council to add the following item to the agenda: Request – Jack Mills.

Ms. Lee Ann Carr, Executive Director of the Bedford Area Chamber of Commerce, reviewed potential advantages to community transportation.

Mr. Darrel Feasel with the Virginia Department of Rail and Transportation reviewed community transportation options and funding available.

Mayor Messier asked the City Manager to work with Mr. Feasel and the Main Street program to determine if community transportation services should be pursued.

Ms. Victoria Johnson, Director of the local American Red Cross, and Ms. Camille Steepleton with the Safe Haven Program gave a presentation on the program and activities of Safe Haven in the Raintree community. Ms. Johnson asked Council to reinstate funding to the program in the amount of \$5,000.

Mayor Messier referred the request to reinstate funding to Safe Haven to the Finance Committee for reconsideration.

City Manager Meadows reported that at the July 13 Council meeting, Mr. Lynn Kirby with Axis Creative Network and Ms. Lee Ann Carr, Executive Director of the Bedford Area Chamber of Commerce, made a presentation on the “Buy in Bedford” campaign. The campaign is designed to educate the public about the benefits of shopping in the greater Bedford community first, instead of going to surrounding localities. The program is recruiting five corporate level sponsors that will receive top recognition on television, radio, billboard, and other advertising. Bedford Main Street is recommending Historic Centertown Bedford be included in this group of top supporters, and is requesting City

Council to help support this campaign by making a contribution toward the campaign's goal of \$2,500.

The City Manager reported the Finance Committee took action at a meeting earlier this evening to recommend that \$1,500 be contributed.

On motion by Vice Mayor Tharp, seconded by Councilman Padgett, voted upon and carried unanimously by a roll call vote, Council appropriated \$1,500 from the General Fund unappropriated contingency to the Bedford Main Street, Inc., account for its disbursement. 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

City Manager Meadows stated it is requested that Council approve a Mutual Aid Agreement with the town of Vinton to allow the police departments of the City of Bedford and the Town of Vinton to assist one another in a variety of ways including investigations and emergencies. The benefits of entering into this agreement include the ability for the two police departments to share and pool resources to effectively combat crime within their respective communities.

On motion by Vice Mayor Tharp, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Council adopted the Mutual Aid Agreement with the Town of Vinton. 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 City Manager stated Council had received information from Hunton & Williams, the City's bond attorneys, reviewing the activities to date regarding the refinancing of the Regional Radio Communications System bonds. Council also received a term sheet from Sun Trust Bank outlining the proposed terms and conditions for the refinancing, which will be between the Industrial Development Authority of the town of Amherst, Virginia, as borrower, and Sun Trust Bank. Mr. Meadows stated that the City entered into an Intergovernmental Agreement on May 1, 1996, with the other jurisdictions in order to specify the relative rights, duties, responsibilities, and obligations of the local jurisdictions between and among themselves. Included in this agreement is the requirement that the City consent to any refinancing by the Authority of any of the

outstanding debt related to the radio system. The current rate of borrowing is 5.75% and the proposed rate is 3.30%.

On motion by Vice Mayor Tharp, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Council adopted the resolution approving a plan of refinancing of the Regional Radio Communications Systems bonds. 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:

**A RESOLUTION APPROVING A PLAN OF  
REFINANCING WITH THE INDUSTRIAL  
DEVELOPMENT AUTHORITY OF THE  
TOWN OF AMHERST, VIRGINIA, OF THE BONDS  
PREVIOUSLY ISSUED TO FINANCE THE  
ACQUISITION, CONSTRUCTION AND  
EQUIPPING OF A RADIO COMMUNICATIONS SYSTEM**

**WHEREAS**, the counties of Amherst and Bedford, Virginia, and the cities of Bedford and Lynchburg, Virginia (collectively, the “Local Jurisdictions”), each have the power to establish a communications system to serve their fire, police, emergency and other communications needs; and

**WHEREAS**, the City Council (the “Council”) of the City of Bedford, Virginia (the “City”), has determined previously, in conjunction with the respective Boards and Councils of the other Local Jurisdictions, that it is in the best interest of all such parties to cause certain common facilities relating to a communications system (the “Project”) to be acquired, constructed and equipped to serve the fire, police, emergency and other communication needs of the Local Jurisdictions; and

**WHEREAS**, pursuant to Section 15.1-21 of the Code of Virginia of 1950, as amended, the Local Jurisdictions have determined previously to exercise jointly their powers with respect to the Project; and

**WHEREAS**, the Industrial Development Authority of the Town of Amherst, Virginia (the “Authority”), has the power under the Industrial Development and Revenue Bond Act, Chapter 33 of Title 15.1 of the Code of Virginia of 1950, as amended, to finance facilities for the use of counties, cities and other governmental organizations; and

**WHEREAS**, the City has previously entered into an Intergovernmental Agreement dated as of May 1, 1996, with the other Local Jurisdictions in order to specify the relative rights, duties, responsibilities and obligations of the Local Jurisdictions between and among themselves; and

**WHEREAS**, the City has previously entered into a Lease Agreement between the Local Jurisdictions and the Authority (the "Lease Agreement"), conveying to the Local Jurisdictions a leasehold interest in the Project; and

**WHEREAS**, the Authority has previously issued its \$9,931,000 Lease Revenue Bonds (the "Prior Bonds") to finance the Project; and

**WHEREAS**, there has been presented to the Council a plan for refinancing the Prior Bonds as outlined in the term sheet of SunTrust Bank (the "Bank"); and

**WHEREAS**, the Council desires that the Authority refinance the costs of the Project by issuing its lease revenue note in an aggregate principal amount not to exceed the outstanding amount of the Prior Bonds (the "Note"); and

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

1. The plan for financing the Project is approved and the Authority is requested to issue the Note as provided herein, such approval constituting the approval needed pursuant to Section V3. of the Intergovernmental Agreement. The approval of the plan for financing shall include any similar plan for financing (whether with the Bank or other entity) so long as such plan is approved by the Fiscal Agent, as defined below, and the rate of interest does not exceed 4.00%. The City of Lynchburg, as Fiscal Agent, is instructed to take all action needed under the Intergovernmental Agreement in connection with the issuance of the Note.

2. The Project is hereby declared to be essential to the efficient operation of the City, and the Council anticipates that the Project will continue to be essential to the operation of the City during the term of the Lease Agreement. The Council, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease Agreement and hereby recommends that future Councils do likewise during the term of the Lease Agreement.

3. The City Manager is authorized and directed to execute or approve any documents necessary in connection with the issuance of the Note, including an amendment to the Lease Agreement.

4. The City Manager, the City Treasurer and City Attorney and all other officers of the City are hereby authorized and directed to work with representatives of the Authority, its counsel, and Hunton & Williams, LLP, as bond counsel, to perform all services and prepare all documentation necessary in connection with the issuance of the Note.

5. All other acts of the officers or representatives of the City that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of refinancing, the issuance and sale of the Note are hereby approved and ratified.

6. This resolution shall take effect immediately.

Vice Mayor Tharp moved that Council approve the memorandum of Jack Mills (regarding bankruptcy laws). Councilwoman Flood seconded the motion.

Councilman Wandrei commented that he could not sign on to something that contains offensive language and is insulting to a large number of people.

Discussion ensued.

Councilman Tharp withdrew his motion and Councilwoman Flood, who seconded the motion, agreed to withdraw her second.

Councilman Wandrei moved that the City Manager in conjunction with the City Attorney draft a resolution showing Council's support in principle for the protection of the benefits for the retirees, not just Rubatex, but any retirees who lose their benefits for health care or retirement benefits as a result of bankruptcy actions of their employers. The motion was seconded by Councilwoman Flood, voted upon and carried unanimously.

The resolution is to be on the agenda of the next regular Council meeting.

The City Manager stated that at the City Council planning retreat last fall, Council discussed the merits of moving the council elections from May to November. After much discussion, Council decided to defer any decision on this matter until a later date. A request has been made to revisit this issue due to the fiscal savings that the City may achieve by combining the local election with State and/or Federal elections.

Councilman Wandrei moved that Council direct the City Attorney take such actions appropriate to move the elections of Council members from May to November. Councilman Hubbard seconded the motion.

Councilman Wandrei stated that the election would be the same year as the current election (current terms would be extended by six months).

Discussion ensued.

The motion was then voted upon and carried, six members voting aye, one member voting nay (Padgett).

Vice Mayor Tharp moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(1) of the Code of Virginia of 1950, as amended, personnel, to interview applicants for two positions on the Recreation Advisory Board. Councilman Wandrei seconded the motion. The motion was 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 8:25 p.m.

Council reconvened into open session at 9:25 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
Councilman Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Padgett	aye
Councilman Stanley	aye
Mayor Messier	aye

On motion by Vice Mayor Tharp, seconded by Councilman Stanley, voted upon and carried unanimously, Council appointed Mr. Homer Wooldridge and Mr. Robert F. Clark to the Recreation Advisory Committee for terms expiring June 30, 2007.

Mayor Messier adjourned the meeting at 9:26 p.m.