

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., April 10, 2007.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Thomas M. Padgett; Councilman James A. Vest; and Vice Mayor Robert T. Wandrei.

Members absent: Councilman Jeffrey B. Hubbard and Councilman C. G. Stanley, Jr.

Staff present: City Manager Charles P. Kolakowski; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

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

Mayor Tharp declared that the minutes of a regular Council meeting held on March 27, 2007, were approved as distributed.

City Manager Kolakowski reported on the following:

- Jet Broadband, Inc., is taking over SuddenLink Cable Company – representatives will be meeting with the staff and City Council to request a franchise transfer

Chief of Police Day announced that Boyd Royer has been promoted to Sergeant.

Ms. Mickey VanDerwerker, City representative on the County School Board, reviewed a report regarding activities, programs, testing, and construction in the school system.

The City Manager stated that he would be out of the office from April 11 – April 15.

Councilman Vest, Chairman of the Finance Committee, reported that the Committee met earlier in the evening and discussed the following: power sales agreement; a regional water study, which has been mandated by DEQ; and the old Grammar School, repair or demolition.

The Consent Agenda consisted of the following item: Request by Bedford Main Street, Inc., for Council to authorize the closure of Center Street (between Main and Washington Streets) from 2:00 p.m. to 11:30 p.m. on Saturday, April 21, 2007, for the “Bedford Blues & BBQ Festival.”

Mayor Tharp stated that the Consent Agenda was approved as presented.

Mr. Tom Messier gave a presentation regarding Bedford Hospice House. Mr. Messier stated that a hospice house is a residence that has been created to care for patients who are unable to stay in their own home and are in need of end-of-life care. He stated that the focus of Hospice House is caring, not curing. Mr. Messier stated the Bedford Hospice House will hopefully open in May 2008. The financial goal necessary to open the Bedford Hospice House is 1.6 million dollars, of which \$380,000 plus has been raised in both gifts and pledges as of March 24. Not included in this figure is a \$50,000 Challenge

Grant from the Maupin Sizemore Foundation that must be met from one source. Mr. Messier requested a one-time contribution from the City in the sum of \$50,000 so that the Challenge Grant can be secured. In response to a question from Councilman Wandrei, Mr. Messier indicated the funds could be payable over a three year period.

The City Manager reported Christmas in April of Bedford, Inc., is requesting that Council authorize the waiving of building permit fees in connection with the group's three scheduled projects within the City this year, as well as any landfill tipping fees that might be applicable. The estimated cost for the permit fees and landfill tipping fees is approximately \$500.00. The City Manager stated that the staff recommends the waiving of the fees; however, permits should be required for both zoning and building code purposes. In addition, it should be understood that any removal of asbestos must be done under EPA guidelines.

On motion by Vice Mayor Wandrei, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council waived the building permit fees and landfill tipping fees for projects to be undertaken by Christmas in April of Bedford, Inc., within the City. Roll call vote follows:

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

The City Manager stated the City of Bedford recognizes the valuable role senior citizens play in the community and would like to pay tribute to them in declaring the month of May as Older Americans' Month and supporting the Elderfest celebration to be held on May 3 and 4, 2007, which is a special event to honor senior citizens.

On motion by Councilman Stanley, seconded by Vice Mayor Wandrei, voted upon and carried by a roll call vote, Council adopted a resolution in support of Older Americans' Month and the Elderfest celebration. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION
IN SUPPORT OF OLDER AMERICANS' MONTH
AND ELDERFEST CELEBRATION**

WHEREAS, the City of Bedford recognizes and appreciates the vital role that our senior residents provide in our community; and

WHEREAS, communities such as Bedford desire to recognize their senior citizens by proclamation of the month of May as Older Americans' Month; and

WHEREAS, the City of Bedford plans to recognize and honor the importance of Older Americans' Month and our senior citizens with the Elderfest celebration to be held on May 3 and 4, 2007; and

WHEREAS, the Bedford City Department of Parks and Recreation will proudly host the Elderfest celebration in honor of our senior citizens and in recognition of Older Americans' Month;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Bedford hereby resolves that the month of May 2007 be recognized as Older Americans' Month, and that the City supports the Elderfest celebration to be held to honor and celebrate our senior citizens.

City Manager Kolakowski reported that Central Virginia Community Services would like to purchase the Forest Hills group home facility they have leased from Lynchburg Covenant Fellowship, Inc., for the past 17 years. By purchasing now, they will save a considerable amount of money and will own the facility in 13 years, at the end of what would otherwise be the termination of its current 30-year lease. The City Manager stated the purchase price is \$500,000, and CVCS will assume the current VHDA loan of approximately \$340,000. At its regular monthly meeting on February 28th the CVCS Board of Directors adopted a resolution approving the purchase agreement and directed staff to seek the necessary approval for assuming new debt from the six localities it serves.

The City Manager stated that Council is requested to adopt the resolution authorizing the Central Virginia Community Services Board to assume the Deed of Trust Obligation and to obligate itself to pay the remaining indebtedness owed VHDA on the terms set forth in said Deed of Trust Obligation.

On motion by Vice Mayor Wandrei, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the Central Virginia Community Services Board resolution. Roll call vote follows:

Councilman Padgett

absent

Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Hubbard	absent
Mayor Tharp	aye

The resolution follows as adopted:

RESOLUTION

WHEREAS, Central Virginia Community Services Board is a governmental entity created pursuant to the provisions of Chapter 5 of Title 37.2 of the Code of Virginia, pursuant to a joint agreement between the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Bedford and Lynchburg, in order to provide those jurisdictions with mental health, mental retardation, and substance abuse services; and

WHEREAS, Section 37.2-504 (11) of the Code of Virginia, 1950, as amended, allows Community Services Boards such as Central Virginia Community Services Board to obtain loans as authorized by the governing bodies of the political subdivision that established it; and

WHEREAS, Central Virginia Community Services Board desires to purchase from Lynchburg Covenant Fellowship, Inc. property known locally as 3018 Forest Hills Circle, Lynchburg, Virginia, pursuant to a Real Estate Purchase and Sale Contract dated January 31, 2007; and

WHEREAS, pursuant to said Real Estate Purchase Contract, Central Virginia Community Services Board desires to assume at closing Lynchburg Covenant Fellowship, Inc.'s existing deed of trust loan with VHDA, which loan had an original principal indebtedness of \$469,850.00, and which obligation, as later modified, bears interest payable at the rate of 7.1 % per annum and is payable in regular monthly installments of principal and interest in the amount of \$3,318.46, with the last payment due on or about November 1, 2019, and which deed of trust loan will have an estimated principal balance of approximately \$340,000.00 at closing (the "Deed of Trust Obligation").

NOW, THEREFORE, BE IT RESOLVED that Central Virginia Community Services Board is hereby authorized by the City of Bedford to assume the Deed of Trust Obligation and to obligate itself to pay the remaining indebtedness owed VHDA on the terms set forth in said Deed of Trust Obligation.

The City Manager stated the City has supported and participated in the Region 2000 working group to form a regional solid waste authority. A series of feasibility studies have been performed to determine the merits of a regional solid waste authority. A regional approach to solid waste disposal has significant financial and operational benefits to each participating locality. City Manager Kolakowski reported that the City, to date, has invested \$18,350 toward regional solid waste authority feasibility studies and formation. With the support of each participating locality, the working group has moved forward with authority formation and is currently preparing the Articles of Incorporation and the Member Use Agreement that will be presented to each locality in May 2007.

The City Manager reported that \$16,000 will be required from the City of Bedford in the current fiscal year in order to continue participating in the regional solid waste authority formation process and \$50,000 is included in the FY 2008 proposed budget for full membership in the authority, which will operate under the name of Region 2000 Services Authority.

On motion by Councilman Stanley, seconded by Councilman Vest, voted upon and carried by a roll call vote, Council appropriated \$16,000 from the FY 2007 budget to continue participating in the Region 2000 Services Authority formation process. Roll call vote follows:

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

The City Manager stated the City entered into a Power Sales Agreement in March 2006 for wholesale power for the last half of 2006 as well as all of 2007 and 2008. The City and Amp-Ohio desire to amend the 2006 Power Sales Agreement to authorize bidding and purchasing a portion of the City's wholesale power needs in blocks beginning in 2009 and extending to 2010, 2011, 2012, and 2017.

On motion by Vice Mayor Wandrei, seconded by Councilman Vest, voted upon and carried by a roll call vote, Council adopted the resolution authorizing the City Manager to execute an amendment to the Power Sales Agreement for the purpose of future power needs. Roll call vote follows:

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

The resolution follows as adopted:

Resolution

TO AMEND THE POWER SALES AGREEMENT WITH AMP-OHIO DATED MARCH 2, 2006

AUTHORIZING the **City Manager (or Assistant City Manager, in his absence)** to execute an amendment to the Power Sales Agreement with American Municipal Power - Ohio, Inc., (“AMP-Ohio”) dated March 2, 2006 (AMP-Ohio Contract No. C-3-2006-4994) in order to purchase additional power and associated energy from AMP-Ohio.

WHEREAS, the City of Bedford, Virginia (the “Municipality”), owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, Municipality and AMP-Ohio entered into a Power Sales Agreement in March of 2006, AMP-Ohio Contract No. C-3-2006-4994, (“herein 2006 Power Sales Agreement”) for the purchase of the Municipalities All Requirements power and energy from AMP-Ohio for the years 2006, 2007 and 2008; and

WHEREAS, the parties desire to amend the 2006 Power Sales Agreement to authorize additional purchases of power and energy from AMP-Ohio under the same terms and conditions in various megawatt blocks for extended terms with delivery beginning in 2009, each purchase with a term to end no later than December 31, 2017; and

WHEREAS, AMP-Ohio has provided appropriate personnel and information regarding the Amendment of the 2006 Power Sales Agreement, as such officers and representatives of this Municipality have deemed necessary or appropriate, to enable this Municipality to evaluate the benefits and risks of the additional power purchases authorized by the Amendment to the 2006 Power Sales Agreement and to take actions contemplated by the Resolution hereinafter set forth, and to determine the same are in the public interest; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA.

SECTION 1. That the table of projected blocks of power in Section 301 of the 2006 Power Sales Agreement shall be amended to show the following additional blocks of power:

Amount	Description	Days/Week	Hours/Day	Start Date	End Date	Supplier
4 MW	7*24	Sunday – Saturday	24	1/01/09	12/31/10	TBD Steps 1 - 2
2 MW	7x24	Sunday – Saturday	24	1/01/09	12/31/12	TBD Steps 1 - 2
2 MW	7x24	Sunday – Saturday	24	1/01/09	12/31/17	TBD Steps 1 -2
5 MW	5x16	Monday – Friday	16	1/01/09	12/31/11	TBD Steps 1 - 2

SECTION 2. No other section of the 2006 Power Sales Agreement shall be amended except that the Power Sales Agreement shall remain in effect until all deliveries of power and energy currently authorized by the 2006 Power Sales Agreement or any amendments thereto are complete.

SECTION 3. That the City Manager (or Assistant City Manager, in his absence) is authorized to execute an Amendment to the 2006 Power Sales Agreement consistent with and within the scope of the authority set forth in this Resolution.

SECTION 4. That is it found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 6. That this Resolution shall take effect immediately upon its passage.

Mayor Tharp adjourned the meeting at 8:00 p.m.