

November 12, 2013

A regular meeting of the Council of the Town of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., November 12, 2013.

Members present: Mayor Robert T Wandrei; Councilman Robert D. Carson; Councilman Stacey L. Hailey; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; Councilman W. D. Tharp; and Vice Mayor James A. Vest

Members absent: None

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

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

Mayor Wandrei declared that the minutes of a regular Council meeting held on October 22, 2013, were approved as distributed.

Town Manager Kolakowski asked for approval of a draft letter regarding the issue of the possible extension of passenger rail service to the area. The Smartway bus service from Roanoke to Bedford to the Lynchburg train station has been successful. Mr. Kolakowski said that a study is being done and passenger rail service to Roanoke will probably be provided, which will be going through Bedford County and the Town of Bedford. The letter requests that the Town of Bedford and the area of Bedford be considered potentially for a passenger rail service stop.

Mayor Wandrei said he will send the letter on behalf of the Town.

Vice Mayor Vest spoke about the 70th Anniversary of D-Day celebration to be held June 6-8, 2014. The committee will be asking permission for a parade to be held on June 7 and for a banner to be hung on Bridge Street one week before June 6, 2014. The Vice Mayor said a large crowd is expected for that weekend and this could have a positive impact on the local merchants.

Vice Mayor Vest, Finance Committee Chairman, said Council had copies of the minutes from the Finance Committee meeting of October 17, 2013, regarding the discussion of the VRS Hybrid Retirement Plan. The Vice Mayor said the Committee met earlier in the evening to review the finance report.

The Mayor said the Property Committee met in closed session earlier in the evening.

Dr. Douglas Schuch, Superintendent of Schools, gave an update on the school system. Dr. Schuch said he met with the City School Board in the past and meets with the Town Manager regularly. Dr. Schuch spoke about: personalized learning, The State School Efficiency Review Program, a new school project on land purchased adjacent to Liberty High School.

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Mayor Wandrei said that one of the things Council did when it considered reversion was the fact that dealt with the Composite Index and the increase in school funding for the next fifteen years. The Mayor asked if any of the funding has been received and what are the priorities for spending the funds.

Dr. Schuch explained that over six million dollars was received in the last fiscal year; however, the local contribution was reduced by Bedford County by about two and one-half million dollars from the previous year, due to a significant increase in the required contributions to the Virginia Retirement System. Bedford County did not raise the property taxes and gave the schools a one time contribution of two and one-half million dollars that year. Dr. Schuch said the teachers were given a pay increase last year.

The Mayor said the schools actually received an increase of four million dollars.

Mayor Wandrei asked questions of Dr. Schuch submitted by members of the public regarding the schools:

- Does the School Board and/or Administration feel there is an equity problem in regard to facilities and/or course offerings at Bedford Middle School and Liberty High School? Dr. Schuch explained that he would contest the opinion that the course offerings are different. All of the schools have the ability to offer all of the courses in the Program of Studies for Bedford County. Dr. Schuch said what cannot be controlled are the courses that students sign up for, especially at the high school level.
- Is the Board considering rezoning portions of the other attendance zones to increase the student population at both Bedford Middle and Liberty High School in an effort to be able to offer more opportunities for its students? Dr. Schuch spoke about declining enrollment and the importance of building a new school big enough but to not over build.
- Does the Board favor a new high school or middle school? Dr. Schuch said he was very careful not to speak for the School Board. He said his general sense was that the Board would favor a high school because that is what much of the community is saying if they feel the funding is there, but they want to be responsible. Dr. Schuch said that probably the most practical option is looking at the current Liberty campus and determining its suitability to be the middle school; looking at the land that is being purchased, and determining if a combined campus would be suitable.

Vice Mayor Vest said that 25% of District 6 is made up of town voters and 33% of District 7 is made up of town voters. The Vice Mayor said he initially asked the Town Manager to invite the District 6 and District 7 School Board members speak to Council. Vice Mayor Vest said that concerned parents want to hear what the elected officials have to say.

Dr. Schuch said there must have been a miscommunication and he made the School Board members aware that he was going to speak before Council and invited them to

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attend. Dr. Schuch said he thought the School Board members would come if invited by Council.

Dr. Schuch said he thought that the more people who convey to the Board of Supervisors and the School Board their desire for a new high school, the better likelihood that scenario could happen.

The Mayor asked if a new high school is envisioned, what improvements or changes would be made to Liberty High School so that it could be used as a middle school.

Dr. Schuch said he was not qualified to answer the Mayor's question and felt that would be part of the design study. Dr. Schuch said there is very little difference between middle school classrooms and high school classrooms.

Mayor Wandrei asked if a new middle school is built, would there also have to be improvements made to Liberty High School.

Dr. Schuch said the move to purchase the adjacent land gives some options: 1) build a stand alone middle school 2) a stand alone high school 3) look at the existing parcel of land with Liberty High School married to the new land and have an architect's recommendation. .

The Mayor asked how the community could come together to express thoughts, opinions, and ideas as to what should be done as far moving forward for a high school or middle school

Dr. Schuch said that Council could present resolutions to the School Board and the Board of Supervisors. He said there have been a number of public hearings held with not much participation. Dr. Schuch said he felt that the members of the School Board are very open and the more they hear from the community the more they are going to feel compelled to do what the community wants them to do.

Councilman Stanley asked about the overcrowding of the middle school and high school in Forest. Dr. Schuch said the middle school is overcrowded but the high school has plenty of room. He explained the reason this would not work.

Councilman Stanley asked Dr. Schuch's opinion of whether to build a new high school or middle school in the Liberty zone.

Dr. Schuch said he feels the best option is to look at a combined campus – to use the existing space at Liberty High School and do whatever else is needed, which ideally would be high school space and a competitive gym.

Upon a question by Councilman Rush, Dr. Schuch said the capacities of a new middle school or a new high school have not been determined yet.

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Councilman Tharp thanked Dr. Schuch for speaking before Council. He said he was discouraged with the Board of Supervisors taking funds from the allotment for the schools.

Mayor Wandrei asked about the plans for the Bedford Primary School. Dr. Schuch said the plan at this point is to use it as a primary school. Dr. Schuch said enrollment has declined for the last seven years.

Town Manager Kolakowski asked about security in the schools.

Dr. Schuch said that each building is being assessed and they are trying to make some upgrades. He said what he has heard most from the community is that the presence of law enforcement in the schools makes people feel safest. Dr. Schuch said the Sheriff's request for additional School Resource Officers at the elementary schools was not supported.

Town Manager Kolakowski said that on December 15, 1993, the City (Town) exchanged its Bedford 1988 Bond with a duly authorized and issued general obligation school bond designated the City of Bedford General Obligation School Bond, Refunding Series 1994 A (the "Bedford 1994 Bond"). In connection with this issuance, the Virginia Public School Authority (VPSA) in its school financing bonds (1997 Resolution) pledged a portion of the Bedford 1994 Bond to the holders of the Series 2003 D Refunding Bonds of which Bedford was a holder. The Authority is trying to close out the Return of Savings from the 2003 D refunding held by localities with a resolution authorizing the execution and delivery of a Use of Proceeds Certificate. The Town Manager said the Town will be refunded \$22,909 which will be transferred into a restricted account to be used on Bedford Middle School expenses. Town Council was requested to adopt the VPSA Series 2003 D Resolution and to execute the Use of Proceeds Certificate.

On motion by Councilman Tharp, seconded by Councilman Hailey, voted upon and carried unanimously by a roll call vote, Council adopted the VPSA Series 2003 D Resolution. Roll call vote follows:

Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Mayor Wandrei	aye

The resolution follows as adopted:

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY
OF A USE OF PROCEEDS CERTIFICATE IN CONNECTION
WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL
AUTHORITY OF ITS SCHOOL FINANCING BONDS**

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**(1997 RESOLUTION) REFUNDING SERIES 2003 D,
A PORTION OF THE PROCEEDS OF WHICH REFUNDED
THE CITY OF BEDFORD GENERAL OBLIGATION
SCHOOL BONDS, REFUNDING SERIES 1994 A;
AND AUTHORIZING ANY OTHER ACTIONS NECESSARY
TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY**

WHEREAS, on October 23, 1997, the Virginia Public School Authority (the "Authority") adopted a bond resolution, as amended, restated and supplemented (the "1997 Resolution") for the purpose of issuing bonds the proceeds of which would be used to purchase general obligation school bonds of certain cities and counties within the Commonwealth of Virginia (the "Commonwealth");

WHEREAS, on December 11, 2003, the Authority issued its School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the "Series 2003 D Refunding Bonds") pursuant to the 1997 Resolution for the purpose of refunding certain of the Authority's outstanding bonds, including, but not limited to, the Authority's School Financing Bonds (1987 Resolution) 1991 Refunding Series C (the "Series 1991 C Refunding Bonds");

WHEREAS, the Series 1991 C Refunding Bonds were originally issued pursuant to a bond resolution adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution") for the purpose of refunding certain of the Authority's outstanding bonds, including, but not limited to, the Authority's School Financing Bonds (1987 Resolution) 1988 Series B (the "Series 1988 B Bonds"), originally issued pursuant to the 1987 Resolution for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth, including the general obligation school bonds (the "Bedford 1988 Bond") of the City of Bedford, Virginia (the "City");

WHEREAS, on December 15, 1993, the City exchanged its Bedford 1988 Bond with a duly authorized and issued general obligation school bond designated the City of Bedford General Obligation School Bond, Refunding Series 1994 A (the "Bedford 1994 Bond");

WHEREAS, in connection with the issuance of the Series 2003 D Refunding Bonds, the Authority pledged a portion of the Bedford 1994 Bond to the holders of the Series 2003 D Refunding Bonds;

WHEREAS, on July 1, 2013, pursuant to Code of Virginia § 15.2-4100 *et seq.*, the City became the Town of Bedford, Virginia (the "Town");

WHEREAS, the Authority has requested that the Town take certain actions prior to the Authority's delivery to the Town of the Town's

allocable share of the net savings realized by the issuance of the Series 2003 D Refunding Bonds;

WHEREAS, the Authority has requested that the Town execute a Use of Proceeds Certificate in order to insure compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the Bedford 1994 Bond, and;

WHEREAS, the Town Council of the Town of Bedford, Virginia, considers it to be advisable for the Town to fulfill the request of the Authority to execute the Use of Proceeds Certificate.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA:

1. Use of Proceeds Certificate. The Mayor and the Town Manager and such officer or officers as either of them may designate, any of whom may act, are hereby authorized to enter into a Use of Proceeds Certificate in substantially the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the Bedford 1994 Bond.

2. Further Actions. The Mayor, the Town Manager and all officers, employees or agents of the Town that the Mayor or Town Manager may designate are hereby authorized to take such action as they or any one of them may consider necessary or desirable to carry out the purposes and intent of this resolution, and any such actions previously taken are hereby ratified and confirmed.

3. Effective Date. This resolution shall take effect immediately.

Town Manager Kolakowski said Council was requested to adopt a resolution canceling the second Council meeting in December as the meeting falls on Christmas Eve.

On motion by Councilman Rush, seconded by Councilman Stanley, voted upon and carried unanimously by a roll call vote, Council adopted a resolution canceling the second Council meeting in December (December 24th). Roll call vote follows:

Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Carson	aye
Mayor Wandrei	aye

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The resolution follows as adopted:

RESOLUTION

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

WHEREAS, the Town Code requires in Section 2-27 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 24, 2013, which is Christmas Eve;

NOW, THEREFORE, BE IT RESOLVED that the Town Council meeting scheduled for December 24, 2012, be and the same hereby is canceled.

Councilman Tharp moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(1), personnel, of the Code of Virginia of 1950, as amended,. Councilman Hailey seconded the motion. The motion was voted upon and carried by the following roll call vote:

Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Carson	aye
Councilman Hailey	aye
Mayor Wandrei	aye

Council adjourned into closed session at 8:04 p.m. The following non-council members attended: Town Manager Kolakowski, Town, Attorney W. W. Berry, IV, and Assistant Town Manager, Barrett Warner

Council reconvened into open session at 8:07 p.m.

The Clerk of Council read aloud the following resolution:

BE IT RESOLVED that the Council of the Town 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.

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

Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Mayor Wandrei	aye

On motion by Councilman Tharp, seconded by Vice Mayor Vest, voted upon and carried unanimously by a roll call vote, Council appointed W. W. Burks to fill the unexpired term on the Board of Zoning Appeals. Roll call vote follows:

Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Mayor Wandrei	aye

Mayor Wandrei adjourned the meeting at 8:09 p.m.