

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 22, 1994.

Members present: Mayor G. Michael Shelton; Vice Mayor Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilwoman Linda Kochendarfer; Councilman Payton M. Otey; and Councilman Ronnie C. Rice.

Members absent: Councilman W. D. Tharp.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

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

Mayor Shelton declared that the minutes of a regular Council meeting held on November 8, 1994, were approved as distributed.

Councilwoman Grahame invited Council, city staff, and citizens of Bedford to attend the Community Tree Lighting on November 25 at 5:00 p.m., which is sponsored by Bedford Main Street and the merchants.

Mayor Shelton stated that this meeting would be adjourned until Tuesday, November 29, 1994, at 8:00 p.m. in the Council Chambers for a joint meeting with the Bedford County Board of Supervisors.

The Clerk of Council read aloud the following Public Hearing Notice:

### **PUBLIC NOTICE**

Notice is hereby given that the City Council of the City of Bedford, Virginia, shall convene a public meeting pursuant to Section 5 of Ordinance 93-05 (Cable Television Rate Regulation Ordinance) at 7:30 p.m., Tuesday, November 22, 1994, at the City Council Chambers of the Bedford Municipal Building, to, among other things, receive and consider the views of interested parties, including cable television subscribers and representatives of Cable Equities of the Virginias, d/b/a CableVision, concerning the rates submitted for approval by said cable television company for basic cable television service and related equipment and installation charges imposed between September 1, 1993, and May 15, 1994. After the views of said interested parties have been received, the City Council will consider adoption of a resolution approving said rates for basic cable television services and related equipment and installation charges.

City Manager Gross read a report prepared by Assistant City Manager Barry Thompson, a member of the Cable Television Committee. The report explained the procedure that has been followed in reviewing CableVision's basic cable rates. After completing the review, the Committee determined that the rates charged by CableVision for basic service and related equipment and installations appear to meet the Federal Communications Commission's (FCC's) requirements; that is, \$7.81 per month for basic service and the other charges imposed by CableVision for related equipment and installations appears to be reasonable.

The City Manager stated the report indicated that the preliminary determination concerning the reasonableness of CableVision's rates only applies to rates in effect between September 1, 1993, and May 15, 1994. Because the FCC's rules have been recently changed, the Committee will be going through this same process this winter; evaluating CableVision's charges since May 15, 1994, using a completely new set of rate justification documents.

Mayor Shelton opened the public hearing at 7:45 p.m.

As there were no comments, the Mayor closed the public hearing at 7:46 p.m.

The Clerk of Council read aloud the following proposed resolution:

**RESOLUTION**

**APPROVAL OF RATES CHARGED BY CABLE EQUITIES OF**

**THE VIRGINIAS, d/b/a CABLEVISION,**

**BETWEEN SEPTEMBER 1, 1993, AND MAY 15, 1994,**

**FOR BASIC CABLE TELEVISION SERVICE AND**

**RELATED EQUIPMENT AND INSTALLATION**

**WHEREAS**, the City of Bedford was certified by the Federal Communications Commission (FCC) on January 5, 1994, to regulate basic cable TV service rates and related installation and equipment charges; and

**WHEREAS**, pursuant to FCC rules and regulations and upon notice being given as required by the City's Cable Television Rate Regulation Ordinance (Ordinance 93-05), the Bedford City Council held a public hearing on November 22, 1994, in City Council Chambers; and

**WHEREAS**, certain findings have been made, as required, and the same are hereby set forth by the following:

**NOW, THEREFORE, BE IT RESOLVED** that the City of Bedford finds reasonable and does hereby approve the rates charged by Cable Equities of the Virginias, d/b/a CableVision, between September 1, 1993, and May 15, 1994, for basic cable television service and related equipment and installations.

Councilwoman Grahame moved that the resolution be approved. The motion was seconded by Councilman Otey, voted upon and carried by the following roll call vote:

Vice Mayor Brookshier	aye
Councilwoman Grahame	aye
Councilwoman Kochendarfer	aye
Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	absent
Mayor Shelton	aye

The Clerk of Council read aloud the following proposed resolution:

**RESOLUTION**

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

**WHEREAS**, the City Code requires in Section 2-3 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 27, 1994, that date being two days after Christmas;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council meeting scheduled for December 27, 1994, be and the same hereby is cancelled; and

**BE IT FURTHER RESOLVED** that the Council meeting of December 13, 1994, be adjourned to January 10, 1995.

Councilman Rice moved that the resolution be approved. The motion was seconded by Councilman Brookshier, voted upon and carried by the following roll call vote:

Councilwoman Grahame	aye
Councilwoman Kochendarfer	aye
Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	absent

Vice Mayor Brookshier                      aye

Mayor Shelton    aye

Mayor Shelton added the following to the executive session agenda item: Consultation with Legal Counsel and Staff Regarding Consolidation Issues, pursuant to Section 2-1.344(a)(7) of the Code of Virginia.

Councilman Rice moved that Council adjourn into executive session pursuant to Section 2.1-344(a)(1) and (7), Code of Virginia of 1950, as amended - Personnel Matters - Work Release Program and Personnel Policies; and for Consultation with Legal Counsel and Staff Regarding Consolidation Issues. The motion was seconded by Councilwoman Kochendarfer, voted upon and carried by the following roll call vote:

Councilwoman Kochendarfer                      aye

Councilman Otey    aye

Councilman Rice    aye

Councilman Tharp    absent

Vice Mayor Brookshier                      aye

Councilwoman Grahame                      aye

Mayor Shelton    aye

Council adjourned into executive session at 7:55 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, Clerk of the Council Hatcher, Chief of Police Graham, and Director of Parks, Recreation & Cemeteries Fran Hart.

Council reconvened into open session at 9:09 p.m. The Clerk of Council read aloud the following proposed resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

Councilwoman Grahame moved that the resolution be approved. The motion was seconded by Councilman Otey, voted upon and carried by the following roll call vote:

Councilman Otey    aye

Councilman Rice    aye

Councilman Tharp    absent

